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**REPRESENTATIONS TO WEST LOTHIAN COUNCIL CONSULTATION  
ON THE WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED  
PLAN**

**NOVEMBER 2015**

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## ABOUT HOMES FOR SCOTLAND

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

With a membership of some 180 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.

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## PROCESS

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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 consultation response has been discussed, drafted and approved by Homes for Scotland's South East Scotland Home Builder Area committee.

# REPRESENTATIONS TO WEST LOTHIAN COUNCIL CONSULTATION ON THE WEST LOTHIAN LOCAL DEVELOPMENT PLAN PROPOSED PLAN

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## West Lothian Local Development Plan Proposed Plan (October 2015)

### Plan Section

#### 4 Vision Statement and Aims

##### Paragraph 4.3:

Proposed change: This sets out the key aims for the Plan area. Whilst Homes for Scotland support in part the key aims we seek a change to the 3<sup>rd</sup> point under 'Sustainable Housing Locations'. We suggest the following wording be used instead:

*'Support the Council's new build housing programme and increase the supply of affordable housing through all providers and all Scottish Government approved tenures.'*

Justification: This would broaden the aim to include other providers of affordable housing and thereby work towards increasing supply across all tenures. The current wording emphasises a means of delivering affordable housing rather than an outcome of increasing supply, the proposed wording is more inclusive of other providers in the affordable housing supply chain.

#### 5 The Spatial Strategy (including Policy Framework)

##### Housing Growth, Delivery and Sustainable Housing Locations

##### Housing Land Requirements for the LDP

##### Paragraph 5.37:

Support: Homes for Scotland supports the key objectives of the LDP as listed here. However, Homes for Scotland queries whether the Council's aims as set out in paragraph 4.3 'Sustainable Housing Locations' can meet these key objectives as currently written. We believe amending the wording to that as suggested in our representation to paragraph 4.3 would provide further support to achieving these objectives, in particular having regard to the significantly increased demand for rented housing; and overall delivering more affordable housing.

##### Paragraph 5.38:

Proposed change: This sets out the context the Local Development Plan (LDP) Proposed Plan has been prepared in. This is vital for the housing land supply argument as it shows in

Figure 3 the two periods and the housing land requirement for each which are required by SESplan as the adopted Strategic Development Plan (SDP).

However, Homes for Scotland does not agree with the sentence set out below and requests its removal from the LDP Proposed Plan:

*'To meet SDP requirements the level of housing completions across the plan area will need to go well above recent rates of housing completions although the most recent Housing Needs and Demand Assessment (HoNDA2), which is a material consideration, identifies that the SDP requirements are significantly in excess of the most recent projections of demand.'*

Justification: The LDP Proposed Plan must meet the housing land requirements as set out in the adopted SESplan SDP1 and therefore it's relevant HoNDA (HoNDA1). HoNDA2 has no policy basis and can be treated as background information. The weight attached to it should be low and it should certainly not be a material consideration. To clarify we believe it should have no procedural relevance to this LDP Proposed Plan.

This is supported by the letter from Scottish Government to Geddes Consulting which confirmed that the outcomes of a HoNDA cannot be taken into consideration until a policy decision is reached through the approval of SESplan SDP 2 (Attachment 1).

#### **Paragraphs 5.39 and 5.40:**

Proposed change: Homes for Scotland seek paragraphs 5.39 and 5.40 referencing HoNDA2 be removed from the LDP Proposed Plan

Justification: The LDP Proposed Plan must meet the housing land requirements as set out in the adopted SESplan SDP1 and therefore it's relevant HoNDA (HoNDA1). HoNDA2 has no policy basis and can be treated as background information. The weight attached to it should be low and it should certainly not be a material consideration. To clarify we believe it should have no procedural relevance to this LDP Proposed Plan.

This is supported by the letter from Scottish Government to Geddes Consulting which confirmed that the outcomes of a HoNDA cannot be taken into consideration until a policy decision is reached through the approval of SESplan SDP 2 (Attachment 1).

