



Clerk to the Rural Affairs and Environment Committee
T1.01
The Scottish Parliament
Edinburgh
EH99 1SP

11 December 2007

Dear Sir

Flooding & Flood Management Inquiry – Call for evidence

Homes for Scotland is the representative body for the private home building industry in Scotland. Homes for Scotland represents the interests of over one hundred companies who provide 95 of every 100 homes built for sale in Scotland and we have a rapidly expanding membership of professional and other service businesses engaged in our industry.

We write in response to the recent call for evidence for the Flooding & Flood Management Inquiry.

As the Inquiry considers wider interests with regard to flood management, issues which will benefit greatly from Local Authority and specialist input, we do not intend to respond directly to each question raised. However we take the view that the inquiry could benefit from some general observations from the Scottish house building industry, particularly with regard to the role of land-use management, the planning system and building regulations.

Scottish Government Commitment to Increase the Supply of Housing In Scotland

The Scottish Government, in publishing 'Firm Foundations: The Future of Housing in Scotland', has committed to the increase in supply of housing in Scotland.

The supply of land available for housing is of course key to this objective and we look forward to working with the Scottish Government, Local Authorities and Registered Social landlords to develop new strategies to increase the supply of land to meet targets. Achievement of the production of at least 35,000 homes per annum will require not only increased efficiency but new ways of thinking with regard to land supply and blockages to development.

It is crucial that this is borne in mind throughout the Flooding & Flood Management Inquiry.

Land Supply in Scotland

Land Supply Issues

The Government's target to increase housing construction to 35000 p.a. + from its current level of 25000 by 2015 will have implications for the planning system, including the need for additional land. Assessing this new need for land is extremely difficult, and a number of factors will come into play.

The new system of development plans, including the National Planning Framework and city-region strategic plans, will be the key tool for allocating additional land to meet higher production. Land allocations at present are set and controlled by the current set of extant Structure Plans; it is difficult for any planning authority to substantially increase land allocations without altering or reviewing these extant



Plans. The current land supply will therefore be the source of any increased output for the next few years, since the new city-region plans will not be in place until 2010/11 and local development plans, which will allocate sites in detail, will not follow until 2012 or thereby. It is possible, however, for planning authorities to grant planning consent for additional land should shortfalls arise in the interim.

The increased build rates will probably be focussed on the areas of highest market demand – for instance Lothians, Stirling/Falkirk, Perthshire, Fife, Aberdeen and Aberdeenshire, and parts of Highland and the outer Glasgow conurbation.

In many of these areas, there is already a substantial reliance on windfall and brownfield sites to meet requirements. Therefore it is likely that, to meet additional construction, a higher proportion of Greenfield sites will be needed in future.

Against that, authorities such as Edinburgh assert that they have planning consents for housing which are not being implemented, and that faster implementation of consents could increase house building rates substantially. Homes for Scotland considers this to be simplistic. Firstly, it disregards the reality that a planning consent is only the first of many consents and agreements required before construction can commence. The processes involved are becoming longer and slower, so that faster implementation is rarely feasible. Secondly, the consents in train are predominantly for similar types of development to that being built. The market in cities for higher-density development has slowed, so it is unlikely for market reasons that there will be accelerated construction arising from current planning consents. Increased output would depend on there being land and planning consents for housing aimed at different parts of the market, and this is not happening in places such as Edinburgh.

Planning authorities are inclined to take an over-optimistic view of the available housing land supply. Analysis by Homes for Scotland, and more recently by Turley Associates for the Scottish Government, suggests that 20 – 30% of the assumed effective housing land supply at any given date will either fail to come forward or will be significantly delayed.

Infrastructure and physical constraints are often factors in these delays, as well as marketing issues. In that respect, planning authorities should be making much more use of SEPA's flood risk mapping to assess whether parts of their housing land supply are constrained by flood risk.

