

# DRAFT PLANNING DELIVERY ADVICE (February 2016)

Consultation Analysis Report  
June 2016



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**Annex 1 - Summary breakdown of comments by question**

## Introduction

This report provides a summary analysis of the consultation responses received after the publication of the Draft Delivery Advice: Housing and Infrastructure.

## Context and Reasons for consultation

On 10 June 2015 Ministers announced that new advice to improve planning for housing and infrastructure would be developed. The production of the advice was led by the Scottish Government's Planning and Architecture Division and informed by close working with a number of internal and external stakeholders.

The advice builds on the report by Ryden on Planning for Infrastructure which was published in August 2015 and the Joint Housing Delivery Plan for Scotland (June 2015). In addition, to inform its preparation, nine engagement workshops were held between 27th October to 4th November 2015, which focused on co-production and identifying solutions. Over 200 people attended the workshops, providing representation from a range of interests including: Homes for Scotland, Heads of Planning Scotland, Royal Town Planning Institute (RTPI), COSLA, Key Agencies, The Scottish Futures Trust, Build to Rent and Infrastructure/Utilities providers.

The main purpose of the advice once finalised will be to assist in the preparation of development plans. Key messages include achieving delivery through joint working and engagement. The advice also provides greater clarity on housing and infrastructure requirements within development plans and Action Programmes.

The finalised advice will be supported by appropriate templates on Action Programmes, Call for Sites and annexes on infrastructure assessment (utilities, transport and education).

This draft advice was issued in order to allow for further discussion and comment from all those with an interest in housing and infrastructure. We will give careful consideration to all the comments we have received and the advice will not be finalised and adopted until these views have been taken into account, later in 2016. PAN 2/2010: Affordable Housing and Housing Land Audits remains in place until the draft advice has been finalised.

Draft Planning Delivery Advice on Housing and Infrastructure was published on 17 February 2016. Consultation of the document ran for 6 weeks to 31 March 2016. The document was published on the Scottish Government website and a dedicated email address established for comments to be submitted.

A total of 93 responses were received on the draft advice. The majority of responses have been submitted by planning authorities, developers and house builders. Responses have also been submitted by representative bodies, including Heads of Planning Scotland, RTPI, Homes for Scotland and COSLA. Comments are not linked to individuals for data protection purposes.

The majority of comments received generally welcome the production of draft advice. However not all comments were supportive and there were mixed views on what the draft advice should say with regards to key topic areas.

## Analysis Methodology

A spread sheet was created to allow quantitative data analysis of the key areas that are opposed or supported. The spread sheet allows 'support' or 'opposition' to be counted per topic – i.e. 'marketability' etc. The topic breakdown follows the heading and sub- headings contained within the Delivery Advice. A summarised spread sheet is included in Annex 1 of this report.

Where 'support' has been marked and counted in the spread sheet this relates to express statements of 'support' or 'welcome'. Similarly the 'oppose' count follows the same method, however, vice versa applies.

Key points have been considered and are summarised within this report.

## Overview of all participants by group

Planning Authorities	29
Housebuilders/landowners/Cons	30
Solicitors	2
Representative Bodies	12
Agencies/Organisations	8
Infrastructure Providers	6
Community Councils/Trusts	2
Internal	4

## Exceptions

- Two responses were not presented as comments, they were instead done as track changes on the Planning Delivery advice.
- Two Responses whilst from different organisations have been written by the same person. Similarly situations occur where responses have been produced by the same consultant for themselves and their different clients.

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## Summary of Key Points

### How Much and 5 Year Calculation

- 11 respondents were in clear support of the introductory part i.e. that they supported the point that the figures in SDPs should reduce the debate on numbers at LDP level, 1 respondent opposed the general ethos in the introductory section.
- In terms of the calculation there were 16 in support of that presented in the Planning Delivery Advice and 12 opposed it. Many of the respondents welcomed a standardised methodology for the 5 year calculations. That said, there were some that only supported, in principle, a standardised method – they did not support the method presented in the Planning Delivery Advice.
- There were other methods suggested by respondents, these include:
  1. The Case law/Reporters Method
  2. Liverpool
  3. Sedgefield
- Some of the private sector respondents that discussed methods stated that their preference was the Sedgefield method.
- Moray Council highlighted their approach which won a SAQP in 2015.

### HNDA to HLR

- It was stated by some that HNDAs were not done in consultation with house builders.
- Generosity, it was thought that more steer was required and that the underlying methodology differed across councils.
- There were points raised both in support and opposition of the factors that may impact the pace scale and scale of delivery, others questioned the duplication of consideration of these factors as they were already considered as part of the HNDA.

### Identifying Sites

- 12 were generally in support of the methods stated, there was requests put more emphasis on brownfield, although one respondent expressed concern over the use of brownfield sites in terms of contamination. Others welcomed the joined-up approach with community planning. The call for sites method was supported, the onus of the task was assumed to belong to the other party depending what side of the fence they sat. Charrettes were deemed to be resource intensive and not always the most appropriate or proportionate method. SPZs were thought to be limited and some did not see how it would make a contribution to placemaking.