#### **Paragraph 5.41:**

Proposed change: This correctly states the Local Development Plan (LDP) must conform to the Strategic Development Plan (SDP). This is set out in Scottish Planning Policy 2014 (SPP) and is the procedural requirement. Homes for Scotland acknowledges that as written the LDP Proposed Plan does meet, and just exceeds, the combined SESplan SDP1 periods housing land requirement by 33 units but we do not agree this is either flexible or generous. The Council can't address the large shortfall in the first period by the oversupply in the second period. Homes for Scotland fundamentally disagree with the Council's approach and request that this paragraph be removed and a new paragraph inserted that confirms the LDP will conform to the SDP1 and within that the HoNDA1 demand figures as set down.

Justification: To use the HoNDA2 demand figures to calculate the five year housing land requirement is unacceptable within this Plan. It s contrary to SESplan SDP1 Policy 6 to calculate the 5 year housing land supply based on HoNDA2. Policy 6 clearly states the scale of the supply required ‘...shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provided for by Policy 5’. This is supported by the letter from Scottish Government to Geddes Consulting which confirmed that the outcomes of a HoNDA cannot be taken into consideration until a policy decision is reached through the approval of SESplan SDP 2 (Attachment 1).

**Paragraph 5.42:**

Proposed change: Homes for Scotland supports the Council’s approach in this paragraph but requests that references to SESplan Main Issues Report SDP2 are removed.

Justification: It is confusing and not relevant to this Plan.

**Figure 5: West Lothian Housing Supply Target**

Proposed change: Using the methodology from Policy 5 in the approved SESplan SDP1 (June 2013) the table below sets out the current shortfall in the 5 year effective housing land supply in West Lothian (2014-2019) and the housing land position in the period 2019-2024 . As requested at LDP Examinations for Scottish Borders, City of Edinburgh and Fife the 10 year post adoption period must be taken into account. The housing supply target for the period 2024 to 2027 needs to be adopted and derived from SESplan HoNDA. Homes for Scotland propose the following table should replace the existing Figure 5 within the LDP Proposed Plan with the period 2024-2027 included. Please note for continuity we have used the Council’s figures from the Proposed Plan as the basis for this table, however, in order to produce the true figures this will need to be done with industry participation at the Examination stage of the Plan:

**Replacement Figure 5:**

	2009-2019	2019-2024	2009-2024	2024-2027
Effective Land Supply	4422	4279	8701	?
Constrained Sites	0	0	0	?
Windfall	480	400	880	?
Completions 2009-2014	2440	0	2440	?
Demolitions	568	100	668	?
<b>Total Existing Sources</b>	<b>6774</b>	<b>4579</b>	<b>11353</b>	?
Housing Land Supply Target (SESplan +10% generosity)	12562	7249	19811	?
<b>New Allocations Needed</b>	<b>5788</b>	<b>2670</b>	<b>8458</b>	?
<b>New Allocations Proposed</b>	<b>1496</b>	<b>2610</b>	<b>4106</b>	?
<b>Shortfall/Surplus</b>	-4292	-60	-4352	?

Justification: As understood in paragraph 5.38 the Local Development Plan (LDP) Proposed Plan must conform to the Strategic Development Plan (SDP), and therefore the housing land requirement set out in the adopted SESplan SDP1 within the prescribed timescales. In the case of SESplan SDP1 there are two housing land requirements to meet; (i) a requirement to 2019, and (ii) a further requirement from 2019-2024. Its Homes for Scotland's view the LDP Proposed Plan is not consistent with the housing requirements identified in SESplan SDP1 (June 2013) and its Supplementary Guidance 'Housing Land' (May 2014). The Proposed Plan does not contain sufficient housing allocations to achieve the number of housing completions by 2019 that SESplan SDP1 Policy 5 requires. This is clearly illustrated in the Council's Figure 5 as set out in the LDP Proposed Plan.

The LDP Proposed Plan is obliged to deliver the homes required within each of the two time periods set in that table, and not just an average over the two periods. Clearly the result is that the LDP Proposed Plan does not meet the housing requirement to 2019 and there fails to meet the SESplan SDP1 housing requirements. This therefore renders the LDP Proposed Plan policies on housing supply out of date and would require them to be set aside in favour of national policy in Scottish Planning Policy 2014 (SPP) and the presumption in favour of development which constitutes sustainable development. In Planning terms this surely can not be acceptable in Scotland's plan-led system.

