

REPORT TO: East Lothian Council

MEETING DATE: 22 April 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: SESplan Supplementary Guidance on Housing Land

1 PURPOSE

- 1.1 To ratify the decision of the SESplan Joint Committee of 10 March 2014 to approve SESplan's Supplementary Guidance on Housing Land (with minor editorial changes following consultation) prior to submission of the finalised Guidance to Scottish Ministers.

2 RECOMMENDATIONS

- 2.1 It is recommended that East Lothian Council:
- (i) notes SESplan's approval, with minor editorial changes of a non-policy nature, of its *Supplementary Guidance: Housing Land* and accompanying documents, as set out in the appendix to this report;
 - (ii) ratifies the decision of the 10 March 2014 SESplan Joint Committee to submit the Supplementary Guidance on Housing Land, as modified, to Scottish Ministers; and
 - (iii) agrees to adopt the Supplementary Guidance following expiry of the 28 day Ministerial consideration period unless, before this, Scottish Ministers direct otherwise.

3 BACKGROUND

- 3.1 SESplan, the Strategic Development Planning Authority, submitted its Proposed Plan to Scottish Ministers in August 2012. The submitted plan was subject to Examination by Reporters from the Department of Planning and Environmental Appeals. Their report and recommendations on the issues raised by the representations made to that Plan were subsequently submitted to Scottish Ministers.

- 3.2 Scottish Ministers approved SESplan's Strategic Plan, with modifications, on 27 June 2013. The most significant of those modifications related to the phasing and distribution of the overall SESplan housing requirement. Scottish Ministers required SESplan to prepare Supplementary Guidance to provide detailed further information for local development plans (LDPs) as to how much of that requirement should be met by the local development plans of each of the six member authorities for each plan period. Scottish Ministers expected that this Supplementary Guidance would be approved by them no later than June 2014, following consultation with the public and stakeholders.
- 3.3 The first stage in the preparation of this Supplementary Guidance, a consultation draft, was approved by the SESplan Joint Committee for ratification by the member Councils on 30 September 2013. As required by Scottish Ministers, this Guidance sought to distribute between the SESplan authorities the additional housing requirement consequent upon the changes made by Scottish Ministers in their approval of SESplan's Strategic Development Plan in June 2013. Essentially, this draft Guidance required East Lothian to identify land capable of delivering 10,050 new homes over the periods 2009-2019 (6,250 homes) and 2019-2024 (3,800 homes). While existing undeveloped housing land would contribute to this total, there would nevertheless be a need for the Council's Local Development Plan to identify significant additional housing land.
- 3.4 East Lothian Council ratified this consultative draft Supplementary Guidance at its meeting on 22 October 2013.
- 3.5 Following ratification by all six member authorities, SESplan's draft Supplementary Guidance was published for a six week consultation between 12 November and 23 December 2013. Over 160 consultees responded, raising some 580 individual responses. The Strategic Development Plan Manager presented a report on the Supplementary Guidance to the SESplan Joint Committee on 10 March 2014, including a summary of the consultation response, the main issues raised and the recommended SESplan response to the consultation responses received. The SDP Manager's report recommended that only minor editorial changes of a non policy nature be made to the draft Supplementary Guidance and its supporting documents in the light of the consultation response, prior to its submission to Scottish Ministers.
- 3.6 The proposed editorial changes to the draft consultative Supplementary Guidance previously ratified by this Council are detailed in the appendix to this report. In addition, a copy of the SDP Manager's report to the 10 March 2014 SESplan Joint Committee has been placed in Members Library Service for information (ref: 61/14, March 2014 Bulletin).
- 3.7 Summarising the response to the consultative draft Supplementary Guidance from an East Lothian perspective, of the 30 responses specific to this area there was an inevitable range of views depending on the nature of the interest. On specific sites (more of a matter for the Local

Development Plan) there were nine submissions from individuals opposing further development in west East Lothian (particularly at Goshen) on grounds including green belt and cultural impact, increased car commuting, traffic impacts and lack of infrastructure. There was one submission in support of Goshen from the landowner.

