

<b>Issue (ref and heading):</b>	Issue 021: Policy 4E: Homes - Exceeding Housing Land Requirement	
<b>Development plan reference:</b>	Policy 4 Part E and supporting text, Pages 24 to 29	<b>Reporter:</b> [For DPEA Use Only]
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<b>Seeking a change</b> Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) Emac Planning LLP for Delson Contracts Ltd (846826) Emac Planning LLP for F M & G Batchelor (846821) Emac Planning LLP for J G Lang & Son (846827) Emac Planning LLP for Landvest PCC Ltd (910292) Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) Emac Planning LLP for R Watson & Son (846824)		Emac Planning LLP for Scotia Homes Ltd (910294) Emac Planning LLP for Stewart Milne Homes North Scotland (347277) Gladman Developments Ltd (846254) Homes For Scotland (785148) Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) Springfield Properties (910130)  <b>Supporting as written</b> Colliers International for Scottish Enterprise (835481) NHS Tayside (908896) Scottish Water (762198)
<b>Provision of the development plan to which the issue relates:</b>		
Policy 4 Part E enables only Dundee City Council to use its Local Development Plan to identify a supply of land for new homes that is in excess of the housing land requirement stated in Map 4 (page 25 of Proposed TAYplan 2015) (Doc80). This applies to Dundee City only and not to other council areas within TAYplan. It continues the current approach set out in approved TAYplan (2012) Policy 5B (Doc16).		
<b>Planning Authority's summary of the representation(s):</b>		
<div style="border: 1px solid black; padding: 5px;"> <b>Note to Reporter:</b>  Policy 4E applies to Dundee City only. This is the same as the administrative area of Dundee City Council. Policy 4E does not apply to any other Council area covered by TAYplan, even where this may form part of the Greater Dundee Housing Market Area. It applies to Dundee City Council only. </div>		
<b>Summary of Representations Seeking a change</b> <u><b>PROPOSE THAT POLICY 4E SHOULD APPLY TO ALL AREAS</b></u> Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015_555, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015_519, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015_496, Emac Planning LLP for J G Lang & Son (846827) PLAN2015_442, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015_405, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015_433, Emac Planning LLP for R Watson & Son (846824) PLAN2015_467, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015_483, Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015_536, Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015_474, Gladman Developments Ltd (846254) PLAN2015_376 Homes For Scotland (785148) PLAN2015_241 and Springfield Properties (910130) PLAN2015_344 each consider that the approach in Policy 4E (Doc80) should not apply to Dundee City Council area only and should instead apply to all		

parts of the TAYplan area.

**Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_474** consider that this would give Local Development Plans flexibility to exceed the housing land requirement where it is demonstrated that there are serious cases of environmental or infrastructure capacity constraints affecting allocated sites. The respondent considers this to be the case at Cupar North.

**Gladman Developments Ltd (846254) PLAN2015\_376** consider Policy 4E (Doc80) to be un-necessary and that it would prevent growth.

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_555, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_519, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_496, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_442, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_405, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_433, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_467, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_483 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_536** also disagree with what they consider to be an approach to allow Dundee City to 'determine the additional extent of generosity'. They consider this on the basis of Scottish Planning Policy (2014) paragraph 118 (Doc84). The respondents suggest the current policy is written as if to 'embargo' the three authorities from outside of Dundee City from exceeding their housing supply targets.

**Homes For Scotland (785148) PLAN2015\_241 and Springfield Properties (910130) PLAN2015\_344** also disagree with the approach to 'allow Dundee City to determine the additional extent of generosity' on the basis of Scottish Planning Policy (2014) paragraph 118 (Doc84). They suggest that Policy 4E is 'un-necessary' as there is 'no obvious policy barrier' to Local Development Plans planning to exceed their housing supply target if they chose. They also consider that Policy 4E would have two un-intended consequences:

- A. it would prevent local authorities from exceeding their housing supply targets if they chose; and,
- B. sets a precedent for a Strategic Development Plan to delegate or share the role of setting Housing Supply Targets and Housing Land Requirements with Local Development Plans.