Figure 5 in the LDP Proposed Plan clearly evidences there is not a 5 year effective housing land supply until towards the end of the Proposed Plan period. The smoothing out of the shortfall instead of rolling forward of the unmet supply is a flawed approach and the Proposed Plan should be amended to reflect the real shortfall and show how it intends to meet the housing land requirement in full. The LDP must include additional sites allocated for housing.

Homes for Scotland do not agree with the inclusion of constrained sites coming forward for the period 2009-2019, this should be set at 0 as realistically in the time available if these sites are constrained in the 2014 housing land audit they will not realistically be delivering units by 2019. Homes for Scotland also seek the removal of the figure of 3716 for constrained sites in the second period (2019-2024). It is too high to be realistic and, in our opinion, overly optimistic. A smaller number may come through but Homes for Scotland would expect the figure to be much lower and based on programming supported by up to date information provided by the industry in the latest housing land audit. SPP (paragraph 15) states the housing supply target should be supported by compelling evidence; Homes for Scotland do not consider the Council's evidence to explain why 3716 units will come forward from constrained sites between 2019-2024 meets this requirement. Homes for Scotland suggest the Proposed Plan therefore fails to conform to a key component of SPP.

As set out in paragraph 119, SPP requires that the emerging LDP should allocate a range of sites which are effective or are expected to be effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected date of adoption.

The expected date of adoption is 2017, the housing land requirement to 2027 needs to be adopted. This has been requested by Reporters at the Scottish Borders, City of Edinburgh

and Fife LDP Examinations. West Lothian LDP Proposed Plan will need to identify the housing supply target and housing land requirement from 2024 to 2027. This is set out in the SESplan Housing Technical Note (2011) in Table 4 Demand for New Houses Net of Turnover at 928 homes per annum.

It can be seen clearly that removing the unrealistic reliance on constrained sites has a dramatic effect on the Council's ability to meet its housing land requirement and the Council has a shortfall of -4352 units across the plan period. The Council has, in the late stages of the consultation period, provided their housing site programming which has informed their Figure 5 table. However, neither Homes for Scotland nor developers have been involved with the Council's reprogramming of constrained sites and we therefore can not accept these figures until further collaborative work is done to ascertain the realistic level of completions coming forward. Until that time the Homes for Scotland position is that zero units come forward from completions in the second period. We do acknowledge there will be a figure but no party is able to put that figure together until the industry has the chance to work collaboratively with the Council on the 2015 audit. Homes for Scotland highlights we requested an extension to the consultation from the Council in order to be able to do this collaborative work but it was denied (email – Attachment 2).

At the time of consultation on the LDP Proposed Plan there is no draft Housing Land Audit 2015, and any updates or amendments to the 2014 HLA have been done without the industry and Homes for Scotland's involvement and should therefore be considered immaterial. As aforementioned this is key to the programming of constrained sites which the Council is relying heavily on to meet their housing land requirement within their Figure 5. Homes for Scotland reserve the right to comment further on the Council's programming of constrained sites at Examination, and at which time it is hoped the 2015 housing land audit will have been consulted upon and agreed between the Council and Homes for Scotland.

With regard to generosity Homes for Scotland notes the Council has adopted a pessimistic stance by using the minimum 10% allowance. This is contrary to their optimistic view on constrained sites. Homes for Scotland suggest that if the Council is to take an optimistic view then this should be continued throughout and therefore the highest level of generosity at 20% should be applied. SPP (paragraph 116) states the Housing Supply Target "...should be increased by a margin of 10 to 20%....the exact extent of the margin will depend on local circumstances but a robust explanation for it should be provided in the plan." The LDP Proposed Plan does not provide an explanation, therefore leaving us to assume the figure of 10% has been chosen because it is the lowest.

**Paragraph 5.48:**

Proposed change: The first sentence implies that the housing land audit 2014 has been reviewed after it was finalised and agreed with Homes for Scotland. This should be clarified explicitly or removed.

Justification: As part of the annual housing land audit process the 2014 audit was agreed between the Council and Homes for Scotland with developers programming taken into account. As highlighted previously any further changes to the audit after this process should



be ignored. There should be no reprogramming of completions until the housing land audit 2015 has been consulted on and agreed with Homes for Scotland and its members.

