

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	15 March 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Response to the Scottish Governments Draft Planning Delivery Advice: Housing and Infrastructure Consultation
REPORT NUMBER	CHI/16/049
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to provide a response to the Scottish Government consultation on a Draft Delivery Advice: Housing and Infrastructure.

2. RECOMMENDATION(S)

It is recommended that Committee agree the contents of this report for submission to the Scottish Government.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. Any future financial implications would be as a result of the publication of a final document by the Scottish Government and would have to be determined and reported back to Committee at that time.

It should be noted however that many of the proposals within the draft document have the potential to have significant resource and, by extension, significant financial implications. As can be seen in the proposed response in Section 5 below, a significant proportion of the comments are in relation to these potential implications and the lack of clarity on how these are to be met within the current climate of cost savings.

4. OTHER IMPLICATIONS

Similar to Section 3, there are no direct implications from this report and any future implications would be as a result of the publication of a final document by the Scottish Government, and would have to be determined and reported back to Committee at that time.

It should be noted however that many of the proposals within the draft document have the potential to have significant implications for resources, personnel, equipment and policy. As can be seen in the proposed response in Section 5 below, a significant proportion of the comments are in relation to these potential implications and the lack of clarity on how these are to be met within the current climate of cost savings.

5. BACKGROUND/MAIN ISSUES

The Draft Delivery Advice: Housing and Infrastructure was published on the 18th of February for a consultation period up to the 31st of March. It was produced by Scottish Government as a replacement to Planning Advice Note (PAN) 2/2010: Affordable Housing and Housing Land Audits and builds on the Scottish Planning Policy (SPP) published in 2014.

The document is made up of five main parts:-

- Draft Planning Delivery Advice: Housing and Infrastructure
- Appendix 1 – Infrastructure Types
- Appendix 2 – Call for Sites
- Appendix 3 – Action Programmes
- Appendix 4 – Affordable Housing,

Plus

- Appendix A-F – Supporting Documents.

Proposed Submission to Scottish Government Consultation on Draft Planning Advice: Housing and Infrastructure.

General Observations:

- 5.1 We welcome the chance to comment on the Draft Advice, and recognise the intention that it will, once finalised, replace the current PAN 2/2010 on Affordable Housing and Housing Land Audits. The Advice usefully draws together all advice and guidance related to planning for housing into one place.
- 5.2 Whilst many of the principles and expectations set out in the advice are laudable, it must be recognised that the resource implications at all levels – for local authorities, consultees and developers – are potentially considerable. Whilst this seems to be recognised by the Draft Advice in some areas, the overriding aim seems to, nevertheless, encourage a far greater level of ‘up front’ work in the Development Plan system and far greater interaction with key partners who may or may not be willing to interact as envisaged.
- 5.3 The following sets out our commentary on each numbered section of the Draft Advice, and its Appendices. Fundamentally however, we consider that a useful addition to the Draft Advice would be, at the outset, a clear definition as to what is meant by “infrastructure”, and

also to define “strategic” and “site specific” infrastructure rather than refer to “infrastructure” more generally. “Strategic” infrastructure may be roads, education, healthcare etc. where as “site specific” infrastructure may be connections to electricity, gas, water etc.

Section 1: Development Plans That Deliver

- 5.4 With reference to paragraph 6, we agree that effective joint working is key to supporting growth and that Development Plans should be an effective tool to front load the process and provide clarity about infrastructure investment. Development Plans are however hugely reliant on the information that is submitted by developers / land owners wishing to promote sites. This information can often be lacking in detail as, at this early stage in the planning process, speculative submissions are common and developers / land owners can be (understandably) hesitant to commit large sums of money to undertake extensive site investigations before they have any comfort that the site is recognised as potentially suitable for development. Similarly, Local Authorities cannot afford the resources (time or financial) to undertake detailed investigations themselves, and must therefore rely on the information submitted by potential developers, and the (often limited) professional input of the agencies consulted during the process.
- 5.5 With regards the first bullet noted under paragraph 10, we ask for clarity as to whether the level of detail noted (e.g. layout, density, mix, landscape, scale) should, as is implied, be located within the Local Development Plan. Currently this level of detail, which we agree is absolutely required, is more generally provided through the use of detailed site specific Supplementary Guidance (Development Frameworks, Masterplans etc) which, as per Section 22 of the Town and Country Planning (Scotland) Act (1997), as amended, do form part of the Local Development Plan, although are not subject to the same level of Examination. With regard the second bullet under this paragraph, we agree that, in order to promote sustainable development, Development Plans should aim to make use of existing opportunities, however again we would reiterate that information on resources and connections can often only be made available at an advanced stage in the process due to the resources involved in obtaining this information up front.

