

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

South Ayrshire Council

**Report of Public Local Inquiry into Objections to the
Finalised South Ayrshire Local Plan
Part 1: Strategic Objections**

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ABBREVIATIONS

AOD	Above Ordnance Datum
ASP	Ayrshire Joint Structure Plan
ASP&TC	Ayrshire Joint Structure Plan and Transportation Committee
CDASP	Consultative Draft Ayrshire Joint Structure Plan
CDSALP	Consultative Draft South Ayrshire Local Plan
DETR	Department of Environment, Transport and the Regions
FRLtd	Fordham Research Limited
GROforS	General Register Office for Scotland
HAG	Housing Association Grant
HforS	Homes for Scotland
HHLtd	Hope Homes Ltd
M&M	MacTaggart & Mickel
NET	North East Troon
NPPG	National Planning Policy Guideline
PAN	Planning Advice Note
RSL	Registered Social Landlord
SAC	South Ayrshire Council
SALP	Finalised South Ayrshire Local Plan
SE	Scottish Executive
SEA	South East Ayr
SEAC	South East Ayr Consortium
SEPA	Scottish Environment Protection Agency
SMH	Stewart Milne Holdings
SMs	Scottish Ministers
SNH	Scottish Natural Heritage
SofSS	Secretary of State for Scotland
SPG	Supplementary Planning Guidance
SPP	Scottish Planning Policy
1997 T&CPA	Town and Country Planning (Scotland) Act 1997

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1. Introduction

1. INTRODUCTION

The Development Plan

1.1 The administrative area of SAC amounts to some 1,093 square kilometers. It accommodated a population of around 112000 at the 2001 Census, but this figure is projected to decline in line with national trends. As things stand, the development plan for South Ayrshire consists of ASP approved by SMs in January 2000 and a suite of 6 local plans all of considerable vintage: North Kyle Local Plan (adopted in 1985); East Kyle Local Plan (1990); Ayr and Prestwick Local Plan (1989); Maybole Local Plan (1992); and the Girvan Local Plan (1985). The rural area to the south of Ayr, excluding Maybole and Girvan, is covered by the Ayr County Development Plan (1962). Only when SALP has passed through all of its statutory stages, and has been formally adopted by SAC, can it replace all of these local plans.

1.2 SALP is now at its finalised stage and covers the whole of the administrative area of SAC. It sets out the policies, proposals and recommendations of SAC, as the planning authority, for the development and other use of land, the protection of environmental resources, and for the management of transport and traffic within South Ayrshire. Before SALP can be adopted, SAC must be certain that it has been prepared in accordance with the relevant provisions of the 1997 T&CPA, the 1983 Town and Country Planning (Structure and Local Plans) (Scotland) Regulations, and the relevant Circulars. Regard must also be had to SPPs, NPPGs and PANs published by SE.

Strategic Planning in Ayrshire

1.3 ASP, which has been prepared jointly by East Ayrshire Council, North Ayrshire Council and South Ayrshire Council, provides the strategic planning context for local planning in South Ayrshire. There are 4 essential components to ASP: the Ayrshire development strategy; 4 topic sections on working, living, environment, and transport; a section on strategic development guidelines; and the indicative key diagram. ASP emphasises that it is important that the objectives of one policy should not be achieved at the expense of another. The document is to be read as a whole and no single part should be taken out of context.

1.4 The development strategy seeks to direct major new development to the main towns of Ayrshire; and elsewhere it provides the general framework for councils to define particular

parts of their countryside as Rural Protection Area, or Rural Diversification Area. In the former opportunities for new development will be relatively limited; and in the latter opportunities for appropriate development to assist rural regeneration will be encouraged. A strategic context is provided for the definition at local level of a green belt at Ayr/Prestwick and Troon. The commitment to sustainable development which underpins the entire development strategy is especially relevant to the integrated transport strategy.

1.5 CDASP was published in June 2004. It is prefaced by a statement that asserts that CDASP is not an agreed policy and that any eventual change will be promoted through the finalised replacement ASP. Its spatial development strategy is based on the sustainable principles of economic well being, social inclusion and environmental stewardship. The strategy has 7 principle aims: to maintain the population at or about current levels; to promote strong and vibrant communities by realizing their potential for growth; to support measures that encourage economic development; to reposition business locations to areas with the greatest potential for economic growth; to seek improved accessibility both within, and to opportunities outside Ayrshire; to promote appropriate development in rural areas; and to safeguard and enhance the quality of the environment. The strategy comprises a series of inter-related elements and, amongst other things, identifies a Core Investment Area, Investment Corridors and Service Centres. The strategy also includes a hierarchy of communities.