- Build-to-Rent generated many comments. Some expressed concern over its recognition in the planning system bringing up issues such as use class, there were concerns over viability, and the ability to legitimately constrain land allocations for this particular type. There were several requests for more advice on this matter rather than what felt was more a description of the type. 15 were in support, 13 opposed.
- Custom build and self-build were thought to be the least reliable method, however those from more rural areas stated that they were the norm.

### Effective Supply

- The point that not all the criteria need apply in a given situation was welcomed. The inclusion of constrained sites is both supported and opposed, there were points made that even if the steps for removal of the constraint was in the Action Programme. There is no guarantee that this would work, as Action Programmes were considered to not be up-to-date and usually lack detail. Others mentioned that a stipulated timetable for the removal of the constraint would be of benefit.
- Ownership was not always considered to be a relevant criteria, again there was support and opposition regarding its inclusion in the criteria list.
- It was thought that the onus should be on the site promoter to prove effectiveness as planning authorities are under-resourced.

### Marketability

- Removal was welcomed and 17 respondents made express comment in support of it not being included in the criteria, it is regarded as a subjective criteria. Whereas those in opposition of the removal (22) felt it to be a determining factor. 54 respondents made no express statement either in support or opposition, however they have made comments more generally around its removal and the potential implications for all stakeholders.
- Confusion over its potential to constrain a site was highlighted and more clarity around this was requested.
- Caution was expressed over de-allocation purely on the grounds of marketability.
- It has been suggested that the onus should be on the site promoter to provide evidence, it was also suggested that it would not be unreasonable for the local authority to assess the attractiveness of the sites, that said there have been many comments throughout the responses that claim that planners don't have the skills to deal with particular aspects and that it is only house builders that know.
- The impact of regeneration in changing the perceived quality of an area is deemed important and in these circumstances marketability is not the determining factor.

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## Role of HLA

- The purpose of the audit as a monitoring tool for 5 year effective capacity has been welcomed by some, although it has been mentioned that this purely theoretical. Further guidance for the 5 year effective capacity was requested. As well as this other definitional matters have been raised.
- The advice regarding low completions and extra land release was welcomed by some. Others argued that that if the low completions persist then it would mean that the 5 year effective land would not be maintained.
- Whilst some welcomed annual updates to the HLA, it was mentioned that this may not be possible as there are resource implications in carrying it out. There were other issues raised in terms of not getting the full information required to update properly, this is due to developers will or ability to give the full info needed by the authority to complete HLA in full.
- As with most aspects within the document where a particular method is suggested, it is stated that standardised approaches are welcome, however, not all agree with the specific methodology put forward.
- Some argued against the inclusion of windfall and small sites, however, the authorities areas with portions, large or small, or purely city-bound have highlighted the importance of such inclusions.

## Affordable Housing

- The idea of costing sites has been considered a good way forward, however, points raised highlighted potential problems regarding the willing and ability to contribute information on the developers part and resource implications were raised on the part of councils.
- Requests for more guidance of integration of affordable housing were made.
- There were several comments regarding the inclusion of this section the appendices, there were calls for it to be in the main body of the document.
- Definitional issues were raised.
- Comments have been made on the allocations specifically for the purpose of affordable housing, questions have been raised over transferring ownership and relate to affordability in perpetuity.
- PRS is highlighted as a contributing sector to affordability, requests for strengthening this point were made.
- Other comments include points around commuted sums and off-site provision. Some thought that developers should provide a clear justification for doing so, whilst others questioned the principle of developer contributions for affordable housing, stating that they should be waived if the contribution makes the development unviable.



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Should (infrastructure) Funding be Defined in Plans

- There is agreement the lack of identified funding should not delay the adoption of plans, however, there were others who argued that the lack of inclusion does not generate certainty in terms of a plan-led system. Some highlighted the danger in being too precise.
- Requests for the extent of information in plans were made, as well as clearer guidance on 'bands of contributions'.
- Clarity was requested for developer contributions and there were calls to review Circular 4/1998. Excessive requests for developer contribution were criticised with statements being made regarding the implication for house building as some councils have apparently this to a level where they exceed the value of the land. Education contributions appear to be contentious.
- The risk of up-front borrowing were expressed by both the public and private sector. For developers its deemed too risky, whilst at the same time councils are criticised for viewing it as too risky.
- Cumulative contributions were seen as good way to deal with cross boundary issues.
- Freiburg was highlighted as a good model for the key points and aims of up-front funding, joined-up approach, market certainty and place quality.



