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Johnston, Charles

From: Stuart Salter [REDACTED]
Sent: 03 March 2014 10:14
To: localplan
Subject: Submission to Scottish Borders Proposed Local Development Plan
Attachments: 14 03 03 Representation to SBC Proposed LDP of behalf of David Wilson Homes.pdf; 14 03 03 Statement on Site Effectiveness - Hendersyde, Kelso.pdf

Dear Sirs

Please find attached Representation on behalf of David Wilson Homes to the Scottish Borders Proposed Local Development.

A Statement on Site Effectiveness is also submitted which supports the allocation of Hendersyde [Phase 1] (LDP Ref: AKELS022) and Hendersyde [Longer Term] (LDP Ref: SKELS005).

If you have any queries, please contact me.

Kind regards,

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Scottish Borders Council Proposed Local Development Plan Representation on behalf of David Wilson Homes

Volume:
Volume 1, Policies
Section:
1. Introduction
Comment:
<p>The Scottish Borders Council Proposed Local Development Plan (LDP) states that ...<i>the combination of an up to date development plan with a generous supply of land for housing, and the current economic downturn means that the land requirement to deal with future housing need is modest</i> (paragraph 2.3).</p> <p>As a result, the Proposed LDP KEY OUTCOME 1 is presented as ...<i>the continued provision of a generous housing land supply</i>.</p> <p>This is not in accord with SESplan SDP which confirms in Policy 6 <i>Housing Land Flexibility</i> that:</p> <p style="padding-left: 40px;"><i>Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.</i></p> <p>Further Scottish Planning Policy (SPP) requires the LDP to ... <i>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</i> (paragraph 72).</p> <p>The objective is therefore to maintain an 5 year effective housing land supply at all times to ensure a continuing generous supply of land for house building (SPP, paragraph 75).</p> <p>Proposed LDP does not accord with SESplan SDP and Scottish Planning Policy (SPP).</p>
Modification:
<p>Amend (red) paragraph 2.3 to state:</p> <p style="padding-left: 40px;"><i>The Council has prepared an update to its Housing Needs and Demand Assessment and this has been accepted by the Scottish Government. The Assessment identifies a continued need for affordable housing in the Scottish Borders amounting to some 100 houses per annum over the next 5 years. This Plan is focused on the period to 2024 which is ten years beyond the anticipated year of adoption. The combination of an up to date development plan with an effective housing land supply to ensure a generous supply of land for housing, and the current economic downturn means that the land requirement to deal with future housing need is modest.</i></p> <p style="padding-left: 40px;"><i>Key Outcome 1: The continued provision of an effective housing land supply to ensure a generous housing land supply</i></p>

Volume:
Volume 1, Policies
Section:
3. Vision, Aims and Spatial Strategy
Comment:
<p>The Scottish Borders Council Proposed Local Development Plan (LDP) seeks to ...<i>identify a generous land supply to meet the requirement for the Scottish Borders set by the SESplan Housing Needs and Demand Assessment</i> (paragraph 3.13).</p> <p>In approving SESplan Strategic Development Plan (SDP), Scottish Ministers confirmed that ...<i>LDPs in the SESplan area should not be submitted to Ministers until after the supplementary guidance has been adopted.</i></p> <p>This is not in accord with SESplan SDP which confirms in Policy 5 <i>Housing Land</i> that ...<i>supplementary guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 to 2019 and in the period 2019 to 2024.</i></p> <p>The SESplan draft Supplementary Guidance <i>Housing Land</i> has undergone consultation and the housing land requirement as agreed by the Council for Scottish Borders is known. This may be subject to change following consultation.</p> <p>The methodology to determine the housing land supply and consequently the housing land shortfall is also set out in SESplan Policy 5 which states:</p> <p style="padding-left: 40px;"><i>Subject to any justifiable allowance for anticipated house completions from ‘windfall’ sites, and for demolitions of existing housing stock, Local Development Plans will allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the supplementary guidance. Where appropriate they will indicate the phasing and mix of uses to be permitted on any sites to be allocated for housing development.</i></p> <p style="padding-left: 40px;"><i>Those existing housing sites which are assessed as being constrained, but also capable of delivering housing completions in the period 2024 to 2032, should be safeguarded for future housing development.</i></p> <p>Proposed LDP does not accord with SESplan SDP or draft Supplementary Guidance.</p>
Modification:
<p>Amend (red) paragraph 3.13 to state:</p> <p style="padding-left: 40px;"><i>Future development is focused on the extension of the main towns of the SDAs and they will continue to be the main focus for housing growth within the Borders through the identification of potential areas for longer term growth. The Plan seeks to identify a generous land supply to maintain a 5 year effective housing land supply at all times meeting the housing land requirement for the Scottish Borders as set by the SESplan Housing Needs and Demand Assessment Strategic Development Plan and Supplementary Guidance on Housing Land. and † The detail of the approach is set out in Appendix 2. Opportunities are identified across the whole area, but there is recognition that there are limitations to further development in the inner core area, where substantial housing development has been previously planned.</i></p>