### **Effective Housing Land and Generous Supply**

#### **Paragraphs 5.50 and 5.51:**

Comment: These set out the background for establishing an effective housing land supply. Homes for Scotland highlights that, as is well known to the Council, we do not support or agree with the SESplan paper entitled 'Maintaining a Five Year Effective Housing Land Supply' (May 2015). The paper was taken forward by the SESplan authorities without consultation and we believe the approach taken within this paper to be fundamentally flawed. We feel that the ongoing work by the Scottish Government to provide greater clarity in this area supports this view.

#### **Paragraph 5.52:**

Proposed change: This paragraph is flawed and should be rewritten with reference to the sentence, '*It identifies that over the period 2009 to 2024 that housing requirements can be met*'. This sentence should be reworded to take account of the two time periods (period to 2019 and second period 2019-2024). The last sentence should also be removed.

Justification: The sentence is incorrect and untrue, it should take account of the two time periods and housing requirements for each as set out in SESPlan SDP1. This is vital so that the shortfall from the first period to 2019 is not simply 'airbrushed' out.

#### **Paragraph 5.53:**

Comment: Whilst correct because of the Council's current approach to developer contributions, especially in regard to Education infrastructure, this presents in itself a barrier to development and maintaining an effective 5 year housing land supply.

Proposed change: The Council undertake to front fund the infrastructure and seek to claim proportionate contributions back from developers.

Justification: If the Council were to act boldly and take a proactive approach of front funding infrastructure then the barrier would be reduced and housebuilders would be able to confidently increase housing output. Homes for Scotland and its members consider the biggest constraint on increasing the delivery of new housing in West Lothian to be the lack of education capacity and the Council's inability to resolve that timeously to allow housing to be occupied. To set out, as this paragraph does, that this will require to be addressed by housebuilders in the first instance is unhelpful.

Proposed change: Homes for Scotland seek the last sentence of paragraph 5.53 be removed.

Justification: It relates to the Council's desire to use SESplan HoNDA2 rather than the relevant HoNDA1. This is something for the Council to apply to their next LDP2.

## **Policy HOU2: Maintaining and Effective Housing Land Supply**

Proposed change: Homes for Scotland seek the removal of the words ‘*endeavour to*’ from the first sentence of the policy.

Justification: Scottish Planning Policy (SPP) in paragraph 110 clearly sets out the importance of maintaining at least a 5 year effective housing land supply at all times. Paragraph 125 then goes on to set out the results of not maintaining a 5 year effective housing land supply and that a shortfall means the development plan policies for the supply of housing land will not be considered up-to date, and paragraphs 32-35 relating to the presumption in favour of sustainable development will be relevant.

Policy 6 of the adopted SESplan SDP1 also requires each planning authority in the SESplan area to maintain a 5 year effective housing land supply at all times.

### **Affordable Housing**

#### **Paragraph 5.71:**

Proposed change: Homes for Scotland seek the inclusion in this paragraph of a sentence that references developers being able to fulfil their affordable housing requirements through provision of any of the tenures set out in Scottish Planning Policy 2014 (SPP) (paragraphs 126 and referenced in paragraph 128) and in Planning Advice Note 02/2010 ‘Affordable Housing and Housing Land Audits’ (PAN 02/2010) (paragraph 5).

Proposed additional wording to be inserted into this paragraph is set out below:

*‘Exemptions will be set out in Supplementary Guidance, as will further information on how all the tenures defined as affordable housing by the Scottish Government in SPP and PAN 02/2010 can be provided.’*

Justification: In order to fulfil the changing housing needs and demands the Council refers to then all tenures and types of affordable housing will be required in West Lothian and not just social rent, or land for the provision of social rented housing, which has been the historical interpretation of the affordable housing policy by the Council. This is too restrictive an interpretation and to gain the optimum from the policy it must contain all the flexibility that is built into PAN 02/2010 and SPP within the Council’s own LDP policy and supplementary guidance.

#### **Paragraph 5.74:**

Proposed change: This refers to the Supplementary Guidance on Affordable Housing. Homes for Scotland request this paragraph be amended to reflect that new supplementary guidance will be produced.