Annex 1 – Summary breakdown of comments by question

Topic	Support	Oppose	No Comment
<b>Sucessful Place</b>	32	2	59
<b>Delivery of H &amp; I</b>	14	1	78
<b>High Qual. Dev.</b>	26	2	65
<b>Planning for Housing</b>	34	5	54
<b>Fit into Vision for Place</b>	10	6	77
<b>How Much?</b>	11	1	81
Calculation of 5 Year Supply	16	12	65
Presumption	10	15	68
HNDA	6	11	76
HST	11	17	65
Generosity	13	15	65
HLR	8	10	75
<b>Housing Figures in Dev. Plans</b>	4	0	89
<b>Identifying Sites</b>	0	0	93
Methods	12	9	72
<i>Build to Rent</i>	15	13	65
<i>Self and Custom Build</i>	4	4	85
<b>Establishing Effective Supply</b>	15	12	68
<b>Marketability</b>	17	22	54
<b>Viability</b>	13	10	70
<b>Role of HLA</b>	5	8	80
Content of HLA	12	8	73
Land with Agreed Potential	1	4	88
Windfall Sites	6	7	80
Small Sites	4	2	87
House Types	1	0	92
Affordable Housing	0	3	90
<b>Planning for Infrastructure</b>	36	2	55
<b>Types of Infrastructure</b>	6	8	79
<b>Relevant to Dev. Plans and Key Stakeholders Fig 2</b>	2	6	85
<b>Est. Capacity and Needs</b>	13	8	72
<b>Identifying Requirements in DPs</b>	14	6	73
<b>Costs in Plans</b>	7	8	78
<b>Define Funding in DPs</b>	7	10	76
Infrastructure Contributions	4	6	83
Cumulative Contributions	1	4	87
<i>Fig 3 - Mechanisms</i>	0	1	92

<b>Appendix 1 Infrastructure Types</b>	5	2	86
<i>Transport</i>	2	0	91
<i>Education</i>	0	2	91
<i>Utilities</i>	1	1	91
<i>Digital and Telecoms</i>	1	0	92
<i>Water and Drainage</i>	0	1	92
<i>Green Infrastructure</i>	2	3	88
<i>Health and Community Facilities</i>	1	3	89
<i>Joint Health and Social Care Boards</i>	1	0	92
<i>Other Community Facilities</i>	0	0	
<b>Appendix 2 Call for Sites</b>	4	2	87
<b>Identifying - the Role of Call for Sites</b>	2	0	91
<i>Process</i>	11	3	79
<i>Template</i>	12	6	75
<b>Appendix 3 Action Programmes</b>	6	0	87
<b>Role of...</b>	11	2	80
<b>Appendix 4 Affordable Housing</b>	8	6	79
<b>Intro</b>	0	0	93
<b>Types of Tenure</b>	1	0	92
<i>Social Rented</i>	0	0	93
<i>Subsidised Low Cost/Sale</i>	0	0	93
<i>Unsubsidised Low Cost/Sale</i>	0	0	93
<i>Mid-Market</i>	1	0	92
<b>Delivery</b>	0	0	93
<i>Housing Need/Demand Assess</i>	0	0	93
<i>Local Housing Strategy</i>	0	1	92
<i>Development Plans</i>	0	1	92
<i>Box 1 Main Steps</i>	0	1	92
<b>Developer Contributions</b>	0	5	88
<i>Delivery of Land</i>	0	0	93
<i>Other Contributions</i>	0	0	93
<i>Off-Site Provision</i>	0	0	93
<b>Development Management</b>	0	0	93
<i>Planning Conditions and Agreements</i>	0	4	89
<i>Negotiating</i>	0	0	93
<i>Retention</i>	0	0	93
<b>Additional Means</b>	0	0	93
<b>Design</b>	0	0	93

<b>Monitoring and Review</b>	0	0	93
<b>Action programme Template</b>	6	1	86
<b>Call for Sites Template</b>	12	4	77
<b>Utilities</b>	1	0	92
Information Sources	0	0	93
Electricity	0	0	93
Gas	0	1	92
Water and Drainage	0	1	92
Digital Connectivity	0	0	92
<b>Utility Capacity Options</b>	0	0	93
<i>Electricity</i>	0	0	93
<i>Gas</i>	0	0	93
<i>Water and Drainage</i>	0	0	93
<i>Digital Connectivity</i>	0	0	93
<b>Assessing at each Stage</b>	0	0	93
Evidence Base	0	0	93
Preparing Proposed Plan	0	0	93
Action Prog.	0	0	93
<b>Transport</b>	3	0	90
<b>Information Sources</b>	0	0	93
<b>Assess at each Stage</b>	0	0	93
Evidence Base	0	0	93
Call for Sites/MIR	0	0	93
Preparing Proposed Plan	0	0	93
Action Programme	0	0	93
<b>Education</b>	1	0	92
<b>Information Sources</b>	1	0	92
<b>Assessing at each Stage</b>	0	0	93
Evidence Base	0	0	93
Call for Sites/MIR	0	0	93
Preparing Proposed Plan	0	0	93
Action Programmes	0	0	93

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