Volume:
Volume 1, Policies
Section:
4. Local Development Plan Policies
Comment:
<p>The Scottish Borders Council Proposed Local Development Plan (LDP) states that <i>...where a potential shortfall is identified within a housing market area, new development will be directed to the longer term safeguarded areas identified in relation to settlements</i> (Policy HD4, paragraph 1.1).</p> <p>This is in accord with SESplan SDP which confirms in Policy 6 <i>Housing Land Flexibility</i> that:</p> <p><i>Each planning authority in the SESplan area shall maintain a five years' effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan.</i></p> <p>However, further clarity needs to be specified in Policy HD4: <i>Further Housing Land Safeguarding</i>. There is no requirement by SESplan SDP to deal with shortfalls in the effective housing land supply by housing market area. This is further made difficult by the lack of a housing land requirement by housing market area in the Proposed LDP.</p>
Modification:
<p>Amend (red) paragraph 1.1 to state:</p> <p><i>This policy is intended to assist the Council to maintain the 5 year effective housing land supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process will be used to monitor the need for any additional land release. Where a potential shortfall is identified within a housing market area the Local Development Plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements. Where possible, the safeguarded areas are shown on the Proposal Maps. Any proposals that come forward in these areas will be assessed against the policies in the approved development plans.</i></p> <p>Amend (red) Policy HD4: <i>Further Housing Land Safeguarding</i> to state:</p> <p><i>The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas may comeing forward for earlier development where it is demonstrated that there is in advance of the identification of a shortfall in the 5 year effective housing land supply will be treated as premature.</i></p>

Volume:
Volume 2, Settlements
Section:
Kelso
Comment:
<p>David Wilson Homes supports the allocation of Hendersyde [Phase 1], Kelso (LDP Ref: AKELS022) for 120 homes.</p> <p>A Statement on Site Effectiveness in accord with PAN 2/2010 <i>Affordable Housing and Housing Land Audits</i> has been prepared to support this allocation. This confirms that this allocation can be built within a 4 year period at 24 homes per annum.</p> <p>The site is currently subject of an application for Planning Permission in Principle (Ref: 13/00259/PPP). The Supporting Information for this Application including technical appraisals confirms that the Site Requirements set out Volume 2, Settlements can be met.</p>
Modification:
No modification sought.

Volume:
Volume 2, Settlements
Section:
Kelso
Comment:
<p>David Wilson Homes supports the allocation of Hendersyde [Longer Term], Kelso (LDP Ref: SKELS005).</p> <p>A Statement on Site Effectiveness in accord with PAN 2/2010 <i>Affordable Housing and Housing Land Audits</i> has been prepared to support this allocation.</p> <p>The southern site (LDP Ref: AKELS022) for 120 homes is currently subject of an application for Planning Permission in Principle (Ref: 13/00259/PPP). The Supporting information for this Application including technical appraisals has assessed the <i>Longer Term</i> site.</p> <p>This information confirms that the Site Requirements set out Volume 2, Settlements can also be met.</p>
Modification:
No modification sought.

Hendersyde, Kelso (AKELS022 and SKELS005) Statement on Site Effectiveness



Introduction

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

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

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

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

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

Conclusion

The proposed development at **Hendersyde [Phase 1], Kelso (LDP Ref: AKELS022)** by **David Wilson Homes for up to 120 homes (including affordable homes)** is an effective site. The site would be developed over a 4 year period from the start of construction should there be a favourable consideration to allocate this site in the LDP. The northern site allocated as *Longer Term (LDP Ref: SKELS005)* presents Phase 2 and would commence following completion of the southern site and discussions with the Council.

David Wilson Homes supports the allocation of both **AKELS022** and **SKELS005** as proposed by the Council.

Appraisal

This conclusion is based on the following analysis.