Schedule 1			
Community Hierarchy (for South Ayrshire only)			
A.	Core Investment Towns		
	Ayr		
B.	Service Centres		
	Prestwick	Troon	Maybole
	Girvan		
C.	Local Communities		
	(i) With Significant Development Opportunities		
	Annbank	Mossblown	Coylton
	Tarbolton		
	(ii) With Small-Scale Development Opportunities		
	Loans	Dundonald	Symington
	Crosshill	Dailly	

Local Planning in South Ayrshire

1.6 By publishing in 1996 “A Vision for 2020”, the newly formed SAC established the framework within which the detail of all of their policies, strategies and specific action plans would be required to follow. Within that, SALP sets out to provide a co-ordinated land use strategy which contributes to: a strong and diverse local economy; meeting the needs and

aspirations of South Ayrshire for housing, jobs, education and leisure; and maintaining and enhancing through a sustainable approach, the high environmental quality of the area. In assessing the merits of the objections to SALP, and in making our recommendations, we have borne in mind the contribution which the adopted SALP is expected to make to the strategic direction and longer term vision for South Ayrshire.

1.7 SAC published CDSALP in September 1999. This attracted considerable interest and a total of 1,039 written representations were received. All of these were considered by SAC in their preparation of SALP.

SALP

1.8 SALP was approved for publication on 30 May 2002. It comprises a Written Statement (including the Strategies) and a Proposals Map (including the Small Settlement and Town Centre Inset Maps). The former sets out the policies, proposals and recommendations for the development or other use of land together with a reasoned justification and associated explanatory text. The latter includes maps for Ayr, Prestwick, Troon and Loans, Maybole and Girvan, 21 Small Settlements Maps, 5 Town Centre Maps, and a proposed green belt map. SALP groups all of the issues to be considered under 6 main headings: settlement strategy; economic development; the environment; housing; facilities/services; and implementation. The SALP Strategies focus on some issues and localities which deserve a particularly detailed and comprehensive approach: industrial and employment land, Ayr Town Centre, Newton, Heathfield, forestry, wildlife, and the coast. In line with ASP, SAC emphasise that in using SALP:

It is especially important to appreciate that policies should not be considered in isolation. Almost any proposal will raise issues which are the subject of many policies and, therefore, these policies need to be considered together in order to provide the fullest local plan assessment of any planning application or other proposal.

It is expected that all development proposals will be started within 5 years and substantially completed within 10 years of the date of the adoption of SALP. Other policies, including those concerned with the protection of natural and heritage resources are expected to remain relevant beyond that period.

1.9 At meetings held on: 8 August 2003, 30 September 2003, 10 December 2003, and 30 March 2004, SAC's Planning Committee considered reports on objections and representations made in respect of SALP. In consequence, a Schedule of Proposed Changes was published in April 2004 which incorporated changes to SALP agreed at the meetings of 10 December 2003 and 30 March 2004. Further changes to SALP were approved at meetings of the Planning Committee held on 8 June 2004, 6 July 2004 and 13 September 2004. SALP, so changed, formed the basis of the SAC case at the inquiry. In response to the publicity undertaken, representations were submitted by 539 landowners, developers, organisations and individuals, and the majority of these raised objections to SALP. The objections focussed mainly on matters relating to strategy, housing, and economic development. A number of objections were lodged late, and these were not put before the inquiry. In response to the changes and further changes proposed, another 135 representations were received. We have dealt with objections which were conditionally withdrawn on the understanding that SAC would make an appropriate change to SALP.

1.10 Since the inquiry closed, new national guidance and advice has been published, including SPP17 (Planning for Transport), PAN75 (Planning for Transport), and Consultation Draft SPPs on green belts and town centres. As this guidance and advice was not before the inquiry, we have not taken it into account in preparing our report.

2. Background

2.1 POLICY BACKGROUND

During the course of the inquiry, parties referred to legislation, to SE advice in NPPGs, SPPs, PANs and Circulars, and to the strategic guidance in place. The following extracts relate to evidence given to the inquiry on strategic matters and taken into account in the preparation of this report (where reference is made to a particular sub-paragraph, only that sub-paragraph is shown). Other policies and guidance are dealt with in the policy chapters of other parts of this report and in individual chapters.

Legislative background

2.1 The Town and Country Planning (Scotland) Act 1997

Section 11 (5)

In formulating their proposals in a local plan the planning authority-.....

(b) shall secure that the local plan conforms generally to the structure plan, as it stands for the time being, whether or not it has been approved by SMs

Section 15 (1)

The planning authority may cause a local inquiry or other hearing to be held for the purpose of considering objections to a local plan or to proposals for the alteration, repeal or replacement of a local plan prepared by them.

Section 15 (2)

If an objector so requires, the planning authority shall cause such a local inquiry or other hearing to be held in the case of objections made in accordance with regulations.

Section 17 (3)

Where SMs have, under section 10 approved a structure plan for any area the planning authority shall not adopt any plan or proposals which do not conform to that structure plan.