Justification: The version of supplementary guidance currently available was drafted in 2006 and does not reflect the wording of this paragraph or that of PAN 02/2010 or SPP. If the Council is planning to draft and consult on new supplementary guidance this should be

made explicit in this paragraph and the new version be made available for consultation alongside the Proposed Plan.

### **Policy HOU5: Affordable Housing**

Proposed change: Homes for Scotland supports the inclusion of this policy within the Proposed Plan but does not support the wording as drafted. Good practice examples of affordable housing policies can be seen in several adopted LDPs. We seek the policy to be rewritten to include something similar to the following:

*'The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics. The Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding.'*

The supplementary guidance should then set out how the Council aims to implement the policy in line with the provision of the SPP and PAN 02/2010.

Justification: Whilst Homes for Scotland have no issue with the affordable housing levels as set out in the table in the policy (as long as they can be evidenced as is required by SPP) the policy needs to have the flexibility they refer to in the Supplementary Guidance set out clearly within it. This would be in keeping with the Chief Planner's letter on supplementary guidance (15 January 2015).

### **Residential Care and Supported Accommodation**

#### **Policy HOU8: Healthcare and Community Facilities in New Housing Development**

Proposed change: Homes for Scotland request this policy is removed from the LDP Proposed Plan.

Justification: Homes for Scotland does not accept the principal of requiring the providers of new homes to contribute to the expansion of healthcare facilities. No detail is provided within the LDP Proposed Plan as to why this is necessary or where this may be applicable. It appears the policy is therefore included only as a hook for the Council to be able to prepare supplementary guidance on should they see a need for it in the future. This is not acceptable and the concerns Homes for Scotland and its members have regarding this policy are:

- The policy is unreasonable and potentially beyond the powers and abilities of a planning authority to implement.
- The situation with healthcare provision is not analogous to education. There is no immediate and automatic relationship between new development and the provision of new local healthcare facilities.
- Decisions on if and where to provide new facilities are taken by the Health Boards, local bodies such as Primary Healthcare Trusts, and by the PG practices themselves – which are generally private businesses.

- Healthcare is a statutory requirement, funded through UK general taxation.

Homes for Scotland highlights the English planning appeal (Ref 2157515), in which the Inspectorate determined that, in relation to healthcare facilities, provision is a matter for the healthcare authorities, funded through general taxation, whilst the role of the planning system is simply to ensure that land is available as and when new facilities are brought forward.

## **Infrastructure Requirements and Delivery**

### **Paragraph 5.84:**

Proposed change: This refers to Supplementary Guidance on Developer Obligations which has not yet been written or consulted on. This should be amended to make it clear the Council will be preparing and consulting on the supplementary guidance but not alongside the Proposed Plan (as is mentioned in the note at the end of the policy INF1).

Justification: It is not correct. Also the Appendix refers to Planning Guidance rather than Supplementary Guidance, it is Homes for Scotland's view that the importance of this information and policy, and the effect it has on development, requires that it be Supplementary Guidance so it is fully consulted on rather than the more informal planning guidance as suggested in the Appendix.

Proposed change: Homes for Scotland highlights that the West Lothian Main Issues Report (MIR) made reference to reviewing and reducing contributions to help stimulate recovery in the house building sector. We seek the inclusion of flexibility and development viability within the policy wording.

We seek the policy to be amended to include the following suggested wording as a final paragraph:

*'In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.'*

Justification: Homes for Scotland believe this flexibility is essential and should be retained within the Proposed Plan and Supplementary Guidance, when drafted, as well as when considering individual schemes.

## **Education**

### **Paragraphs 5.90 and 5.9:**

Proposed change: These set out the Council's strategy for funding education infrastructure to serve new development. Homes for Scotland seek a change that the Council consider front funding this infrastructure rather than rely on developers in the first instance to provide the required infrastructure.

Justification: As Homes for Scotland have highlighted in our representation elsewhere we believe the biggest constraint to the delivery of new housing in West Lothian is the lack of education capacity and the Council's strategy of putting the onus for securing and funding new education infrastructure on developers. By being bold and changing their strategy the Council would remove this constraint on the effective housing land supply and developers will be able to confidently increase supply. The Council could then seek to claw back proportionate developer contributions from developments under construction.