They consider that this 'undermines the important policy protection of Scottish Planning Policy (2014) (Doc84) for binding housing supply targets'.

**Homes For Scotland (785148) PLAN2015\_240, Springfield Properties (910130) PLAN2015\_343, Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_554, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_432 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_534** do not support TAYplan's approach of providing additional flexibility for Dundee City (Policy 4E – Doc80) to provide additional land above the housing land requirement in Policy 4A/Map 4 (Doc80) as a mechanism to respond to the issues the respondents raise (above) based on their analysis of the 2012-based population and household projections.

Instead they consider this to represent 'an additional 20% potential demand' and consider that this should be taken into account when setting the housing supply target, rather than when determining the housing land requirement.

The respondents also believe that setting the housing supply target and housing land requirement is the job of the Strategic Development Plans in city-regions, not a matter to be 'delegated in full or in part to constituent Local Development Plans' based on Scottish Planning Policy (2014) Paragraph 118 and Diagram 1 (Doc84). They consider that Policy 4E introduces a precedent for devolving these functions of a Strategic Development Plan (wholly or in part) to Local Development Plan level. This issue is considered in more detail in the Schedule 4 Summary of Unresolved Issues for 017 Policy 4A Housing supply targets and housing land requirements for Dundee. Matters relating to Policy 4E specifically are considered in this Schedule 4 Summary of Unresolved Issues.

#### **SUPPORT FOR BASIS AND APPROACH OF POLICY 4**

**Colliers International for Scottish Enterprise (835481) PLAN2015\_370** supports all of Policy 4 (Doc80) as the basis for the identification of housing land as consistent with Scottish Planning Policy (2014) paragraphs 110, 123 and 125 (Doc84). They also support the role of the Strategic Development Areas (Policy 3 – Doc80) in contributing to an effective housing land supply.

**NHS Tayside (908896) PLAN2015\_325** consider that the ability to be 'flexible' and 'respond to changes in terms of Housing Need and Demand Assessment' is important and recognises that 'population projections are not always reliable'.

**Scottish Water (762198) PLAN2015\_269** supports this policy and reinforces its duty as an infrastructure provider to support the delivery of this.

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

### **Representations Seeking a change**

#### **PROPOSE THAT POLICY 4E SHOULD APPLY TO ALL AREAS**

**Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_405, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_519, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_496, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_442, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_467, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_483 and Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_433** propose amendment of Policy 4E (Doc80) to 'expressly allow all authorities to plan to exceed the housing supply targets set in TAYplan by allocating land in excess of the housing land requirements also set in TAYplan'.

**Homes For Scotland (785148) PLAN2015\_240, Springfield Properties (910130) PLAN2015\_343, Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_554, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_432 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_534**

Propose the removal of Policy 4E and separate changes to the housing supply targets and housing land requirement for Dundee covered in the Schedule 4 Summary of Unresolved Issues for Issue 017.

**Montgomery Forgan Associates for Campion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_474** propose amendments to Policy 4E to apply to all housing market areas. They also propose that Local Development Plans should be given express flexibility to exceed the housing land requirement where it is demonstrated that there are 'serious cases of environmental or infrastructure capacity constraints affecting allocated sites, such as Cupar North'.

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_555, Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_536, Homes For Scotland (785148) PLAN2015\_241 and Springfield Properties (910130) PLAN2015\_344**

propose amendment of Policy 4E to 'expressly allow all authorities to plan to exceed the housing supply targets set in TAYplan by allocating land in excess of the housing land requirements also set in TAYplan'. Alternatively they propose deletion of Policy 4E (Doc80).

**Gladman Developments Ltd (846254) PLAN2015\_376** propose deletion of Policy 4E so that it applies to all parts covered by TAYplan.

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

##### **Context**

Approved TAYplan (2012) Policy 5B (Doc16) currently enables Dundee City to plan for more homes than set out in approved TAYplan (2012) Policy 5A (Doc16).

The key reasons for this were that Dundee City is the largest settlement in the TAYplan areas (and the fourth largest city in Scotland) and therefore the principle of accommodating additional growth here is not contrary to the vision and strategy set out in the approved TAYplan (2012) (Doc16). This vision continues in the Proposed Plan (2015) (Doc80).