National Policy Guidance

2.2 SDD Circular 24/1985: Development in the Countryside and Green Belts

Green Belts

6. SofSS attaches great importance to the need to preserve the existing designated green belts and to the need to establish confidence in their permanence. Development within designated green belts should continue to be strictly controlled. Prospects for the achievement of these objectives can best be enhanced by the incorporation of appropriate

control policies in development plans. Structure plans should describe the strategic context and general location for green belts and set out the development control policies which apply to them. Local plans should define the precise boundaries of any green belt within the area covered by the plan.

7. Stability and endurance of green belt policies can be expected only where a balance between the containment and growth of urban development can be sustained on a long term basis. Authorities should review green belt policies in structure plans in the light of the need to achieve this balance and, in doing so, should relate the demand for all forms of development to a long term settlement strategy for the structure plan area, taking a realistic view of all the locations where the demand can be met. In undertaking such reviews authorities should seek to identify land on the inner boundaries of green belts and within settlements in green belts which is no longer making any significant contribution to the purposes for which the green belt in question was established, and consider whether that land ought to be earmarked for development, thereby helping to maintain the long term integrity of the green belt by relieving pressure on other more significant areas. As regards towns and villages within green belts consideration should be given to identifying the scope for the development of infill sites, and for bringing into use previously developed land that is lying derelict, and has little or no inherent agriculture value or value for green belt purposes. Where it is concluded that it would not be appropriate to release land so identified for development, consideration should be given to means whereby it might be improved with the aim of restoring its value as a green belt component. At the same time authorities should seek to give support to their green belt policies by ensuring that derelict, vacant and underused sites within the urban area....are readily available in sufficient quantity to meet developers' needs for such land.

8. The findings of any review of green belt policies should be incorporated in a structure plan alteration at the earliest possible opportunity. Once such an alteration has been approved, adopted local plans covering parts of the relevant green belt should, where necessary, be adjusted and the remaining local plans required to complete the definition of green belt boundaries should be completed as soon as possible, in accordance with a programme agreed between all authorities concerned.

9. Once the measures in paragraphs 7-8 have been completed, further adjustment of green belt policies and boundaries should be needed only in exceptional circumstances.

Annexe - Summary of Principles

3. ...Green belts have been established for 3 main purposes:

- to maintain the identity of towns by establishing a clear definition of their physical boundaries and preventing coalescence;
- to provide countryside for recreation or institutional purposes of various kinds; and
- to maintain the landscape setting of towns.

4. Green belts have been designated where there are strong demands on land adjacent to large towns and cities and there is a need for particular stability in the policies designed to control these demands. In these circumstances:

- structure plans should set out the urban structure necessary to meet the demographic, economic, and social needs of the area within and outwith the city or town over the period to which the structure plan relates;
- outwith the areas identified in this settlement structure, development should be very strictly controlled by green belt policies and designations in structure plans;
- local plans should define the precise boundaries and secure the continuity of green belts. Towns and villages within green belts should not be allowed to expand beyond the limits thus established;
- there should be a general presumption against any intrusion into designated green belts; in particular, approval should not be given, except in very special circumstances, for the construction of new buildings and the extension or change of use of existing buildings, for purposes other than agriculture, horticulture, woodland management and recreation, or establishments and institutions standing in extensive grounds (such as wooded policies or parkland) or other uses appropriate to the rural character of the area.

2.3 SPP1: The Planning System

Sustainable Development

7. Enabling sustainable development requires co-ordinated action, combining economic competitiveness and social justice with environmental quality and justice. Policies and actions of the public, private and voluntary sectors should support and encourage sustainable development. The planning system is important as a means of integrating policies and decision making, through its influence over the location of development and other changes in the way land is used. In particular, planning should encourage sustainable development by:

- promoting regeneration and the full and appropriate use of land, buildings and infrastructure;
- promoting the use of previously developed land and minimising greenfield development;
- conserving important historic and cultural assets;
- protecting and enhancing areas for recreation and natural heritage;
- supporting better access by foot, cycle and public transport, as well as by car.....

8. Development plan policies should address sustainable development at the local level whilst reflecting national and international goals. Both the short term and the long term consequences of policies must be considered from the outset. Planning decisions should favour the most sustainable option, promoting development that safeguards and enhances the long term needs of the economy, society and the environment. When conflicts between objectives inevitably arise, decisions should be taken in line with local priorities and needs as identified in the development plan. All relevant issues must be considered together before a decision is made, looking at long term implications as well as short term effects. Some types of development, such as mineral and coal workings, although raising significant environmental issues, are necessary and important in the national interest. In such situations, every effort should be made to offset the negative impacts of the development. Sustainable development promotes the right to a healthy and safe environment. Everyone must have real opportunities to take part in planning and decision making that will influence their future. SMs published their vision for sustainable development and set out a series of indicators for sustainable development in Meeting the Needs: Priorities, Actions and Targets in Scotland (April 2002).