Section 2: Planning To Deliver Homes

- 5.6 Paragraph 26 suggests that planning authorities may wish to consider including a “flexibility policy” in Development Plans to set out how proposals will be considered if there is a shortfall in the effective housing land supply. We do not support this suggestion and consider that doing so would send out the wrong message about the overriding effectiveness of the Development Plan site allocation process.

- 5.7 Paragraphs 47 and 55 both refer to “self-build” and “custom build” homes, the principle of which is wholly supported. It is not, however, considered that these houses should (or could) be relied upon, or be delivered at a large enough scale, to contribute to the housing land supply in some areas. The third sentence in paragraph 47 states that “Local authorities can proactively establish serviced plots and bring them to the market for self-build projects” – and whilst this is a laudable suggestion, unfortunately for many local authorities it simply will not be practical. Development Plans should, however, continue to encourage developers to include opportunities for self-build and/or custom build units within larger developments.
- 5.8 The last sentence of paragraph 47 goes on to suggest that local authorities may wish to identify Simplified Planning Zones (SPZs) for housing, however we consider the opportunities for such to be very limited. Given the emphasis on place making, it is not considered that SPZs for housing would be a sensible solution given the many considerations that the development of housing sites can require. It is also queried how much this would actually speed up the process given that the principle of development in such areas could be established within the Development Plan in a ‘regular’ policy and a number of other consents, e.g. building warrant, may still be required.

*Development Viability and Costing of Sites / Development Plans
(includes commentary on Appendix 1)*

- 5.9 Whilst the principle of using both the Action Programme and the Local Development Plan to assess and capture future infrastructure requirements is a worthy principle, the execution can be difficult and is very resource intensive. Aberdeen City Council, as noted in the document, uses the Future Infrastructure Services group (FIRS) to try and capture many of these issues. As with any collaborative process we are reliant on information supplied from a broad range of stakeholders whom we have no control over, and who often have varying capacity to provide such information. Issues such as transport, (identified in Appendix 1 paras 1, 2 and 3) are extremely complex to assess and a recent transportation project to the north of Aberdeen has taken almost 8 months to progress with the assistance of the development industry. It is welcomed that the Draft Advice (Appendix 1 para 8) acknowledges this significant level of work in order to complete this project and the funding required – it would simply not be practical to undertake this level of work on multiple projects without significant increase in resources.
- 5.10 In relation to education (Appendix 1 paras 10-15) the Council’s Education Service is deeply involved in the planning process, however costing of education provision is a resource intensive and complex issue. This is a particular issue where the delivery of schools is not completely within the Council’s control.

- 5.11 The majority of the other infrastructure identified in Appendix 1 of the Draft Advice is outwith the control of the Council and as such we are reliant upon different providers for both information and costings. Our experience with this engagement has been mixed and, if the identification of sites is predicated on gathering this information, it may delay the Local Development Plan process.
- 5.12 Cost plans for each allocated site in the development plan would, as the Draft Advice recognises, be a significant change in the development plan process and would require significantly more Officer time and resource in order to undertake properly. The complete buy-in from not only the key agencies, but also infrastructure providers would be essential. It is noted that the intention is not to introduce a formal requirement for this, which is welcomed, however it is queried what real use it would therefore be. Further, with regards marketability, the implied suggestion in paragraph 60 that planning authorities should consider ‘evidence’ as to whether a developer has a track record in delivery is not supported.
- 5.13 Paragraph 64 recognises that viability testing of sites tends to be undertaken by developers at the detailed application stage –whilst the provision of such information earlier in the planning process (e.g. during the preparation of the development plan) would certainly be welcomed, is unlikely to be seen as agreeable to the development industry given the high upfront cost that is required to do so. The ability of development plan officers to adequately scrutinise this information at such an early stage would require to be developed and relationships with the key agencies would be critical. Paragraph 66 suggests that planning authorities should prioritise the sites for which this information is available, however this would likely be perceived as the Authority pre-empting which sites may be suitable for development ‘behind the scenes’ and without a clear consultation process.