To be clear the approved TAYplan (2012) (Doc16) must be read as a whole and therefore it does not mean that any development can take place anywhere in Dundee City irrespective of scale, significance, impact or land use. However, it does provide clarity that where proposed development (whether by a developer or in the Local Development Plan) delivers the strategy the stated number of new homes planned is, on its own, not a barrier to delivery of a higher level of new homes.

Given that the Proposed Plan (2015) vision and Policy 1 Location Priorities (Doc80) have not changed there was no reason to amend or remove this policy. As such it is now written as Policy 4E (Doc80).

There have been some minor alterations to the text in Policy 4E (Doc80) compared with approved TAYplan (2012) Policy 5B (Doc16). This is to specifically link it to Proposed Plan (2015) Map 4 (Doc80) and also to make clear that this applies to Dundee City only. This is particularly important because it makes clear that it is Dundee City Council's administrative area only and neither the Greater Dundee Housing Market Area as a whole nor the Dundee Core Area as a whole. This is an important distinction because these are all different geographies and without this text there may be confusion.

Two additional factors arose in preparing the Proposed Plan which mean that Policy 4E continues to be relevant:

- Policy 4E supports the delivery of the location priorities set out in Policy 1 in the event that some sites in the non-Dundee City parts of the Greater Dundee Housing Market Area become non-effective and no alternative, suitable sites can be found which support the strategy. This differs from the situation in the approved TAYplan (2012) Policy 5B (Doc16) because the Greater Dundee Housing Market Area was fully defined after its publication (see the TAYplan-wide Joint Housing Need and Demand Assessment (2013) Appendix 5 Housing Market Area Refresh pages 27 to 35 – Doc97). From an operational perspective such an approach mimics how all other housing market areas operate. The difference being that the Greater Dundee Housing Market Area is the only housing market area in the TAYplan area which is covered by more than one Local Development Plan.

- Policy 4E also provides the capability to respond to the possibility that Dundee City may see higher levels of household growth than originally envisaged by the TAYplan-wide Joint Housing Need and Demand Assessment (2013) Chapter 5 page 219 (/Doc97). This is as a result of the 2012-based population and household projections which are considered in the TAYplan Housing Analysis Paper (2015) pages 25 to 48 (Doc100). Policy 4A/Map 4 already set out housing supply targets and a housing land requirement for Dundee City. Policy 4E (Doc80) allows higher amounts of land to be made available through the Dundee Local Development Plan should the evidence change.

Both of these points illustrate previously un-anticipated circumstances in which approved TAYplan (2012) Policy 5B (Doc16) could be used to ensure the strategy set out in Policy 1 (Doc80) is delivered. TAYplan considers that this remains an appropriate policy mechanism to be available and that these circumstances provide additional justification for its continued use.

Analysis of the 2012-based population and household projections in the TAYplan Housing Analysis Paper (2015) pages 25 to 48 (Doc100) indicate that there is no equivalent evidence to suggest the need for such a policy to apply to any other housing market area or council area covered by TAYplan. Therefore TAYplan transferred approved TAYplan (2012) Policy 5B (Doc16) into the Proposed Plan (2015) as Policy 4E (Doc80).

### **Authority's Response to Proposed Changes**

All of the respondents have sought the same general outcome which is either an amendment to Policy 4E (Doc80) or its removal to enable the flexibility it currently reserves for Dundee City only, to apply to all planning authorities and housing market areas within TAYplan. The respondents have cited a number of specific points which are dealt with below.

It should be made clear that the deletion of Policy 4E and the amendment of Policy 4E will not result in the same outcome. The deletion of Policy 4E would not result in the flexibility it currently provides for Dundee City only, being passed on to all areas within TAYplan. Instead it would remove that flexibility from the Plan entirely. Therefore those respondents who propose transferring the flexibility to all areas or the removal of Policy 4E entirely are proposing two distinct changes; each of which is different and would result in entirely different outcomes. They do not appear to have acknowledged this distinction in their representations.

