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**RESPONSE TO MORAY COUNCIL LOCAL DEVELOPMENT PLAN PROPOSED PLAN**

**March 2019**

**ABOUT HOMES FOR SCOTLAND**

Homes for Scotland is ***the*** voice of the home building industry.

With a membership of some 200 organisations together providing 95% of new homes built for sale in Scotland each year as well as a significant proportion of affordable housing, we are 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.

Visit [www.homesforscotland.com](http://www.homesforscotland.com) for further information and follow us on twitter @H\_F\_S

**PROCESS**

Homes for Scotland represents members on a wide range of issues affecting their ability to deliver much needed homes.

Our views are endorsed by committees and advisory groups utilising the skills and expertise of key representatives drawn from member companies.

This response has been discussed and agreed by the Homes for Scotland Highland & Moray Home Builders' Committee.

**Volume: 1**

**Heading: Strategic Context – housing**

**Page Number: 13-14**

**Site / Policy Reference: Table 1 – Housing Land Requirement to 2035**

Housing Land Requirement

Homes for Scotland supports the Council’s chosen 30% generosity margin added to the housing supply target to reach its housing land requirement.

Terminology

Homes for Scotland considers the terminology within the Proposed Plan (particularly in the orange box on page 14) to be confusing. We have assumed that the “annual housing completion target” is the Housing Supply Target as defined in Scottish Planning Policy (on an annualised basis), and that the “annual average housing land supply target” is the Housing Land Requirement from SPP (again on an annualised basis). Homes for Scotland considers that the terminology could be amended to be more consistent with SPP to avoid any misunderstanding.

Additional Housing Requirement

SPP paragraph 120 states that plans should “*allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective housing land supply at all times*”. To do this, the authority must first understand how many homes it is projecting to deliver (using housing land audit data) from existing planning permissions and existing LDP sites, to allow them to calculate how many additional homes are required for this new LDP.

The Proposed Plan uses the 2017 Moray Housing Land Audit (HLA) as a basis for assessing the effective housing land supply and programmed completions for the new LDP. This was used in the Main Issues Report (MIR); however, Homes for Scotland suggests that the evidence base for any additional housing requirement should have been updated between MIR and Proposed Plan stages to use the 2018 HLA as the most up to date evidence base available. At examination, the Reporter might also have the 2019 HLA available to them and may wish to look at this Audit as the most up to date housing land position, however for now the 2018 HLA is the most up to date position available.

As the most up to date position on housing delivery, the 2018 audit is considered to be most appropriate and more accurate as a reflection of the land supply. HFS requests that Table 1 on page 13 of the Proposed Plan is amended to reflect the 2018 audit position.

Assuming that there are no other necessary amendments to this table as a result of other queries raised below, this would amend the ‘existing effective supply D’ to 3,638 units, and the ‘sites effective 5yr+’ to 1,320 units which would, in turn, amend the ‘additional housing land requirement to 2,046 homes.

Homes for Scotland notes that this is an increase of 345 homes from the Proposed Plan’s additional housing land requirement and believes this to be more representative of the actual position based on the most recent audit evidence base, allowing the housing land requirement to be met over the plan period.

Further, in relation to the use of the 2017 audit in the Proposed Plan, Homes for Scotland queries how the year 17/18 has been addressed in the calculations in Table 1. The programmed completions within the 2017 audit include 2017/18, as does the existing effective supply presumably, but this year is not relevant for the LDP which starts at 2018.

It is unclear whether the “sites effective 5yr+” includes any homes programmed for delivery beyond the plan period, which would not be relevant for the calculation of the additional housing land requirement for the plan period. Clarity is required on this to ensure that the additional housing land requirement reflects the plan period to 2035.

Homes for Scotland requests the following:

* The evidence base is updated by the Council to use the 2018 Housing Land Audit and table 1 on page 13 updated accordingly.
* Clarity is provided on the programming of homes for the ‘sites effective 5yr+’ column of Table 1.
* Clarity is provided on how 2017 programmed completions are dealt with in the methodology to calculate the additional housing land requirement given that the plan period begins the following year, 2018.