Economic Competitiveness

9. SE seek to promote a strong, diverse and competitive economy that can create the employment and incomes that will enable people to enjoy a good quality of life. The planning system supports Scotland's prosperity by:

- identifying land of a suitable quantity and quality in the right locations to meet the need for economic development and new housing whilst minimising greenfield development;
- ensuring that land for employment is well placed in relation to the transport network and the labour force;
- promoting the improvement and maintenance of environmental quality and townscape to encourage and support investment;
- supporting development that meets the needs of rural communities;
- giving priority to regeneration and renewal;.....
- giving stability and confidence that investment will not be undermined by inappropriate development;
- ensuring that decisions are taken efficiently and consistently.

Environmental Quality

15. Protecting and enhancing the quality of the environment, in both urban and rural areas, is a key objective of the planning system. The condition of our surroundings has a direct impact on the quality of life. Safeguarding Scotland's rich and diverse natural heritage and built environment including the wider historic and cultural landscape, improving areas through regeneration, safeguarding biodiversity, environmental improvement and restoration, encouraging efficient use of resources, and enabling access to recreational opportunities and open spaces in urban and rural areas can all be supported by a proactive approach to planning. The conservation and enhancement of both the natural and built environment bring benefits to local communities and provide opportunities for economic and social progress. Environmental justice requires us to recognise the cumulative impact of environmental disbenefits and work towards ensuring people do not have to live in degraded surroundings. It also means not making unrealistic demands on the environment to absorb waste and pollution.

Design

17. Good design should be the aim of everyone in the planning and development process, and is important at all scales of development. Ill conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground. Through *Designing Places* (November 2001), SMs have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long term benefits to the urban and rural environments. The architectural design, siting and setting of development in its surroundings are valid concerns of the planning system. The drive for quality should not focus solely on buildings. It should also be concerned with the way that buildings, old and new, work together and create the spaces and sense of place that have such an influence on the quality of life for communities.

18. Development plans should include broad design parameters based on a sound analysis of the character of an area. Local plans should set a framework within which developers can work, addressing issues of context and form such as scale, layout, density, massing and height. More detailed issues...can be dealt with in SPG. In addition, where appropriate, authorities are encouraged to produce urban design guidelines. Policies should encourage originality and innovation and also protect against poor design. Planning authorities should avoid being overly prescriptive except where appropriate in conservation areas and in relation to listed buildings. The location, design and layout of new development should also seek to

contribute to achieving improvements in sustainability, for example through travel minimisation, energy efficiency and recycling provisions...

Integrated Transport

20. The planning system is important in delivering SE's commitment to a more sustainable, effective, integrated transport system. Integration of land use and transport is not just an end in itself. It is essential for the economy of Scotland that the labour force has easy access to places of employment and that raw materials, components and finished products can be transported efficiently. Integrated and sustainable transport is necessary to help improve air quality, address climate change and protect environmental resources from the damage caused by pollution. The planning system can encourage more sustainable travel patterns by:

- allocating land for development and selecting priority areas for regeneration to maximise the scope for access by foot, cycle and public transport;
- promoting an efficient transport network for the movement of freight and goods distribution, including where possible use of rail and water;
- providing direct and safe access to local facilities by a choice of transport modes;
- supporting mixed use, increased tenure choice and local service provision;
- ensuring that the layout and design of development gives priority to walking and cycling where appropriate;
- identifying priorities for investment in transport infrastructure and safeguarding land for longer term possibilities; and
- relating the level of car parking to the location and type of development through maximum parking standards.

In association with Local and Regional Transport Strategies, these measures will help in promoting alternative modes of transport and in reducing the number and lengths of journeys in both urban and rural areas. The more limited transport options available in rural Scotland offer additional challenges to integrated transport which must be addressed through Local and Regional Transport Strategies and development plans.

21. Sustainable transport considerations should not be an additional factor to be taken into account in preparing development plans or in making development control decisions; they should be an integral component. Local Transport Strategies and development plans must work to a common agenda.

Local Plans

37. A local plan sets out detailed policies and specific proposals for the development and use of land that should guide day to day planning decisions. They must identify effective opportunities for development and encourage investment in an area. The aim is to exert a positive influence over land use decisions. Local plans should contain policies relating to:

- the allocation of land relating to different development types e.g. housing, business and industry, retailing, transport, leisure and recreation, and mineral extraction;
- the conservation of the built, natural and cultural heritage;
- the improvement of the physical environment;
- integrated transport issues; and
- urban and regional regeneration.

Local plan policies must conform to the structure plan and be fully justified, demonstrating what is and is not acceptable in land use terms. They should describe the area to which they relate and be specific about issues in order to avoid an anonymous approach that could apply to any place. Plans should be clear about how policies will be implemented, whether through specific proposals or by applying development control criteria, and should specify where local authority action is required to make land available or co-ordinate infrastructure provision.