### **PROPOSE THAT POLICY 4E SHOULD APPLY TO ALL AREAS**

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_555, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_519, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_496, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_442, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_405, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_433, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_467, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_483, Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_536, Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_474, Gladman Developments Ltd (846254) PLAN2015\_376, Homes For Scotland (785148) PLAN2015\_241 and Springfield Properties (910130) PLAN2015\_344**

Although the respondents criticise the proposed approach in Policy 4E this is not a

new approach. Instead, as mentioned in the context section above, it continues the approach which already operates in approved TAYplan (2012) Policy 5B (Doc16). This currently allows Dundee City Council to plan for higher levels of new homes than set out in the respective TAYplan. No change has been made to this Policy and no change was proposed to this at Main Issues Report stage.

TAYplan does not agree that Policy 4E is 'un-necessary' or 'prevents growth'. Policy 4A/Map 4 (Doc80) plans for growth based on meeting the identified need and demand for new homes from the TAYplan-wide Joint Housing Need and Demand Assessment (2013) Chapter 5 page 219 (Doc97) and wider economic, social and environmental considerations set out Scottish Planning Policy (2014) paragraph 115 (Doc84). Policy 4E (Doc80) provides scope for Dundee City to go further if needed for the reasons described in the context section above. It is unclear how this could be considered to prevent growth.

This approach is also necessary. Firstly, it provides the clarity and recognition that Dundee is Scotland's fourth largest city and can grow, within the context of the Plan. Secondly, it also recognises that the 2012-based household projections anticipate the potential for a larger scale of new households for Dundee City than the housing supply targets set out in Map 4 (Doc80). As noted in the context section above this is considered in the TAYplan Housing Analysis Paper (2015) pages 25 to 41 (Doc100).

This is important because the 2012-based projections are not a replacement for the 'robust and credible' TAYplan-wide Joint Housing Need and Demand Assessment (2013) (Doc97). Instead they provide a sense test to understand their potential impact. The TAYplan Housing Analysis Paper (2015) pages 25 to 48 explore the implications of this and consider the impacts. Although they indicate the potential for higher levels of household growth there is no guarantee that these trends will take place and no evidence as yet to back this up.

The National Records of Scotland 2014 Mid-Year Household Estimates (published July 2015) (021/Extract/1) show that the number of households for Dundee City have followed a lower trend since 2012 than was envisaged by the 2012-based household projections principal projection variant (as examined in the TAYplan Housing Analysis Paper 2015 pages 25-48 (Doc100)).

Although 2 years-worth of data does not necessarily illustrate a longer term trend it demonstrates that household growth anticipated by the 2012-based projections is not yet taking place. Dundee City Council will already provide a generosity of land supply (housing land requirement) which is 10% higher than the respective housing supply target. This is set out in Policy 4A/Map 4 (Doc80). However, Policy 4E provides clarity that there is no planning barrier to prevent Dundee City Council planning for more land to be available should the evidence change prior to the next review of the Strategic Development Plan.

No robust or compelling evidence has been provided by the respondents to demonstrate that Policy 4E is either un-necessary or that it would prevent growth. Nor have any of the respondents presented any evidence to refute TAYplan's approach. TAYplan therefore remains persuaded that Policy 4E is necessary and is designed to enable growth in a way which supports the delivery of the Plan's vision through Policy 1 Location Priorities (Doc80). Therefore TAYplan does not agree that Policy 4E should be deleted (Doc80).

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_555, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_519, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_496, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_442, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_405, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_433, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_467, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_483, Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_536, Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_474, Gladman Developments Ltd (846254) PLAN2015\_376, Homes For Scotland (785148) PLAN2015\_241 and Springfield Properties (910130) PLAN2015\_344**

TAYplan does not agree that the approach set out in Policy 4E should be amended to apply to all areas covered by TAYplan. As described in the context section above the purpose of Policy 4E is very specifically driven by Dundee being Scotland's fourth largest city and the additional reasons also stated in the context section above.

