



Strategic Planning Team
Angus Council

By email only

17 September 2018

Draft Design Quality and Placemaking Supplementary Guidance

Dear Sir / Madam

Homes for Scotland are grateful for the opportunity to provide comments on the draft Angus Council Developer Contributions and Affordable Housing Supplementary Planning Guidance 2018.

Homes for Scotland is the voice of the home building industry in Scotland, with a membership of some 200 organisations together providing 95% of all new homes built for sale across the country as well as a significant proportion of affordable housing.

Homes for Scotland is committed to improving the quality of living in Scotland by providing this and future generations with warm, sustainable homes in places people want to live.

We make submissions on national and local government policy issues affecting the industry. These submissions are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from our member companies.

General Comments

Overall, we welcome the efforts made to update this guidance regularly. However, we consider that insufficient information is provided to explain how some of the proposed sums for the obligations have been reached. In addition, we consider that greater clarity could be provided in relation to other proposed obligations where a specific financial contribution is not set out. This could involve providing a framework to be used in setting out what is expected or at least giving a better understanding of the types of infrastructure which contributions will be sought in relation to.

As the document sets out any developer contributions must meet all of the tests set out in paragraph 14 of Planning Circular 3/2012 - Planning Obligations and Good Neighbour Agreements:

“Planning obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where they meet all of the following tests:

- 1. necessary to make the proposed development acceptable in planning terms*
- 2. serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans*

3. *relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area*
4. *fairly and reasonably relate in scale and kind to the proposed development)*
5. *be reasonable in all other respects”*

To make an assessment as to whether an obligation meets these tests it is essential that adequate information is provided to understand how the proposed obligations have been determined. This is especially important given the short consultation period and lack of scrutiny compared to a development plan.

The level of planning obligations can and does impact upon whether sites come forward for development. Accordingly, it is important that the process of setting obligations is clear with workings and data sources set out in a way which enables them to be scrutinised. Unless this is done it cannot be demonstrated that obligations are necessary, serve a planning purpose or fairly and reasonably relate to the scale and kind of development. We consider this in relation to specific obligations in the remainder of our response.

Education Contributions

At present we do not consider the SPG provides sufficient detail to understand how the sums sought shall be spent and how they have been determined. As set out above this means it is not possible to determine whether the obligations pass the tests set out in the Circular 3/2012.

We note that since the previous 2016 SPG there has been a significant escalation in costs with contributions sought increasing by c. 15%. This is very substantial and should be explained. It appears that the BCIS All-in Tender Price has been applied to the 2016 obligations. While this may be acceptable to use for indexing between the publication of documents, the BCIS tracker is a UK wide dataset and we consider a clearer understanding of the likely costs in a local or at least Scottish context is needed to inform this updated guidance. In addition, we request further information within the Supplementary Guidance on the following:

1. Capacities of each school in Angus;
2. Details of the percentage of out-of-catchment area placing requests, and the impact on capacities;
3. Thresholds at which extensions and new schools will be triggered;
4. Impact of developments allocated within the Local Development Plan on these school capacities in terms of the rate of capacity fill-up;
5. Details of a range of sizes of extensions, not just the price per unit.

Under section 4.2 of the SPG the Council has set out its requirements in terms of education contributions and in particular the product ratio for primary education which is set at 0.23 (p.10). Not every primary school in Angus will set out a 0.23 pupil ratio requirement. Accordingly, the Council need to be clear on school rolls both existing and projected. Moreover, the cost per unit for education should be explained showing cost breakdown for new build provision, extensions and reconfigurations so that the industry has clear set out costs in terms of what is expected of them and must be clearly set out as an appendix to this SPG.

Similarly, secondary Education contributions are inadequately justified. As with primary contributions above, not every secondary school within the Angus area will create a 0.17 pupils ratio requirement. Angus Council need to be clear on school rolls both existing and projected. In addition, the cost per unit for education should be backed up showing cost breakdown for new build provision, extensions and reconfiguration. This has not been done in the SPG. This must be clearly identified within the appendix of the SG document for clarity.

Transportation Contributions

Under section 4.5 the Council have sought to set out developer contributions relating to transportation. However, there is little in the way of detail. Whilst we understand that applications need to be dealt with on a case by case basis, we would urge the Council to give more specific advice that is clearly set out particularly in relation to strategic projects so that our members can move forward with confidence knowing as far as possible what is expected from them.

We note that the Council has indicated that at present further work on programming and costing for works is on going and therefore further guidance/advice may be produced in due course. It is unfortunate this situation appears unchanged from the previous iteration of the guidance and a more specific timetable for this work would be welcomed as there are clear benefits in terms of transparency and predictability in setting this out in policy.