38. Local plans should be responsive to local needs and promote change in the wider community interest. Policies must be relevant to the circumstances of an area, with enough flexibility to accommodate some of the changes that will inevitably emerge over the lifetime of the plan. It is particularly important that local plans identify areas where major change is anticipated and indicate what is required to ensure co-ordinated action, such as the preparation of a masterplan. Plans should be kept up to date and reviewed on no more than a 5 year cycle, testing for continued effectiveness and relevance, with policies either reaffirmed or replaced. Reviews should be adopted formally by planning authorities. Review mechanisms should be established whereby information collected through on-going monitoring of economic, social and environmental indicators and the implementation of individual policies and proposals is used to highlight the need for revision.

40. Promoting a wide sense of ownership of the local plan is essential. Local communities must have the opportunity to express their views on local needs and priorities. These views should be taken into account when formulating policies. Agencies, business interests and the voluntary sector should be encouraged to make a positive contribution to local plan preparation and planning authorities should seek to reflect their views where possible.

2.4 SPP3: Planning for Housing

General Principles

4. A key aim of planning policy is to bring forward sufficient land to meet the requirement for new dwellings, but this is not simply a matter of arithmetic. The planning system should encourage the creation of attractive, sustainable residential environments. New residential development must make efficient use of resources, reusing previously developed land wherever possible, supporting the aim of reducing energy consumption, and being accessible by forms of transport other than the private car.

5. The planning system should therefore seek to:

- create quality residential environments;
- guide development to the right places; and
- deliver an adequate supply of housing land.

Density

21. The efficient use of land is an important planning aim. Through good design, high density development can be achieved without overcrowding, congestion or loss of residential amenity.Local plans should provide guidance on density appropriate to particular locations and sites. In particular they should:

- specify suitable densities for new residential development;
- identify any areas where it may be desirable to increase residential densities in order to achieve more intensive development;
- identify any areas where it is proposed to replace obsolete higher density housing in order to increase choice, particularly on peripheral estates;
- identify areas where existing densities should not be exceeded; and
- ensure that there is ready access to safe and attractive open space networks.

Providing a Choice of Residential Environments

23. Local Authorities, developers and other housing providers should consider the need to provide a choice of housing types. This may include opportunities for self-build at some locations. Not every site will be capable of satisfying the full range of housing requirements. Some central urban sites, for example, may provide opportunities for new flatted development, but be unsuited for houses with gardens. Elsewhere, the redevelopment of some of the post-war peripheral schemes where high-density tenement housing has predominated, may provide opportunities for new family housing at lower densities.

Mixed Communities

24. SE policy encourages more diverse, attractive, mixed residential communities, both in terms of tenure and land use. To create mixed communities, a range of housing types is needed, providing for the needs of all in the community, and all segments of the market, from affordable housing and starter homes to executive housing, and including homes for families, older people, and people with special housing needs. In the past, much of the family accommodation in cities was in flats. There is now increasing demand for lower density housing with gardens, although there is also evidence of households without children seeking flatted accommodation.

25. Housing can complement other forms of new development and act as a catalyst for regeneration. There is scope for mixed use developments, where commercial, retail, leisure or other uses can form part of a development alongside housing, preferably including a variety of tenures. Development plan policies should support opportunities for mixed-use proposals on appropriate sites.

Sustainable Settlement Strategies

27. Changes in demography and household structure indicate that there will be continued demand for new housing. SE's 2000-based Household Projections for Scotland anticipates an overall increase of 260000 households from 2000 to 2014. The projected rate of growth in households varies across the country, and forecast requirements for new housing will be influenced by issues such as economic prospects and migration patterns.

28. Planning authorities should draw up long-term sustainable settlement strategies, to provide certainty and variety for housing providers and local communities. Key considerations should be:

- efficient use of land and existing buildings, energy and infrastructure;
- co-ordination of housing land provision with improvements in infrastructure, including transport and educational investment, and with other major proposals such as business or industrial development;

- the need to ensure that all sections of the community have good access to jobs and services; and
- the protection and enhancement of the environment.

The Efficient Use of Land and Buildings

29. The existing fabric of settlements is the product of generations of investment in physical infrastructure, social and cultural facilities and public amenities. Planning authorities should therefore promote the reuse of previously developed land in preference to greenfield land, provided that a satisfactory residential environment can be created; potential constraints are discussed at paragraphs 41-43. It should be recognised that the marketability of sites can change over time. For example, better access to employment and environmental improvement can significantly alter the attractiveness of an area as a place to live.

30. Redevelopment in existing neighbourhoods can support the wider regeneration of these areas, by providing greater choice in terms of housing type and tenure, as well as high quality residential environments. The Scottish Vacant and Derelict Land Survey 2000 shows over 11500ha of vacant and derelict land in Scotland. A significant proportion of this could be re-used for housing.