The TAYplan Housing Analysis Paper (2015) pages 25 to 41 (Doc100) considered the equivalent 2012-based projections for all Council areas within TAYplan and examined the potential implications for new homes. For Angus, North Fife and Perth & Kinross the 2012-based projections suggest the likelihood of a slightly lower scale of new homes than those set out in Policy 4A/Map 4 (Doc80). This persuaded TAYplan that the housing supply targets for those areas are reasonable and may even incorporate some implicit generosity (further implicit generosity in the case of Perth & Kinross).

For Dundee City only the anticipated number of new households under the 2012-based projections is larger than Policy 4/Map 4 (Doc80). This also means that there is no evidence to suggest that an approach equivalent to Policy 4E would be needed for any other council area, any other housing market area covered by TAYplan or indeed any other local authority part of the Greater Dundee Housing Market Area. The respondents have not considered this issue in their representations and they have not provided any robust or compelling counter evidence to deal with this. Given other changes sought by many of these respondents to other elements of housing policy TAYplan considers this to be an inconsistent use of the evidence which further undermines the case for the proposed changes.

The 2012-based projections do not constitute a replacement for the 'robust and credible' TAYplan-wide Joint Housing Need and Demand Assessment (2013) (Doc97) and they have not been tested through a Main Issues Report (2014) (Doc56). Therefore TAYplan's approach to continue the policy of the approved TAYplan (2012) Policy 5B (Doc16) is also rational from this point of view.

Following through the approach proposed by the respondents would mean that all areas covered by TAYplan that are outside of Dundee City would have the flexibility to exceed the housing land requirement, to deliver the housing supply targets of Policy 4A/Map 4 (Doc80), which are themselves generous.

TAYplan considers that doing this would effectively remove the point of stating a housing land requirement in Policy 4A/Map 4 for each housing market area by making the housing land requirement for these areas limitless. TAYplan considers that this is contrary to Scottish Planning Policy (2014) paragraph 116 (Doc84) because there is no robust evidence to support it, there are no specific local circumstances besides those already stated for Dundee City and there is no case for a universally limitless housing land requirement.

The factors for determining housing land requirement are set out in TAYplan Housing Analysis Paper (2015) pages 25 to 48 (Doc100). These are logical and rational. Their application is based on consistent evidence covered in the TAYplan Housing Analysis Paper (2015) pages 41 to 48 (Doc100). As explained above there is no evidence to support higher or indeed 'limitless' housing land requirements in any areas outside of Dundee City. The respondents have not provided any alternative or more rational criteria from which to judge housing land requirements or any robust or compelling evidence to back these up.

TAYplan is therefore not persuaded that the proposed changes are necessary and is also not persuaded that these will result in the Plan being better placed to deliver the Vision and the outcomes which underpin it. The proposed changes have the potential to undermine the location priorities set out in Policy 1 (Doc80). This is because there is no evidence that the changes will result in the housing supply targets being any more likely to be delivered. However, they may well mean that the sites used to achieve this are different. In some cases these will support the strategy and in other cases they may not. Either way the development of different sites is not the same as increasing the likelihood that housing supply targets will be delivered. This would result in major implications for the delivery of the sustainable pattern of development demanded by the vision and Scottish Planning Policy (2014) paragraphs 40 and 76 to 83.

TAYplan is therefore not persuaded that there is any robust or compelling evidence to support or justify the application of Policy 4E to areas outside of Dundee City.

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368)**  
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**PLAN2015\_241 and Springfield Properties (910130)**  
**PLAN2015\_344**

TAYplan does not agree that Policy 4E 'undermines the important policy protection of Scottish Planning Policy for binding housing supply targets'. TAYplan also does not agree that the Policy 4E is an 'embargo' on the three authorities outside of Dundee City from 'exceeding their housing supply targets'.

Policy 4A/Map 4 (Doc80) sets out both the housing supply target and the housing land requirement for all areas within TAYplan as directed by Scottish Planning Policy (2014) paragraphs 115 to 118 (Doc84). The housing land requirement makes clear that there is generosity of land supply to support the delivery of the respective housing supply targets (for Perth & Kinross this is also explained in the supporting text on page 27 – Doc80). Policy 4E makes no references to housing supply targets; it focuses specifically on the housing land requirement.