### **Countryside Belts and Settlement Setting**

#### **Paragraph 5.144 and 5.145, and Policy ENV 7: Countryside Belts and Settlement Setting**

Proposed change: Homes for Scotland seek the removal of these two paragraphs and the following policy ENV 7 from the LDP Proposed Plan.

Justification: As written it implies that countryside belts are a substitute for a greenbelt policy around the specified settlements in the Proposed Plan. Whilst we acknowledge there are occasions where settlement mergers or coalescence are unsuitable these can be prevented through the planning application and development management process, there is no need for such a negative planning tool. As written the narrative seeks to 'control urban development' in precisely the areas where it would be expected that new housing would come forward and the reasons provided for 'offering a definable edge to urban development and avoid suburbanisation of the countryside and sporadic development which can harm the setting of settlements' can again all be managed through the planning application process and the policy is not considered necessary. The countryside belts are drawn very tightly around settlements which we consider too restrictive and to be prohibitive of any development.

Paragraph 5.144 highlights that countryside belts are often lower grade agricultural or undeveloped land rather than idyllic countryside, therefore the argument that they are necessary in order to retain access to informal green space is also flawed. Such access can be retained and provided through good master planning and design briefs for new developments should they occur.

Homes for Scotland is concerned by the lack of any background technical paper to justify the inclusion of countryside belts, it appears there is no evidence for their necessity except a fear of development. Some of the settlements and the surrounding areas of countryside in West Lothian could potentially be enhanced by good development and to block this with a negative planning policy would appear contrary to the spirit of the Planning Act (Scotland) 2006 and the current review of the planning system to encourage good development, placemaking and the increased delivery of new homes. We also note that SESplan1 considers all of West Lothian a Strategic Development Area (SDA) and to limit areas for potential new development with a tool such as countryside belts appears contrary to the SESplan SDP1 designation.

## Ends

Prepared by:

Nicola McCowan Hill  
Principal Planning Advisor

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The Scottish Government  
Riaghaltas na h-Alba

Mr Stuart Salter



LEGACY 2014  
XX COMMONWEALTH GAMES  
SCOTLAND

Your ref:  
Our ref: 2015/0013280  
5 May 2015

Dear Mr Salter

Thank you for your email of 8 April to Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Rights, about the Clydeplan Main Issues Report. Mr Neil has asked me to reply to you on his behalf.

In your letter you state your concern that the Clydeplan Housing Market Partnership has not sought the views of the housebuilding industry about the Housing Need and Demand Assessment (HNDA) and that you do not agree with the planning scenario which the Partnership proposes. You also request that the HNDA should not be given "robust and credible" status until proper consultation with housebuilders is undertaken and other scenarios explored.

As you indicate in your correspondence the Clydeplan Main Issues Report (MIR) was available for public consultation between 30 January and 27 March 2015. The MIR stage of the plan preparation process is a key part of effective engagement with interested parties, including the house building industry, in that it is at an early stage and it sets out alternative options as well as a preferred approach. All interested parties are able to respond to the consultation to make their views known. Scottish Government provided our response to the MIR setting out our views. It is for the Strategic Development Plan Authority to decide on the form of consultation to be undertaken and to have regards to all the responses made to the MIR to inform their settled view, which will be set out in their Proposed Plan.

HNDA Guidance does not require housing and planning authorities to consult with every individual stakeholder and instead to seek perspectives from a range of interests about the development of the HNDA. In this case, Clydeplan took the view that a more conversational approach would be undertaken with stakeholders in the development of the HNDA. Rather than attempting to consult with every developer, Clydeplan held two meetings with Homes for Scotland (HfS), who, as you know, represent a significant number of housebuilders in Scotland to take on board developers' views about assumptions that were being used and to



explain the way in which the HNDA would be taken forward. This was part of a process for agreeing a concordat with HfS on engagement when Clydeplan went to the HFS committee.

As you mention the Centre for Housing Market Analysis (CHMA) undertakes appraisals of all local and planning authority Housing Need and Demand Assessments (HNDA). The appraisals are undertaken in line with core outputs and process checklist published in the HNDA Guidance (2014). It is important to note that the appraisal relates to the process and methodology used for the HNDA not the housing estimates themselves, thus the estimates themselves may still, potentially, be scrutinised at a Planning Enquiry.