31. Land identified for industrial or other development purposes may also provide opportunities for housing development where:

- there is now little prospect of development for the purposes originally envisaged,
- there is access to a choice of transport, and
- a satisfactory residential environment can be created.

Accessible Locations

35. The planning of new residential development offers opportunities for reducing travel demand. To contribute to the reduction of greenhouse gas emissions, SE is committed to the effective integration of land use and transport. Patterns of development should seek to reduce the demand for travel and reliance on the private car, and help to reduce general energy consumption.

36. Access to jobs and facilities should be carefully considered by both planning authorities and developers. In planning the expansion of existing settlements or the development of new ones, preference should be given to locations which can be well integrated with existing and proposed public transport, walking and cycling networks. Such locations should be developed at higher densities..... At central locations, integrating housing with commercial, community and leisure uses in mixed developments can give good access to jobs and a wide range of services.

37. Where there is a supply of previously developed land, planning authorities should normally give priority to its reuse, in preference to greenfield development. However, in seeking to locate new housing where it will be accessible by a range of forms of transport, planning authorities may conclude that the release of certain areas of greenfield land would result in a more sustainable pattern of development.

Safeguarding Environmental Resources

38. Plans and proposals for residential development, should seek to minimise adverse effects on natural heritage, including landscape character and biodiversity. Care should be taken to safeguard national and international natural heritage designations. Development proposals need to be assessed for their effects on the resources which the designation is intended to protect.....

39. The potential impact of housing land allocations on archaeological sites and landscapes of historic importance must also be fully considered. Care must be taken to avoid impact on the site and setting of scheduled monuments which are safeguarded in the national interest....

40. SE looks to planning authorities to maintain the effectiveness of existing green belts, safeguard the character and amenity of the countryside, and protect the setting of Scotland's towns and cities. Green belt and "countryside around towns" policies play an important role. In areas where there is a demonstrable requirement for additional housing, green belt boundaries will need to be reviewed as part of a long-term sustainable settlement strategy. Sites which no longer contribute significantly to the purpose of the green belt, and which can be readily accessed by a range of transport, may be released for housing development, provided this will not undermine the green belt's overall effectiveness and integrity. Before any green belt land is identified for development, there should be a realistic appraisal of the opportunities for development on sites within the existing urban area.

Other Factors Influencing the Location of Housing Development

41. Not all sites will be capable of providing good residential environments, mainly because of safety or amenity considerations. The following types of location are unlikely to be appropriate:

- safety exclusion zones around hazardous installations;
- some sites adjacent to busy trunk roads or rail lines;
- noise contours and public safety zones related to airports;
- some sites adjacent to waste management facilities and sewage treatment works;
- sites adjacent to noisy or polluting activities;
- existing or possible areas of mineral working - both to protect residential amenity and to avoid the sterilisation of mineral deposits with commercial potential.

Delivering Housing Land

57. Development plans are the main vehicle for assessing future housing land requirements and ensuring that these are provided in full for each housing market area. The broader objective of development plan policies on housing is to enable the completion of quality dwellings and the creation of sustainable, mixed, residential environments.

58. Housing issues are also addressed in other council-led strategies. The view of housing requirements in development plans should be developed jointly between planning, housing and other departments and should be consistent with the community plans and local housing strategies.

Development Plans

59. Development plans should be prepared and reviewed within the timescales set out in SPP1: The Planning System so that the plan-led system can provide greater certainty....

60. Development plans should take an informed long-term view on the requirement for new housing. SPP1 indicates that structure plans should look forward over a minimum of 10 years. Consultation responses on the draft SPP3 confirm that it is desirable to take an even longer term view: the structure plan should set out a strategy for the location of new housing over a period of at least 12 years and preferably up to 20 years from the date of approval. Up to year 12, the structure plan should identify the scale of provision needed and indicate how and where it should be met. The local plan should convert this into effective site-specific allocations.

61. The structure plan should:

- identify the overall housing land requirement for a period of 12 years from the plan's expected date of approval;
- identify the scale of the existing effective land supply;
- where there is a shortfall, identify how much additional land is required for the first 12 years and the settlements where this will be provided. This should be separated into 2 phases and should include a margin of flexibility to help avoid the need for an alteration to bring further land into the effective supply prior to the 5-yearly review;
- provide a broad indication of the scale of the housing land requirement and the location of housing development beyond year 12, preferably up to year 20.

Structure plans are not expected to identify specific sites.

62. For the period up to year 12, structure plans should also contain an action plan setting out how implementation will be achieved and addressing any critical issues of phasing, infrastructure provision, the removal of significant constraints, land acquisition and the preparation of development briefs.