TAYplan considers that the respondents are using the terms housing supply targets and housing land requirement interchangeably. This is not accurate or helpful.

Policy 4/Map 4 (Doc80) are very clear that housing supply targets refer to the scale of new homes that are planned to be built. The housing land requirement is the



amount land that will be identified by Local Development Plans in order to support the delivery of the housing supply targets. This distinction is clear in Map 4 (Doc80) and reflects the presentational and evidence requirements of Scottish Planning Policy (2014) paragraphs 110 to 119 and diagram 1 (Doc84).

The suggestion that TAYplan is delegating responsibility for setting housing supply targets and housing land requirements for Dundee City is false. Policy 4/Map 4 (Doc80) clearly states the housing supply targets for each housing market area and each constituent part of the Greater Dundee Housing Market Area (including Dundee City). It also states housing land requirements for the same geographies. For housing market areas covered by Dundee City, Angus and North Fife this is a 10% generosity margin above the respective housing supply target. Therefore the housing land requirement for Dundee City is stated as 10% above the respective housing supply target as shown in Map 4 (Doc80).

TAYplan considers there to be implicit generosity within the Perth & Kinross housing supply targets and so these and the housing land requirement for this area are identical. This is explained in Proposed Plan (2015) page 27 (Doc80) and this issue is considered in the Schedule 4 Summary of Unresolved Issues for Issue 016 Perth & Kinross.

Dundee City will already plan for a minimum housing land requirement that is 10% above its housing supply target as stated in Policy 4A/Map 4 (Doc80). Policy 4E allows it to plan for higher levels of land should there be evidence to support this. For example this could be to respond to the potentially higher levels of new households anticipated by the 2012-based household projections. This does not constitute any delegation of responsibility instead it presents a clear framework which Local Development Plans will be expected to plan for.

The 2012-based projections anticipate a slight fall in the number of households for the other planning authority areas covered by TAYplan (outwith Dundee City) when compared with Policy 4A/Map 4 (Doc80). TAYplan is therefore not persuaded that there is either an 'embargo' or that Policy 4E undermines anything to do with housing supply targets, or indeed housing land requirements for these areas.

The respondents have provided no robust or compelling evidence to substantiate this view or to refute TAYplan's conclusions. TAYplan is therefore satisfied that it has not devolved responsibilities defined in Scottish Planning Policy (2014) paragraph 118 (Doc84) but has instead reflected them and those of Scottish Planning Policy (2014) paragraphs 110 to 119 (Doc84). Nor is TAYplan persuaded that Policy 4E (Doc80) has any impact on 'binding housing supply targets' since it is a policy statement about housing land requirement not housing supply targets.

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**PLAN2015\_240, Springfield Properties (910130)**  
**PLAN2015\_343, Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368)**  
**PLAN2015\_554, Emac Planning LLP for Linlathen Estates (Tayside)**

**Ltd & James Keiller Estates Ltd (846825) PLAN2015\_432 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_534**

TAYplan does not agree that it is 'sharing the role of setting Housing Supply Targets and Housing Land Requirements with Local Development Plans'.

Policy 4A/Map 4 clearly sets out housing supply targets and housing land requirements for each housing market area (and for constituent parts of the Greater Dundee Housing Market Area) and local authority areas within TAYplan. This is what Local Development Plans will be expected to plan for. Policy 4E does not introduce or provide any opportunity for any local authority to counter or reduce what is stated in Policy 4A/Map 4 (Doc80). This is consistent with Scottish Planning Policy (2014) paragraphs 110 to 118 (Doc84).

Policy 4E allows Dundee City only, to plan for more land to be made available but does not alter the housing supply targets. Therefore there is no sharing of this responsibility; instead there is an in-built flexibility for Scotland's fourth largest city to accommodate more growth should the circumstances arise. Given the focus on National Planning Framework 3 (2014) (Doc60) on the growth of Scotland's cities it seems reasonable to make clear to investors that should there be evidence to support higher growth then the plan will not be a barrier to this whilst still ensuring that the vision and outcomes (Doc80) are delivered.