The CHMA undertook an appraisal of the Clydeplan HNDA January 2015 and advised Clydeplan in a formal letter of 5 March 2015 that the HNDA had the potential to be "robust and credible", based on Clydeplan actioning six recommendations.

The letter highlighted that the appraisal related to the requirements of the core outputs and processes only, as set out in HNDA Guidance. Thus the appraisal related specifically to the estimates of housing need as calculated by the HNDA Tool and that the CHMA had not therefore given any consideration to the Clydeplan HNDA Supporting Material: Technical Report 07 – Strategic Housing Estimates, as this related to a stage in the planning process beyond the HNDA.

Clydeplan subsequently responded to the appraisal querying why Technical Report 07 had been omitted from the appraisal. The CHMA responded advising that robust and credible status is awarded to HNDA content that follows the HNDA Guidance and, in particular, the robust and credible criteria set out therein. The reasons for this are two-fold. Firstly, this is the appraisal process agreed with Ministers and secondly, adhering to this process ensures a standard and fair approach is taken to all HNDA appraisals.

In terms of the GCV HNDA this means that we are able to confer robust and credible status to all the content, subject to undertaking the recommendations outlined in the original appraisal, but with the exception of Technical Report 07 and, in particular, the 'adjusted housing estimates' set out. 'Adjusted housing estimates' is not a term referred to in the HNDA Guidance and it is the CHMA's opinion that these go beyond the guidance by considering housing policy issues.

Policy factors such as these are considered after an HNDA, when setting Housing Supply Targets i.e. the amount of housing that is deliverable. The HNDA should remain a policy neutral evidence-base.

Scottish Ministers are committed to a plan led system in Scotland. You will be aware that since the publication of NPF3 and SPP the Scottish Government is monitoring development plans more closely as we want to see Ministerial priorities and policies being implemented through them. We want plans to be up-to-date and deliverable and which provide confidence to all stakeholders that the outcomes they set out to achieve can be delivered through their policies and proposals.

I hope you find this response helpful.

Yours Sincerely

  
**Alan Ross**  
**Housing Supply and Innovation Division**

Highlander House 58 Waterloo Street Glasgow G2 7DA  
www.gov.scot





## Nicola McCowan Hill

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**From:** Lovell, Steve [REDACTED]  
**Sent:** 16 November 2015 11:03  
**To:** Nicola McCowan Hill  
**Cc:** McBrierty, Fiona  
**Subject:** RE: WEST LOTHIAN LOCAL DEVELOPMENT PLAN - [PUBLIC]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

DATA LABEL: PUBLIC



West Lothian  
Council

Development Plan

West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF [steve.lovell@westlothian.gov.uk](mailto:steve.lovell@westlothian.gov.uk) 01501

Nicola

I can confirm that there were no particular reasons why the raw data informing Figure 5 wasn't published as part of the LDP. You'll appreciate that there is quite a lot of background material sitting behind the LDP which hasn't been published. We are however always happy to make data available when it is requested and where it appropriate to do so.

With regards to extending the consultation period, I am afraid that this will not be possible. A legal process has now been set in train and we require to adhere to this. Were exceptions of this nature to be agreed it would be unfair to those parties who have abided by the clearly defined terms of the consultation exercise. The Council has quite intentionally opted for the minimum 6 week consultation period to enable the LDP to be submitted to Scottish Ministers not later than the Spring of 2016 and in order to achieve this it is necessary that this timetable is closely observed. It is therefore important that complete representations are submitted not later than **midnight on 22 November** as Regulations provide no automatic opportunity for parties to expand on their representation later in the process.

Regards

Steve Lovell

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**From:** Nicola McCowan Hill [REDACTED]  
**Sent:** 13 November 2015 14:47  
**To:** [REDACTED]  
**Cc:** McBrierty, Fiona  
**Subject:** RE: WEST LOTHIAN LOCAL DEVELOPMENT PLAN - [PUBLIC]

Steve,

Many thanks for the housing site programming you provided, it makes Figure 5 clearer. Was there any reason the programming wasn't released as a background document alongside the Proposed Plan?

