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Dear Wendy

**Homes for Scotland Comments – East Lothian Council Consultative Draft Affordable Housing Supplementary Planning Guidance**

I write with reference to the East Lothian draft Affordable Housing Supplementary Planning Guidance (SPG) currently published for consultation. This letter comprises the Homes for Scotland (HFS) representation to the SPG consultation.

Thank you for your offer to meet with me and HFS members during the consultation period to discuss the draft SPG, this was a useful meeting to be able to share member concerns with you and seek further clarity on the draft guidance.

You have confirmed that the draft guidance has very little change from the previous guidance, and on reading the draft SPG and taking its contents at face value, the majority of what is set out within the guidance seems reasonable. However, it is clear from the issues raised by HFS members during our meeting last week, that what is happening in practice on a site by site basis is not always in line with the wording set out within the guidance.

We welcome the opportunity to engage with the local authority at an early stage, but HFS members have expressed concern that if the default position is always to speak to the housing team to gain greater understanding of what will be required in terms of affordable housing provision and delivery on a site, the guidance itself is undermined as every site is taken on a case by case basis.

Our members are seeking as much clarity as possible, as early as possible to inform investment decisions. As such, it would be helpful for the Affordable Housing SPG to include more detail on what will actually be required in terms of mix of house type, and where possible tenure mix. For example, the guidance should include detail of acceptable housing mixes to provide greater clarity as early as possible for the developer.

Whilst a cascade approach is set out within the draft guidance, experience in practice from our members suggests that there is less flexibility than the wording of the guidance suggests. We acknowledge that Scottish Planning Policy states that “where a contribution is required, this should generally be for a specified proportion of serviced land within a development site to be made available for affordable housing” (paragraph 129), however the Planning Advice Note PAN 2/2010: Affordable Housing and Housing Land Audits provides more detail which should be acknowledged in the draft guidance and taken on board to provide greater flexibility in the delivery of affordable housing. PAN 2/2010 states that “a range of tenure types can contribute to affordable housing” (paragraph 5) and that in relation to the contribution from the development industry towards the delivery of affordable housing that “this contribution is likely to be made in a variety of ways, depending on the nature of the affordable housing required” (paragraph 7).

Further, Policy HOU4 of the emerging Local Development Plan states that “a wide range of affordable housing tenure models are supported, including social rent, shared ownership and shared equity models, homes for mid-market and intermediate rent, and subsidised and unsubsidised low cost housing for market sale and self build plots”. This policy provides a wide and flexible range of affordable housing delivery options.

Therefore, to provide guidance with greater usability, it would be pragmatic to include detail of the affordable housing requirements, and then to consider in a flexible approach what contribution would be most appropriate to meet these requirements. This might not always be the provision of serviced land.

If the primary need for affordable housing in East Lothian is for social rented property, as the draft guidance suggests, we request that further evidence is provided to support this contention to provide clarity and transparency. We query the availability of this level of evidence, however, as the HNDA does not split affordable need by tenure, it only splits need by market and affordable need. Therefore. if that evidence is not available, we suggest that reference to the preference for social rent through the transfer of serviced land is removed in acknowledgement of the more flexible approach supported through the Local Development Plan and the PAN for the wide range of tenure models that can be delivered and the range of contribution methods available.

We query the reliance of East Lothian Council on a small number of affordable housing providers, and the preference of these over other providers in terms of the allocation of funding from Scottish Government. Further, it is currently unclear how the process of selecting an affordable housing provider is carried out by the Council. It does not seem to include the developer. HFS members have indicated that in some cases affordable providers seem to have simply put their name against a site to indicate their interest in being the provider for that site, without engagement or discussion with the home builder developing the site. We suggest that further involvement of the actual developer in any discussion regarding their site and the delivery of affordable housing on that site should take place.

There is no reference to LDP or SDP policy currently within the guidance document, and given its role to assist the implementation of policy, there should at least be a reference, despite it being non-statutory guidance. We also query the compliance of this draft guidance with policies HOU3 and HOU4 of the East Lothian LDP. Policy HOU3 requires agreement of affordable provision and provider. However, in practice from our member experience, this is being dictated by the authority, and in some cases agreeing RSL providers with no input or discussion from the developer. Policy HOU4 states that “the council has specified in supplementary planning guidance the affordable housing tenures that will be supported, including the requirement for social rent as well as targets for the proportional split between other acceptable tenures and how the tenure models should be delivered. The draft SPG does not actually do this. It sets out a range of tenures that the council ‘recognises’, rather than what they will support.

I’m more than happy to have a further discussion with you on this submission, together with HFS members if this would be useful going forward with the finalisation of the guidance and, importantly, moving on to its implementation in practice.

Yours sincerely

Nikola Miller

**Head of Planning Practice**