Policy 4E is a continuation of the approved TAYplan (2012) Policy 5B (Doc16), which remains relevant for the reasons stated in the context section above. As described above this flexibility is important because it is presently unclear how the 2012-based projections will manifest themselves and there is no evidence yet that this has happened in Dundee City.

Neither the Scottish Government nor any other government agency has raised any issues regarding Policy 4E (Doc80). TAYplan considers this to mean that these organisations do not perceive there to be any issue regarding consistency with Scottish Planning Policy (2014) (Doc84) or other national policy.

TAYplan is therefore satisfied that Policy 4E (Doc80) is consistent with Scottish Planning Policy (2014) paragraph 118 (Doc84) and that it provides an appropriate mechanism to respond to future eventualities; including those which are anticipated but for which there is currently no evidence to suggest they are taking place.

**Homes For Scotland (785148) PLAN2015\_241 and Springfield Properties (910130) PLAN2015\_344**

The respondents appear to contradict their own point by arguing there are 'no policy barriers' for local authorities to exceed their housing supply targets/housing land requirement, but then arguing that Policy 4E (Doc80) should apply everywhere and that its present wording would result in the 'unintended consequences' they describe; and, furthermore, going on to point out that Scottish Planning Policy (2014) (Doc84) says the housing supply targets/housing land requirement are 'binding'.

For the reasons explained above TAYplan considers Policy 4E (Doc80) to be necessary and helpful. TAYplan does not agree that there is 'no policy barrier' to Local Development Plans exceeding their housing land requirement. These are set out in Policy 4A/Map 4 (Doc80). However, it must be recognised that the nature of sites and variations in density etc. may result in slight variations of capacity on individual sites. However, this does not constitute a robust or compelling argument to justify the removal of Policy 4E (Doc80) or, alternatively, its application to all areas. TAYplan is not persuaded that either of these outcomes will bring about more development or be better placed to support the delivery of the vision.

**Montgomery Forgan Associates for Campion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_474**

TAYplan does not agree that Local Development Plans should have the flexibility to exceed the housing land requirement where it is demonstrated that there are serious cases of environmental or infrastructure capacity constraints affecting allocated sites.

This is because Scottish Planning Policy (2014) paragraph 118 (Doc84) and Policy 4B (Doc80) are already clear that land identified in Local Development Plans needs to be effective or expected to become effective during a plan period. Scottish Planning Policy (2014) paragraph 117 (Doc84) and Proposed Plan (2015) page 27 diagram and the text on page 28 (Doc80) already explain what sources of land can make up the effective land supply. This will be monitored each year by councils through annual housing land audits. The housing land requirement is the mechanism to ensure that there is sufficient generosity of land supply to avoid land affecting delivery of the housing supply targets. Therefore the mechanisms to deliver the outcomes sought by the respondent are already covered in Policy 4A/Map 4 (Doc80).

TAYplan has also set in place measures to deal with serious cases of environmental and infrastructure constraints. These are covered specifically in Policy 4D (Doc80). This is discussed in more detail in the Schedule 4 Summary of Unresolved Issues for Issue 020 - Housing Market Areas 10% Shift. The changes sought by the respondent appear to broaden the circumstances in which land could be transferred beyond just serious cases of environmental or infrastructure constraints. The respondent has proposed no operational criteria to support their proposed change. This suggests to TAYplan that such an approach would therefore be operating in almost any circumstance and TAYplan does not agree that this would be consistent with meeting identified need and demand for new homes or that it would better contribute to delivering the vision.

The respondent has not provided any evidence regarding the constraints they consider to exist at Cupar North Strategic Development Area. Nor has the respondent explained the reasons why these would be best resolved by transferring the housing land requirement for that Strategic Development Area to a different housing market area as opposed to alternative solutions. TAYplan is not persuaded that there are constraints at the Cupar North Strategic Development Area which would require such a response. More detailed matters relating to Cupar North are covered in the Schedule 4 Summary of Unresolved Issues for Issue 011 Cupar North Strategic Development Area.

TAYplan is satisfied that the flexibilities already discussed are ample and clear for Local Development Plans when identifying land. TAYplan is not persuaded that the changes proposed offer the most appropriate solution or that such a solution is necessary. TAYplan is also not persuaded that any robust or compelling evidence has been provided to justify these proposed changes.