Criteria	Response	Comment
<p>Ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal.</p>	<p>The entire site (LDP Ref: AKELS022 and SKELS005) is under the control of David Wilson Homes and is immediately available for development.</p> <p>An application for Planning Permission in Principle (PPP) has been submitted for Hendersyde, Kelso (LDP Ref: AKELS022) and is currently being determined by the Council (Ref: 13/00259/PPP).</p>	<p>Complies</p>
<p>Physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply.</p>	<p>A comprehensive set of site appraisals have been carried out in support of the PPP application (Ref: 13/00259/PPP) and evaluate both AKELS022 and SKELS005:</p> <ul style="list-style-type: none"> • The site is essentially level and is therefore not constrained by topography in terms of its development. An Outline Engineering Strategy has been prepared by EFL Consulting. This confirms that the ground conditions are suitable for development without incurring substantial abnormal development costs. This is supported by the Preliminary Desk Top Study by Martin Farlie Consulting Ltd. • With regard to flood risk, the Preliminary Desk Top Study by Martin Farlie Consulting Ltd confirms that neither the site, nor its immediate surrounding area, is within an area of flooding. • The Archaeological Assessment, prepared by GUARD, confirms that there are no known archaeological remains within the site. Outwith the site, the Assessment identifies thirteen known archaeological sites within the immediately surrounding area, mainly relating to early modern features, but including medieval and prehistoric sites. • An Ecology Assessment has been undertaken by Nigel Rudd Ecology confirms that development can be 	<p>Complies</p>

	<p>achieved on the land without negative impacts on ecological interests and systems.</p> <p>Overall, the biodiversity of the site will be enhanced through development by providing tree and shrub planting, public open space areas, SUDS facilities and private gardens. There was no evidence of the site being used by protected species.</p> <ul style="list-style-type: none"> • Appropriate vehicular access can be taken from the B6461 in which the site shares more than adequate frontage. This is set out in the Transport Assessment by Transport Planning Ltd. <p>There are no objections to the PPP application on these matters.</p>	
<p>Contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing.</p>	<p>The Preliminary Desk Top Study by Martin Farlie Consulting Ltd confirms that there are neither obvious potentially contaminative surrounding uses nor any features on site that would result in potential abnormal development constraints, risks and costs.</p>	<p>Complies</p>
<p>Deficit Funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;</p>	<p>No funding from the public sector is required to make the development viable, except for the provision of subsidy for affordable housing to meet the policy requirement for affordable homes on this site.</p> <p>David Wilson Homes proposes to meet the Council's policy requirement for 25% of new homes to be affordable. The type and tenure mix of these affordable homes is to be agreed following further discussion with the Council.</p>	<p>Complies</p>

<p>Marketability: the site, or a relevant part of it, can be developed in the period under consideration;</p>	<p>Kelso is a marketable location for future development and this is recognised by the Council.</p> <p>There is an ongoing demand for a full range of market housing in the locality. This is confirmed by the SESplan Housing Need & Demand Assessment (HNDA).</p> <p>The southern site (LDP Ref: AKELS022) will be developed by David Wilson Homes at a minimum rate of circa 24 homes per annum and should be developed within a 4 year period.</p> <p>Following completion of this site, the <i>Longer Term</i> site (LDP Ref: SKELS005) will be subject to discussions with the Council regarding submission of a PPP application.</p>	<p>Complies</p>
<p>Infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development</p>	<p>Preliminary investigations as set out in the Outline Engineering Strategy by EFL Consulting confirm the following:</p> <ul style="list-style-type: none"> • Gas, electricity and telecoms can be provided; • The site can connect to existing water and sewer infrastructure. <p>Infrastructure of the required capacity can be made available to serve this development of both AKELS022 and SKELS005.</p> <p>Information provided by the Council indicates that there is likely to be sufficient capacity to accommodate this development in both the primary schools within the catchment area and Kelso High School.</p> <p>Developer contributions will be available to fund any proportionate share of upgrades to services if required.</p> <p>The Transport Assessment by Transport Planning Ltd prepared for the PPP application (Ref: 13/00259/PPP) indicates that road capacity in the area is not an issue and that connectivity by walking, cycling or public transport can be attained from and around the site.</p>	<p>Complies</p>

<p>Land Use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.</p>	<p>Housing is the preferred land use and the Council safeguards the northern site [Phase 2] (LDP Ref: SKELS005) for <i>Longer Term</i> housing development.</p> <p>The site is within an 800m walk (10 minutes) to Broomlands Primary School. The site is adjacent to a bus route and buses on the route operate on a hail and ride basis as well as from permanent stops. The Kelso town bus service loop is also within walking distance of the site. The town centre and High School are accessible by bus or via a 20 minute walk (approximately) from the site. The Design & Access Statement by EMA Architects provides further details on the site's suitability for development.</p>	<p>Complies</p>
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