- 3.8 On more general issues, seven responses, all from the development industry, supported a greater proportion of Edinburgh's housing need and demand being directed to East Lothian. Three submissions from the development industry considered that the additional capacity directed to East Lothian had not been properly explained. Two submissions considered that East Lothian, as a rural area, was in danger of being urbanised.
- 3.9 The remaining submissions were individual responses on matters such as: East Lothian's housing allocation should be distributed elsewhere; the coastal strip is accessible and should be the focus of new development; sites in west East Lothian that do not affect the Wallyford area or the integrity of the green belt should be considered; North Berwick has no capacity for further development; East Lothian has infrastructure and environmental constraints, has already taken a substantial amount of housing and the delivery of its housing requirement is questionable.
- 3.10 The response of Scottish Government planners to the Guidance was broadly supportive but made the point that, without a clear understanding of the phasing of development and infrastructure provision, the deliverability of infrastructure necessary to support the strategy was questionable. They also noted the need for progress on cross-boundary transport issues, including required interventions, delivery mechanisms and funding contributions.
- 3.11 Transport Scotland advised that they are prepared to engage with authorities to identify what mitigation might be appropriate to address the impact of the strategy on the strategic transport network.
- 3.12 In response to the issues raised in the consultation, the SESplan Joint Committee of 10 March 2014 agreed to a number of minor editorial changes to the draft Supplementary Guidance and its accompanying Technical Note. However, it did not consider or agree to any substantive changes in terms of the proposed distribution of the housing requirement from that which was proposed in the consultative draft Guidance.
- 3.13 The process of member authority ratification of the finalised Supplementary Guidance, with minor amendments, is expected to be complete by mid-May. Thereafter, it will be submitted to Scottish Ministers. If no direction is issued by them to the contrary within 28 days of receipt then the Guidance will be adopted by each of the member authorities: on that basis it is anticipated to be in place around 13 June 2014.

4 POLICY IMPLICATIONS

- 4.1 The Supplementary Guidance will have a significant influence on the amount of additional housing land to be allocated in the East Lothian Local Development Plan. The Guidance also sets the context for calculating East Lothian's five year housing land supply and the extent to which this is being met.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 SESplan Strategic Development Plan, June 2013 (as approved)
7.2 Report to 22 October 2013 meeting of East Lothian Council by Depute Chief Executive (Partnerships and Services for Communities), *SESplan Supplementary Guidance on Housing Land*
7.3 SESplan Supplementary Guidance – Housing Land, Consultation Draft, November 2013
7.4 Report to 10 March 2014 SESplan Joint Committee by SDP Manager, *Supplementary Guidance*

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DATE	28 March 2014

Supplementary Guidance Housing Land – Proposed Editorial Changes

Table A – Supplementary Guidance Proposed Editorial Changes

Paragraph / Table Number	Existing Text	Proposed Editorial Change	Reason for Editorial Changes
2.2	“...a significant proportion of housing need and demand generated in the City of Edinburgh may need to be met in the other five LDP areas.”	“...a significant proportion of housing need and demand generated in the City of Edinburgh may will need to be met in the other five LDP areas.”	Removes uncertainty and is consistent with paragraph 110 of the SDP.
Table 3.2		Insert total row	Clarification of the scale of the additional allowances.
3.5	Replace paragraph	The distribution of the overall housing land requirement by LDP area builds on, and complements, existing committed development in accordance with the approved Spatial Strategy of the SDP. Capacity for development, that can be accommodated sustainably, has been identified where need arises and demand is found. This has had to take account of the analysis of the opportunities, constraints and capacities. This identified that there is insufficient sustainable capacity within the City of Edinburgh boundaries to meet a significant proportion of the demand for housing that arises there. Therefore, the shortfall has had to be made up in the other five LDP areas. This has either been located in areas closest to Edinburgh (e.g. Midlothian will deliver 4,000 units in the South East Edinburgh SDA) or to build on sustainable development opportunities, such as the opening of the Borders Railway. Full detail on how all the factors were considered in the Supplementary Guidance preparation process are set out in the accompanying Technical Note.	Additional reasoning and justification for the housing requirements set out in Table 3.1
3.11	In all circumstances, the principles and criteria set out within Policies 1B (Spatial Strategy Development Principles), 6 (Housing Land Flexibility) and 7 (Maintaining a Five Year Housing Land Supply) must be adhered to and met by each of the six LDPs.	In all circumstances, the principles and criteria set out within Policies 1B (Spatial Strategy Development Principles) and 6 (Housing Land Flexibility) must be adhered to and met by each of the six LDPs. Policy 7 (Maintaining a Five Year Housing Land Supply) enables LDPs to allocate sites outwith Strategic Development Areas, subject to satisfying the policy criteria.	Clarity in the Supplementary Guidance Document of the role of land outwith SDAs.