Community Facilities

It is noted and welcomed that the SPG states that

“In many cases no additional provision is proposed or the impact of a development on a specific facility is likely to be very minimal, due to the wide catchment area and is unlikely to result in a requirement for additional capacity”.

Indeed, we would note that new housing development can in many cases help to maintain the vitality and viability of existing community facilities such as those listed in Policy TC8 - convenience shops, hotels, public houses, restaurants and petrol stations.

The document could be clearer in explaining whether contributions to community facilities will be sought. The ‘Residential Development’ Section (p.5) appears to suggest that they may be, but community facilities are not listed in the table in Appendix 1 setting out what contributions can be sought. Given that the document states that there is unlikely to be a requirement for additional capacity and Policy TC8 deals with the protection of existing facilities and development of new ones rather than planning obligations we would suggest Appendix 1 is correct and the list on p.5 should be amended accordingly to remove reference to community facilities.

In relation to healthcare we would reiterate that we do not agree with the principle of charging the home building industry for the provision of healthcare facilities.

The NHS as an organisation is funded through central government and the burden should not be placed on the development industry to cover any funding shortfall that may hinder the provision of primary healthcare facilities. Primary healthcare provision should not be for the council to provide for, and it certainly should not be for developer contributions to meet the cost of any necessary facilities. Most GP surgeries act as businesses, and developers should not be expected to supplement other businesses. The positive effect on health and wellbeing that the delivery of more homes brings should be recognised and

supported. For the avoidance of doubt we consider that reference to Healthcare Facilities should be removed from the list on p. 11 of the SPG.

Finally, it is unfortunate that two years since the previous SPG was published no further information can be provided on what contributions if any will be sought in relation to Angus Alive. While the willingness of Angus Council to engage at pre-app on this is welcomed, it would be preferable that further information on this could be made publicly available to provide greater certainty to prospective developers.

Open Space

In a similar vein to our comments above the methodology explaining how the proposed figures have been arrived at is incomplete. Policy PV2 sets out an open space requirement of hectares per 1,000 of population. The document does not explain how this figure translates into 60.75sq.m per unit, we assume a figure for average household size of 2.5 people has been used to obtain this, but neither this figure nor the reason for its use is set out. Similarly, an explanation for the 2/3 to 1/3 split between parks and amenity space and play space is not explained. Homes for Scotland does not dispute the policy basis for such contributions but consider that in the interests of delivering a clear and transparent planning system any assumptions / calculations made in translating the policy position into the more detailed standards set out in the SPG should be explained.

In addition, it is noted that 15% and 22% uplifts are proposed respectively in the costs of Public Open / Amenity Space and Play Space compared against the previous iteration of the guidance. The reasons for these substantial increases are not explained. We consider that the cost assumptions involved should be clearly evidenced using local or at least Scottish examples.

Affordable Housing and Wheelchair Standards

We note that since the previous iteration of the guidance reference has been added to the target set out in the Local Housing Strategy (LHS) for

“the LHS has set a target to deliver at least 20% of new affordable housing to meet a particular need such as amenity or supported housing, with at least half of these (i.e. 10% of new supply) to full wheelchair standard.”

The LHS sets out a vision for housing delivery in Angus and sets out the Council’s spending priorities in this regard. It is however, not a planning document and so it is unclear why this has been included within the Supplementary Guidance. It is also not clear what ‘full wheelchair standard’ means. The Supplementary Guidance does not state that this is a planning policy requirement and nor should it, as it does not relate to any policy in the plan.

The Chief Planner’s letter of 15 January 2015 is clear that to comply with Regulation 27(2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 it must clearly relate to a development plan policy

“It is therefore essential that supplementary guidance is limited to the provision of further information or detail and that the local development plan expressly identifies the matters to be dealt with in supplementary guidance.”

We would suggest that to avoid confusion reference to this target should be removed from the supplementary guidance as it is not a planning requirement and would have no basis as there is no reference to wheelchair standard in the Development Plan.

Conclusions

Homes for Scotland welcomes Angus's commitment to keeping the obligations document up to date. Recently adopted guidance can provide greater confidence that its contents remain accurate which provides greater clarity for developers and other users of the planning system. However, the level of planning obligations can impact upon whether housing and other development targets in the plan are met.

Specific obligations which are not included in the adopted plan and have not been subject to independent examination should be fully justified with a clear methodology explaining how they have been calculated. Without this it cannot be demonstrated that they meet all the tests in the Circular. Accordingly, we would respectfully request that Angus provides the extra detail requested above before the SPG is adopted so that it can be properly scrutinised.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Joe Larner', written in a cursive style.

Joe Larner

Senior Planning Advisor