**Volume: 1**

**Heading: Primary Policies**

**Page Number: 22-31**

**Site / Policy Reference: Policy PP1 Placemaking**

(i) Character & Identity:

Homes for Scotland notes that bullet 2 could be misinterpreted and suggests that further clarity is added. This requirement could be read to mean that for every 20 units, a different character area is required, when the intention of the policy really seems to be that for sites of 20 units and above, more than one different character area will be required. It is also considered that this threshold of 20 units is artificially low and could be amended to be increased to 50 units, in line with a major development which would be appropriate for larger sites, or perhaps on a scale of thresholds to ensure that the level is right for different sizes of sites. A patchwork of different character areas would not positively add to the design or placemaking aspirations of a new development which might happen with the threshold at 20, and the industry understands and accepts the need to differentiate between character areas. This policy could be reworded to be more flexible whilst also being proportionate.

(vi) Parking:

In Policy PP1 part vi on parking, Homes for Scotland considers the requirement for 75% of car parking requirement to the side or rear of the property to be overly onerous. It reduces the flexibility in design at Development Management stage where an officer may stick rigidly to the wording of the policy, rather than taking a more pragmatic and proportionate approach. Homes for Scotland considers this should be a matter of placemaking and should be taken on a case by case basis rather than exerting a rigid percentage, therefore suggests that the wording of this policy is amended to be more flexible. Further, we consider that elements such as the addition of boundary treatments to soften the appearance of driveways is an inefficient use of space and could be dealt with on a more flexible case by case basis.  
  
General:  
Homes for Scotland notes that this is a very lengthy policy with a lot of different parts to it, which would ordinarily be included as Supplementary Guidance. We recognise that the Council is pre-empting the potential removal of statutory Supplementary Guidance through the planning review, however we consider that this policy is too long and overly prescriptive for an LDP policy. As with other policies in the Proposed Plan, Homes for Scotland suggests that some of the detail of this policy is removed and inserted into a ‘guidance’ section of the plan, rather than all being included in the policy itself. This would allow the policy to be more concise and deliberate, leaving more flexible and detailed aspects to guidance.

The requirements for a Placemaking Statement (paragraph b) seem overly onerous on the applicant, particularly given that the threshold for this would be 10 units, for example in the expectation that 3D visuals will be produced and submitted to support the development. We request that the threshold is increased for this kind of statement, or that the requirements are made more flexible.

Homes for Scotland considers that the Placemaking policies and guidance should refer back to Designing Streets to ensure continuity between the national and local level of policy and guidance.

**Volume: 1  
Heading: Primary Policies  
Page Number: 32-34  
Site / Policy Reference: Policy PP3 – Infrastructure & Services**Homes for Scotland is concerned about the impact that this policy could have on all home builders, in particular small-scale home builders as it appears to be overly onerous for home builders.

We would like to see policies within LDPs to support this sector to build again, recognising the important role that small scale home builders play in delivering homes across Scotland, and that this role could be significantly increased with plans in place which are proportionate and support small scale home builders to come back into the market, or new entrants to the market.

We understand this policy is more for larger scale developments but have concerns that the long list of requirements will discourage smaller scale home builders from investing and delivering homes in Moray. Whilst we would hope that a pragmatic view on the number of reports and other requirements is taken at development management stage in the determination of an application, there is concern that having this level of detail specifically within the text of the policy will reduce proportionality, pragmatism and negotiation at the later application stage where a case officer may not feel able to deviate in any way from the specifics of the policy.

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**Heading: Development Policies**

**Page Number: 35-37**

**Site / Policy Reference: Policy DP1**

(ii) Transportation

Under section (f), Homes for Scotland queries the Council’s comments. It is not clear from the text of this section of the policy whether the Council is stating that turning points will be preferred to hammerheads. We request that clarity is provided on this, and adequate justification provided. Policy PP1 Placemaking (vii) street layout and detail bullet 4 refers to cul-de-sacs in certain circumstances of no more than 10 units. If a hammerhead is not permitted for this style of street layout, there may be an impact on the density and plot size that can be achieved, which may then have an impact on the overall design of the site.

Seemingly small policy decisions such as this can have a larger implication on site for the home builder if the justification and reasoning is not robust and understood.

Homes for Scotland would expect all aspects of this policy to be in line with Designing Streets and would suggest that any duplication could be removed to streamline the policy, reducing its length somewhat.