In order to be able to fully reference the programming in our representations we would need to give our members time to comment in a similar manner to the housing land audit process. Is there scope for an extension to our representations deadline, say until December 4<sup>th</sup>, to give members time to meaningfully comment on the programming? I would be able to send our representations on other unrelated matters by the original deadline of the 22<sup>nd</sup> Nov.

Kind regards,

Nicola

Nicola McCowan Hill  
Principal Planning Advisor  
Homes for Scotland



**From:** Lovell, Steve [redacted]  
**Sent:** 12 November 2015 11:56  
**To:** [redacted]  
**Cc:** Nicola McCowan Hill; McBrierty, Fiona  
**Subject:** FW: WEST LOTHIAN LOCAL DEVELOPMENT PLAN - [PUBLIC]

DATA LABEL: PUBLIC



West Lothian  
Council



Development Plan

West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF [steve.lovell@westlothian.gov.uk](mailto:steve.lovell@westlothian.gov.uk) 01501

Hi Robin

Please accept my apologies for the delay in responding. We are in the midst of a fairly intense public consultation exercise and find ourselves a bit stretched at the moment and trying to keep on top of everything. Hopefully normal service will be resumed shortly!

With regard to the specific points you have raised, ie:

*For the period 2014-2019 the programming shown in the 2014 HLA has been substantially adhered to.<sup>1</sup> For the second period 2019-2024 the 4,279 units have been notionally programmed.<sup>2</sup>*

<sup>1</sup> In the interests of accuracy adjustments were made to reflect the most up to date known completion figures, or, where necessary, to remove sites in the HLA known to be recently complete.

<sup>2</sup> A spreadsheet has been produced which programmes all of the housing sites in the Proposed Plan and it is this which informs the table produced as Figure 5 of the Proposed Plan. I have attached a copy of for your information.

I note from your most recent email that Nicola McCowan Hill (Homes for Scotland) is seeking similar clarification and I have therefore copied her in on this email.

Regards

Steve Lovell  
Development Planning

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**From:** Robin Holder [REDACTED]  
**Sent:** 10 November 2015 13:51  
**To:** Lovell, Steve  
**Cc:** Naomi Cunningham  
**Subject:** RE: WEST LOTHIAN LOCAL DEVELOPMENT PLAN - [OFFICIAL]

Hi Steve,

Further to my email last week, could you provide a response to my questions please?

Kind regards,  
Robin

Robin Holder

## HolderPlanning

Office 0131 538 2290  
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[REDACTED]  
5 South Charlotte Street  
Edinburgh  
EH2 4AN

**From:** Robin Holder  
**Sent:** 04 November 2015 09:06  
**To:** 'Lovell, Steve' [REDACTED]  
**Subject:** RE: WEST LOTHIAN LOCAL DEVELOPMENT PLAN - [OFFICIAL]

Thanks Steve

See my highlights below, and apologies if I misunderstand. If substantially adhered to, how is it different and can I see any revised programming? Ditto for the notional programming you refer to, or is it already published?

Thanks again

Robin Holder

## HolderPlanning

[REDACTED]  
5 South Charlotte Street  
Edinburgh  
EH2 4AN

**From:** Lovell, Steve [REDACTED]  
**Sent:** 04 November 2015 08:36  
**To:** Robin Holder [REDACTED]  
**Subject:** WEST LoTHIAN LOCAL DEVELOPMENT PLAN - [OFFICIAL]


**DATA LABEL: OFFICIAL**



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**Develo**



**West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF**  **steve.lovell@westlo**

Hi Robin

Firstly, apologies for taking so long to get back to you with a response to your telephone message of the other day regarding our LDP and in particular Figure 5.

In response to what you asked:

**D** - This is just a straightforward totalling of the number of houses contributing to the Land Supply Target which are not yet complete and which were categorised in the 2014 HLA as being effective.

For the period 2014-2019 the programming shown in the 2014 HLA has been substantially adhered to. For the second period 2019-2024 the 4,279 units have been notionally programmed.

**E** - This figure represents the remaining number of houses contributing to the Land Supply Target which are categorised in the 2014 HLA as being constrained.

Hope this clarifies.

Steve Lovell