Table B – Supplementary Guidance Technical Note Proposed Editorial Changes

Paragraph / Table Number	Existing Text	Proposed Editorial Change	Reason for Editorial Change
Table 3.2		Remove footnote from table 3.2	Included as part of re-assessed land supply.
4.16	A step change in the level of housing completions by house builders will be required to deliver the HNDA requirement over the period 2009 - 2024.	A step change in the level of housing completions by house builders will be required to deliver the housing requirement over the period 2009 – 2024 (average of 7,180 dwellings per annum).	Additional text to give in context of the scale in increase of housing deliver required.
5.10	Following the refresh of the Spatial Strategy Assessment, each member authority determined that the total additional allowances (the phasing may have been amended).....	Following the refresh of the Spatial Strategy Assessment, each member authority determined that the capacity that made up the total additional allowances (the phasing may have been amended)....	Clarification that it was the capacity that was re-assessed.
5.13 Point 2	Additional text after “development sustainably.”	This is accordance with SDP paragraphs 113 and 116.	For clarification that the adopted SDP allows for LDPs to allocate land outwith SDAs.
5.14	Additional text at the end of the paragraph	Following the summary of the process for each LDP Area, a table shows the additional development capacity over the Established Land Supply. This includes the additional allowances previously set out in the Proposed SDP.	Clarifiaction of the process undertaken.
Table 5.3 Title	Additional Allowances in the City of Edinburgh	Additional Development Capacity in the City of Edinburgh	Correct definition of table
Table 5.4 Title	Additional Allowances in the East Lothian	Additional Development Capacity in East Lothian	Correct definition of table
Table 5.5 Title	Additional Allowances in the Fife	Additional Development Capacity in Fife	Correct definition of table
Table 5.6 Title	Additional Allowances in the Midlothian	Additional Development Capacity in Midlothian	Correct definition of table
Table 5.7 Title	Additional Allowances in the Scottish Borders	Additional Development Capacity in the Scottish Borders	Correct definition of table
Table 5.3 Title	Additional Allowances in the West Lothian	Additional Development Capacity in West Lothian	Correct definition of table
Paragraph 6.4	On the basis of the considerations above, Table 6.2 below sets out that the distribution of additional allowances by SDA to meet the shortfall of 24,338 units over the period to 2024.	On the basis of the considerations above, and the capacity analysis undertaken in section 5 , Table 6.2 below sets out the distribution of additional allowances by SDA to meet the shortfall of 24,338 units over the period to 2024.	Clarification

Paragraph / Table Number	Existing Text	Proposed Editorial Change	Reason for Editorial Change
New Paragraph after 6.5		Firstly, the distribution of the Housing Land Requirement must be in accordance with the SESplan Spatial Strategy set out in the approved SDP. It builds on existing committed development, focussing further development along preferred corridors optimising connectivity and access to services and jobs.	Based on the content of some consultation responses, there is a need to remind that the Supplementary Guidance must accord with the approved spatial strategy.
Paragraph 6.8	In this context, it is proposed that requirements are set for each LDP which ensure that need and demand are met as far as practical in areas close to where that arises, taking into account the analyses outlined in section 6.	In this context, it is proposed that requirements are set for each LDP which ensure that need and demand are met as far as practical in areas close to where that arises, taking into account the analyses outlined in section 6 5 .	Correction
Table 8.17	Recommended as Preferred Location for Development in Original Assessment - NO	Recommended as Preferred Location for Development in Original Assessment - YES	Correction
Table 8.19	Recommended as Preferred Location for Development in Original Assessment - NO	Recommended as Preferred Location for Development in Original Assessment - YES	Correction