Homes for Scotland calculates that, to reach 35000 houses p.a. by 2015, a year on year increase in output of 5% is needed. On the basis that the new generation of strategic and local plans is unlikely to affect land allocations before 2010 – 12, it is only the later years of this increased output which may require new land not already in plans to accommodate construction. Some extant Structure Plans already provide for development to 2015 or beyond, others extend to 2010 and are being reviewed at present. Therefore, taking the period from 2011 onwards, there is a need in some areas to allocate new land from 2010, and in all areas a need to consider how to provide land to meet the increased construction targets. Homes for Scotland estimates that the total build required 2011 – 2015 to meet the Government target will be c. 160000, of which c. 40000 are over and above what would have been built on the current production of c.25000 p.a.

It is impossible without extensive research to say how much of this requirement can be accommodated on existing identified land. Using a conservative estimate that, of the 160000 sites required beyond 2011, half will require to be identified in new plans, then the question is how much of that needs to be new greenfield. Brownfield and windfall will always account for a proportion, therefore it might be reasonable to assume that additional greenfield land for c.30000 new houses will need to be identified

by 2015. At typical gross development densities for greenfield sites, that equates to at least 750 hectares of new land.

While the above analysis is illustrative in nature it is clear that a substantial national exercise would be necessary to assess areas free from flood risk. We support current planning policy which excludes development of greenfield sites on the functional flood plain. However unprotected brownfield land will have to be utilised for future housing development and suitable methods of safeguarding it from flood risk will have to be demonstrated and provided without detriment to existing communities. To do otherwise would be to write off substantial parts of our existing communities which have been constructed on functional flood plains.

SEPA as Statutory Consultee: The Planning System and Flood Risk Assessment

SEPA's role in flood risk assessment has changed following the publication of Scotland's National Flooding Framework in 2003 when at that time its concerns in a future enhanced role were those of exposure to increased liability and having sufficient resource.

Subsequent experience by our member companies and their consultants of working to SPP7 'Planning and Flooding' and PAN 69 'Planning and Building Standards Advice on Flooding' published in 2004, followed more recently by the introduction of 2nd generation Flood Maps, have confirmed these early concerns leading in many cases to inordinate delay by SEPA in responding to planning enquiries and in planning consultation response. This conclusion was reached following a number of reports from members of poor service from SEPA which, following a complaint to the Chief Executive, has recently resulted in dialogue between SEPA and Homes for Scotland at a senior level.

Examples of poor service across SEPA area offices in hydrology and planning were:-

- Refusal to hold preliminary discussions
- Inadequate data, inconsistency in data provision and reporting requirements and form of assessment
- Lack of detailed guidance
- Misinterpretation of flood map use (literal as against their intended strategic use to indicate where flood risk is likely to be an issue)
- Delays in communicating and, on occasion, complete failure to communicate in planning applications

This inefficiency by SEPA in engaging in the planning process has led to not just unnecessary delay and expense incurred by member companies but a complete sense of frustration in ensuring a balanced approach in assessing individual sites. Without change for the better there will be no confidence from developers or their consultants in SEPA taking on more flood risk assessment responsibility in future legislative change.

Notwithstanding the current SEPA/Homes for Scotland engagement, the Committee is urged to investigate SEPA's record in flood risk assessment in the planning system with a view to restoring confidence in SEPA to properly fulfill their duties and responsibilities in assessing development sites at risk from flooding.

Scottish Planning Policy 7 (SPP7)

The briefing note questions the need to make changes to the legislative framework surrounding and flood management. Our member companies are concerned with the current use of SPP7, in particular



with ambiguity in interpretation, evident loopholes and the 'cherry picking' application by many authorities. Homes for Scotland would therefore welcome a review of the planning policy and consideration to new forms of legal framework to ensure consistent application of guidelines in Scotland.

Building Regulations and Engineering Solutions

Any further changes in building regulations where development is permitted in areas at risk of flooding will require careful assessment in relation to sustainable building and with due regard to the use of flood resilient materials, safe installation of services and engineering solutions based on best practice from abroad.

Yours faithfully

A handwritten signature in black ink, appearing to read "David Little", written over a horizontal line.

David Little
Head of Technical Services