## **Authority's Responses To Supporting Representations**

### **SUPPORT FOR BASIS AND APPROACH OF POLICY 4**

**Colliers International for Scottish Enterprise (835481) PLAN2015\_370**

TAYplan welcomes this support and agrees that the principles and approach set out contribute to the delivery of Scottish Planning Policy (2014) paragraphs 110, 123 and 125 (Doc84).

**NHS Tayside (908896) PLAN2015\_325**

TAYplan welcomes the support and notes that successive population and household projections can vary in their conclusions. TAYplan agrees that the current approach provides flexibility to respond to these issues in a way which delivers the vision.

## **Scottish Water (762198) PLAN2015\_269**

TAYplan welcomes this support.

### **CONCLUSION**

The matters discussed in this Schedule 4 are very closely related to the issues covered in the Schedule 4 Summary of Unresolved Issues for Issue 017 covering housing supply targets and housing land requirements for Dundee City.

TAYplan does not support planning for higher housing land requirements where there is no persuasive evidence that this would support the delivery of the housing supply targets and also the delivery of a sustainable pattern of development to achieve the vision and outcomes of the Plan.

Policy 4A/Map 4 (Doc80) provides the appropriate and evidenced housing supply targets and housing land requirements consistent with Scottish Planning Policy (2014) paragraph 110 to 119 (Doc84). It does so for all areas including Dundee City and there is no sharing or devolving of the responsibility for setting these.

The TAYplan Housing Analysis Paper (2015) pages 41 to 48 (Doc100) has examined the circumstances in which one might logically consider housing land requirements of 10%, 20% or other generosity margins. TAYplan is satisfied that the criteria for these are logical and that Dundee City remains the only part of the TAYplan area where there appears to be any evidence of a likely/potential of higher levels of household growth than currently planned for.

The same work carried out for other housing market areas/local authorities demonstrates implicit generosity when considering the 2012-based projections, plus that which has been added as 10% generosity margin for Angus and North Fife. Given these conclusions it would seem odd to then make the housing land requirement effectively 'limitless' for all areas when there would be effectively no market for them.

Policy 4E provides the necessary flexibility to respond to anticipated potential growth in households for Dundee City as well as other circumstances which may warrant the identification of additional land. Given that there is no clear evidence to show that the growth envisaged by the 2012-based projections is yet taking place TAYplan is satisfied that this provides a clear, appropriate and manageable solution that is consistent with Scottish Planning Policy (2014) paragraphs 110 to 118 (Doc80). This also offers the democratic opportunity for the public, business, infrastructure providers and politicians to consider the implications carefully through a clear and legally defined process when identifying specific sites in Local Development Plans. This is consistent with Scottish Planning Policy (2014) paragraphs 110 to 118 (Doc84).

The respondents have provided neither compelling nor robust evidence to justify why Policy 4E (Doc80) would result in the circumstance they described, why it should apply elsewhere or why it should be deleted. The changes they propose are not supported by the consideration of the 2012-based projections or by examination of mid-year population and household estimates (2014) (021/Extract/1 and 021/Extract/2). The respondents have also not provided any evidence to adequately explain how the proposed changes would better and more effectively deliver the vision of the plan and the outcomes which underpin it. Similarly there has been no consideration by the respondents of the potential adverse impacts on the sustainable pattern of development or other intentions of the vision and outcomes (Doc80) resulting from the proposed changes.

TAYplan remains satisfied that Policy 4E works alongside Policy 4A/Map 4 (Doc80) and that it is necessary and appropriate, and, that it should continue in its current

form. TAYplan is not persuaded that there is any evidence to support making the proposed changes.

Neither the Scottish Government nor any other government agency has raised any issues regarding Policy 4E (Doc80). TAYplan considers this to reflect the satisfaction of these bodies that Policy 4E does not present any conflict with Scottish Planning Policy (2014) or other national policy.

Therefore TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

**Reporter's conclusions:**

DPEA use only

**Reporter's recommendations:**

DPEA use only