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**Heading: Development Policies**

**Page Number: 38-41**

**Site / Policy Reference: Policy DP2 - Housing**

Affordable Housing

Homes for Scotland is supportive of a maximum 25% affordable housing requirement for housing developments, in line with Scottish Planning Policy.

Homes for Scotland is concerned that the affordable housing policy (DP2 part d) together with the accompanying guidance is overly onerous for smaller sites, therefore negatively affecting small scale home builders.

Given the deliverability issues in Moray, it is essential that small scale home builders are encouraged to continue in the area, and for new companies to come into Moray to add to the mix of sites that are deliverable. Small scale home builders will be active on smaller sites that would not be marketable for larger home builders, allowing these larger companies to concentrate on the delivery of the more marketable sites in key locations, with smaller scale home builders taking on smaller sites, often in more rural locations where need for new homes of all tenures is greatest. The LDP should be seen as a package pf policies, allocated sites, targets and guidance which will support the delivery of new homes across Moray. Consideration must be given to the cumulative impact that the plan’s policies will have on smaller scale businesses, as well as larger home builders.

The requirement for 25% of the total units on a site to be provided as affordable housing for developments of 4 or more units is one of the most restrictive policies in Scotland. Furthermore, the requirement for developments of less than 4 market housing units to contribute a commuted payment may result in small scale home builders withdrawing from Moray as a potential development area, given the extra costs to develop there, thus exacerbating the deliverability issue in areas of greatest need where larger builders will not be developing. The Plan does not set out a level of commuted sum that will be required, although officers have indicated this would be at a level of £4,000 per home. Together with other developer obligations, and upfront costs to obtain planning permission, this additional sum will be an additional risk to smaller scale home builders who will be unlikely to have this cost covered by funding mechanisms.

Homes for Scotland considers that the guidance section of the Plan in relation to affordable housing section of this policy could be more flexible. Whilst the guidance does not explicitly restrict sites for 100% affordable housing development, it is not very supportive of this type of proposal. Homes for Scotland is supportive of the creation of mixed communities but considers that given the affordable need highlighted by the Council within the HNDA, and the market in Moray, any proposal for affordable housing which is acceptable in design terms, should be viewed favourably. Private sector development makes an important contribution to the delivery of affordable housing through the 25% affordable policy requirement, and any proposal over and above this 25% threshold (up to 100%) should be encouraged, rather than dissuaded through the LDP policy and guidance.

Accessible Housing

Homes for Scotland does not support the proposed Accessible Housing policy in DP2 Housing, part f, nor does it support the guidance text or reasoning behind the introduction of this as a policy requirement in the LDP. We object to the principle of this policy, as well as the detail of the policy itself. This policy is overly onerous and is not supported by compelling evidence to justify its inclusion in the LDP.

Each home, whether it is a bungalow under this accessible housing policy, or any other home, will be sold to a buyer who may or may not have accessibility needs. As a home owner (and subject to planning consent etc) that buyer will then be entitled to adapt their property as they wish – for example adding another storey or an extension which would then mean the property is no longer an accessible bungalow. Further, that buyer would then sell on the property to another buyer who may or may not have an accessible need. Therefore, there is no way, through the development of private homes for sale, that homes built under this accessible housing policies can be guaranteed to be sold to someone who has an accessible need, nor is there any way of guaranteeing that these homes will remain accessible.

Conversely, if a need for accessible housing can be evidenced in a robust way, this could be met through the delivery of affordable housing which can then be allocated specifically to someone or a family with accessibility needs, and the home can remain as an accessible property in perpetuity as an RSL or the Council will be in control of the occupancy and any alterations to the property.

Whilst Scottish Planning policy does refer to “supporting delivery of accessible housing”, it does not specifically refer to single-storey bungalow development, therefore we question the restriction of accessible housing units to bungalows. This constrains the home builder and does not allow for other potential solutions or options to come forward to adequately meet the accessible housing need. To help in managing the growing population, the provision of existing housing stock could be adapted as accessible housing with options such as converting garages and internal alterations to existing homes, or the provision of ground floor flats could be implemented, rather than seeking bungalows as the only form of acceptable accessible housing provision.