Section 3: Planning For Infrastructure

- 5.14 Paragraph 95 recommends that a “stock-take of the infrastructure position should form part of the monitoring statement to identify capacity and constraints”. This is already undertaken with elements such as education, health etc., however for more site specific pieces of infrastructure (e.g. roads, water etc.) this would require significant additional resources.
- 5.15 A number of different sources of funding and approaches to developer contributions are also set out in this Section. It must be recognised however that these funding sources are limited and are difficult to make available throughout the country. They are not, therefore, to be relied upon and ways of securing alternate funding for infrastructure must be realised. Further, the suggestion that the case for developer contributions should be established within the Strategic Development

Plan requires further consideration – this level of detail is better dealt with at Local Development Plan level.

Appendix 2: Call For Sites

- 5.16 The Call for Sites process is one which Aberdeen City Council used in identifying sites for its current and emerging Local Development Plans. The process was largely similar to that set out in Appendix 2 paragraph 6, with the addition of a round of public consultation and engagement to ensure transparency in the process. As noted, the first opportunity the public have to comment on the sites is once they are included in the Main Issues Report, which would appear to also be contrary to paragraph 7 of the Appendix. Paragraph 2 of the Appendix also appears to run contrary to the rest of the document by suggesting that asking for too much information at the Call for Sites stage would be costly for developers, yet the document as a whole suggests that the viability of a proposed site needs be assessed at the earliest possible stage.

Appendix 3: Action Programmes

- 5.17 The increased emphasis being placed on the Action Programme as a tool to support both the identification and delivery of sites is a positive proposal; however there are a number of significant concerns which must be raised.
- 5.18 The proposal within Appendix 3 paragraphs 3 and 4 for greater engagement is something which Aberdeen City Council supports. Through our Future Infrastructure Services group (FIRS) and Local Development Plan group we consult with the individuals and bodies identified. Whilst we have found this to be a very worthwhile exercise, to be of value at the level proposed would require significant additional work by many of the agencies identified. Our experience to date would suggest that this additional level of work may be beyond the current capacity of many of these agencies and would certainly be beyond the capacity of other internal Council services.
- 5.19 Suggestions in Appendix 3 paragraphs 5, 8, 9 and 10 regarding costing and continuous monitoring are proposals which we have investigated, but require significant resources and experienced staff both of which are significantly beyond the current capacity of the Council.
- 5.20 Finally, whilst identifying the infrastructure gaps is a valuable exercise it must be supported by funds to bridge these gaps and this must be known in advance if this is to influence the site selection process.

Appendix 4 – Affordable Housing

- 5.21 Many of the proposals within Appendix 4 are welcomed; in particular the support for onsite delivery of affordable housing (paragraph 13), the importance of the pre application process (paragraph 20) and the importance of design (paragraphs 28-30). Whilst the suggestion that only in exceptional cases off site delivery should be accepted (paragraph 18) is also welcomed, it is felt that where this is proposed a clear written justification should be required from the developer as to why units cannot be delivered on site. Paragraphs 22-25 are also welcomed, but it is felt that stronger emphasis should be placed on the developer providing clarity at the planning application stage. The identification of which units within the development are proposed to be affordable housing would help prevent situations where the proposed design of such units preclude their use as affordable housing, due to room sizes, excessive factoring charges or other such issues.
- 5.22 As mentioned in our response to Appendix 3 above, while we feel the principle of costing sites set out in paragraph 14 is a laudable suggestion, the ability or willingness of landowners or developers to undertake this process at a very early stage is questionable. The investment required would be significant at a stage when the future acceptability of the site may be unknown.
- 5.23 Finally while the support for the delivery of Affordable Housing is welcomed, the issue of lack of resources remains. This resource deficit applies both in terms of staffing, in relation to the comments above, but also in terms of the capital to actually deliver affordable housing. The funding of infrastructure is a critical factor in supporting the delivery of housing, both market and affordable, and this is particularly true in Aberdeen. Serious consideration must be given to investing in growth areas such as Aberdeen to support our national economy.

6. IMPACT

Improving Customer Experience –

Please see comments below.

Improving Staff Experience –

Please see comments below.

Improving our use of Resources –

Please see comments below.

Corporate -

Please see comments below.

Public –

Please see comments below.

As this report is a response to a Scottish Government consultation there are no direct Public, Staff or Customer impacts. Any Impacts would be on foot of the publication of any final document, after this consultation process, and therefore cannot be determined at this time.

7. MANAGEMENT OF RISK

There are no direct risk implications arising from this report. Any future financial implications would be as a result of the publication of a final document by the Scottish Government and would have to be determined at that time.

8. BACKGROUND PAPERS

Draft Planning Delivery Advice: Housing and Infrastructure Consultation - <http://www.gov.scot/Resource/0049/00494177.pdf>

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