63. For the period beyond year 12, structure plans should give a broad indication of where requirements will be met. This type of strategic decision can be made well ahead of land being required, informing infrastructure providers, allowing earlier consultation, and alerting communities to the probable future direction of development. Medium to long-term planning is needed to allow all parties to consider carefully how to accommodate future demand for growth where infill and brownfield opportunities cannot provide all the land necessary for new housing.

64. Local plans must conform to the structure plan and provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption. Local plans should also identify further sites to meet requirements in the medium term. The effectiveness and programming of sites will be monitored through the annual housing land audit, to maintain sufficient effective land for at least the following 5 years at all times.

65. Housing land requirements should be regularly monitored. In looking to the medium and longer term, development plans should identify the triggers for the release of future phases of housing land. These could include, for example, the provision of necessary infrastructure, increased completion rates or changes in land availability. Development plans

should be capable of responding to changes in demand, and take account of up-to-date information on supply, through the housing land audit and other information such as capacity studies.

66. Alterations to the housing element of plans should be prepared where necessary to ensure that housing land requirements are met. But an alteration is not required if longer term allocations and releases are simply being brought forward earlier. If development plans do not keep pace with the need to maintain a supply of land, planning permission should be granted in advance of local plan adoption provided that the proposals comply with other policies of the development plan. The requirement assessed through the structure plan should also take account of the need for affordable housing, as identified in the authority's local housing strategy. In areas where there is little or no requirement for new affordable housing, it may not be necessary to include a specific allocation for such housing. In areas where there is a demonstrable need, the overall land requirements should reflect this.

Housing Land Audits

67. Planning authorities should carry out regular monitoring of housing completions and availability of effective land by preparing a housing land audit.... For most planning authorities,the audit should be updated annually, working closely with housing providers..... The aim of the audit process is to ensure that, at all times, sufficient effective land is available to meet the housing land requirement for at least the following 5 years. Each housing land audit should specify those sites (or proportion of sites) which can be programmed over a period of 5 years. The audit should also indicate sites which are likely to be programmed just beyond the 5-year horizon, including at least years 6 and 7, to illustrate that sites are available to continue to meet the housing land requirement.

68. Planning authorities should seek the views of house builders through Homes for Scotland, and small builders where relevant, to inform their consideration of the effectiveness of the land supply. The audit should also monitor the extent to which sites are being developed to deliver new housing.

69. Where monitoring indicates that availability of housing land and/or completions are not keeping pace with identified requirements, planning authorities may prepare an alteration or review as necessary.

Housing Market Areas

70. Planning authorities should ensure that the housing land requirement for each housing market area is provided in full, in the context of a sustainable settlement strategy...Exceptionally, where there are serious environmental or infrastructural constraints, planning authorities may consider whether a proportion of the requirement can be met satisfactorily elsewhere in the local authority area or in adjacent local authority areas. Where this is proposed, the planning authorities concerned should formally agree the proportion to be accommodated in each local authority area and reflect this in development plans.

71. Housing market areas can change in response to various factors including improved transport infrastructure or associated investment in mixed developments and planning authorities should monitor this change. Irrespective of how housing market areas are defined,

structure plans must allocate all land requirements specifically to the areas of individual councils, as the basis for local plans and development control decisions.

Links with Local Housing Strategies

72. The Housing (Scotland) Act 2001 requires local authorities to undertake an assessment of housing needs and conditions in their areas and produce a local housing strategy covering 5 years. This should view the housing market area as a whole, covering all tenures and including any need for affordable housing. Local authorities will be expected to develop a comprehensive strategy involving registered social landlords and other housing providers and the local community. Communities Scotland have prepared online guidance on preparing the strategies, including methodologies for determining housing needs. Housing and planning departments should work together to ensure consistency between the development plan and the local housing strategy in identifying housing needs.

Delivering Affordable Housing

74. Affordable housing is broadly defined as housing of a reasonable quality affordable to people on modest incomes. In some places the market can provide some or all of the affordable housing that is needed, but in other places it is necessary to make housing available at a cost below market value, to meet an identified need. The main ways through which this is achieved are:

- social rented accommodation;
- low cost housing for sale, for example shared ownership, self-build or other subsidised or discounted housing for sale; and
- some private sector rented accommodation, available at lower cost than market rents, and provided either by local landowners or commercial landlords.

77. Development plans should allocate sufficient land overall to ensure land is available to meet requirements including affordable housing needs. As with market-led housing development, the requirement for affordable housing should where possible be met within the housing market area where the need has been identified. In due course, local housing strategies will identify any need and set out how the council intends to address it. Where a housing needs assessment within a current local housing strategy identifies a shortage of affordable housing, this is a material consideration in planning processes, which should be addressed as the opportunity arises through reviews of structure and local plans. Where the planning authority believes that the planning system has a role to play in the provision of affordable housing locally, this should be signalled as soon as possible in the development plan with an outline of what is expected from prospective developers.