At a time where development finance is still an issue for many home builders, limiting house types to bungalows for a proportion of the site has an effect on land value, and therefore potentially the viability of a site. Bungalows require a larger plot size and are therefore more costly in terms of land value to develop, and that increase in cost tends not to be recouped through the sale of land, as bungalows tend not to cost much more to the buyer than other house types. In addition, with bungalows requiring more land, the overall development numbers on each site may be reduced, with a resulting knock-on effect in the number of affordable and accessible units if fewer homes are being delivered on the site. This would result in the overall reduction in homes that can be delivered on the site by the homebuilder, adding to the deliverability issues that Moray currently faces.

Very little evidence is provided by Moray Council to support the introduction of this LDP policy. Indeed, it appears that the evidence base is the same as that used in 2016 at the time of the introduction of an accessibly housing requirement (which was less onerous than this new requirement) through Supplementary Guidance. At that time, Homes for Scotland queried the evidence base used by the council as it relied on the type of property that people on the Council waiting list would prefer. No evidence was given as to whether these individuals would be the customer of these private accessible homes for sale provided by the home builder, and whether these people were in a position to buy one of these properties. We acknowledge that the HNDA demonstrates an ageing population in Moray, but do not believe that this in itself is evidence to support the private sector delivery of accessible homes in the area. If there is an identified affordable need for accessible homes, these should be delivered through affordable housing, but Homes for Scotland members note that if there was an overwhelming market for bungalows in Moray, the industry would already be responding to that by providing bungalows. This is not currently the case.

**Volume: 1  
Heading: Development Policies  
Page Number: 43  
Site / Policy Reference: Policy DP3 – Long Term Land Reserves**Homes for Scotland supports the inclusion of LONG allocations in the LDP showing the direction of future housing growth for the authority and providing additional housing land that could come forward in the event of a shortfall in effective housing land supply.

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**Heading: Development Policies**

**Page Number: 44-52**

**Site / Policy Reference: Policy DP4 – Rural Housing**

Homes for Scotland notes that this policy is more restrictive than in the current LDP and has concerns over the negative impact this will have on the delivery of smaller scale development opportunities in more rural areas which still have a housing need which could be met by small scale home builders.  
  
Homes for Scotland would like to see supportive policies in the LDP to encourage more small scale home builders to take up development opportunities in Moray, and we are concerned that Policy DP4 will not achieve this.

This policy is long and overly onerous, and much of the detail could be removed allowing the policy text itself to be slimmed down, and the remainder of necessary detail added as guidance (as has been done with some other policies, for example DP2 Housing).

Homes for Scotland understands the policy rationale in tackling cumulative build up of individual homes in rural areas, but considers that more could be added to this policy to encourage development of small scale sites which are appropriate, to meet a defined need in these rural areas as identified in the HNDA, adding to the housing mix and supporting the larger scale development by other home builders in the more marketable locations for larger sites.

**Volume: 1  
Heading: Delivery Policies  
Page Number: 104  
Site / Policy Reference: Policy DEL 1**In relation to reporting annual progress, we request that this procedure does not become onerous or overly procedural, and that any procedure or proforma produced by the Council is shared with Homes for Scotland for comment prior to implementation.

**Volume: 1  
Heading: Appendix 2   
Page Number: 111-123  
Site / Policy Reference: Car Parking Standards**  
Homes for Scotland raises a number of concerns with the car parking standards as set out in pages 121 -123 of the Proposed Plan:

* We note that the parking standard (page 111) for in-curtilage residential parking design has changed since the last plan, and now requires on-plot car parking spaces to be a minimum of 3m wide by 5.5m in length, with a minimum of 6m in length where located in front of an up-and-over type garage door. Homes for Scotland considers this variation to be too large of a change and queries the justification for such a change. We would support car parking design in line with current practice.
* We note that there is a change in the number of car parking spaces required, which is not supported by Homes for Scotland. We query the increase in the number of spaces to be provided, particularly for 2-bed flats which have increased to 2 spaces for both private and affordable flats. We would support a car parking requirement in line with current Moray practice.
* The requirement for one cycle space per property is overly onerous and could negatively impact the character and design of the development. Homes for Scotland supports the promotion of cycling as an alternative mode of transport but considers that the standards must be more flexible and on a case by case basis.