78. The ways in which the planning system can contribute to the provision of affordable housing will vary within and between local authorities. Advice on good practice in providing affordable housing through the planning system will follow in due course. In areas of development pressure and where land values are relatively high the private house building industry may be able to make a contribution to the supply of affordable housing. In such areas the development plan should set out a policy and in consultation with house builders indicate how this can be achieved, including the role, if any, of planning agreements. The use of planning agreements should be in accordance with current policy....

79. The planned release of a substantial area of land for housing can provide the opportunity to create a development with a diversity of house types and tenures. Planning authorities should ensure that the local plan contains a policy seeking a range of house types to encourage creation of mixed communities. This should take account of any need for affordable housing identified in the local housing strategy. For significant sites, this may be supplemented by a development brief. Clarity in the development plan regarding the range of house types sought, as well as any anticipated use of planning agreements, will help ensure that the requirement to provide affordable housing can be factored in to the price that a developer will pay for land.

81. The development plan should give clarity on the expected scale of provision and the locations in which this will be sought. The provision of land for affordable housing in a particular local plan area need not relate to the specific requirements of households resident in that area. The aim is to help address the shortage of land for affordable housing in the housing market area as a whole.

82. It is essential that planning authorities liaise with Communities Scotland and their own housing colleagues to determine how the affordable housing is actually to be delivered. In some cases it will involve the developer making a proportion of houses available at a discounted price. In other cases the development may be part-funded through public subsidy. The means of delivery should be indicated in local plans, bearing in mind that Communities Scotland, and local authorities (where the administration of development funding has been transferred to them), may make subsidy available only for sites which form part of a strategic programme.

83. Planning authorities should keep under review the requirement for affordable housing in their area, progress with provision and the scope for increasing supply through the planning system and other means.

Planning Agreements and Developer Contributions

84. Planning authorities have the power under Section 75 of the 1997 T&CPA to enter into an agreement with persons having an interest in land in their area for the purpose of restricting or regulating the use of that land. Agreements can be used to overcome obstacles to the grant of planning permission, but planning authorities should not use an applicant's need for planning permission to obtain a benefit which is unrelated in nature, scale or kind to the proposed development.

85. Creating a new settlement or major extension will generally require partnership between the public sector, private developers and other interests. Development plans should be clear about the likely scale of developer contributions, which for some sites may include provision of all or most new infrastructure, road improvements and similar requirements. Such provisions should be drawn up in consultation with the relevant parties, and the cost of providing the necessary infrastructure should be commensurate with the scale of the development proposed.

Glossary:

Brownfield land: Land which has previously been developed. The term may encompass vacant or derelict land; infill sites; land occupied by redundant or unused buildings; and

developed land within the settlement boundary where further intensification of use is considered acceptable.

Effective housing land supply: The part of the established housing land supply that is expected to be free of development constraints in the period under consideration, and will therefore be available for construction of housing.

Greenfield land: Land which has never previously been developed, or fully-restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes, or outdoor recreation.

Demand: The market expression of the desire for housing. It is a compound of needs and aspirations and can be satisfied either by existing housing or by new housing requiring additional land provision.

Housing Land Audit: The mechanism for monitoring the housing land supply and identifying those sites within the established land supply which are expected to be effective within the period under consideration.

Housing Land Requirement: The difference between a figure arrived at by considering market demand, demographic need and other relevant factors, and the effective housing land supply.

Need: A measure of the number of households which require to be housed. It encompasses the special need of particular groups such as the elderly and the handicapped. Need takes no account of the exercise of choice or other market factors.

2.5 PAN 38: Housing Land (Revised 2003)

Introduction

2. ...The PAN...seeks to encourage the public and private sectors to develop a more consensual long-term view of housing land provision and work together in determining both the scale of the requirement for new housing and the location of future housing development. The advice will have particular relevance to planning authorities where housing markets are buoyant.

Housing Land Audit

29. The effectiveness of individual sites should be determined in the light of discussions between the parties. To assess a site or a portion of a site as being effective, it must be demonstrated that within the period under consideration, the site will be available for the construction of housing, being free of each of the following types of constraint:

- **ownership:** the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land sales;
- **physical:** the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a commitment to removing the constraints in time to allow development in the period under

consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;

- **contamination:** previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;
- **deficit funding:** any public funding required to make residential development economically viable is committed by the public bodies concerned;
- **marketability:** the site, or a relevant part of it, can be developed to provide marketable housing;
- **infrastructure:** the site is either free of infrastructure constraints, or any required infrastructure can realistically be provided by the developer or another party to allow development;
- **land use:** housing is the sole preferred use of the land in planning terms or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing becoming a realistic option.

30. Programming is an important consideration. The contribution of any site to the effective land supply is that portion of the expected output from the site which can be developed over the period under consideration, taking account of lead-in times, the capacity of the builder to develop the site, and the capacity of the local housing market.

31. Through the audit process, planning authorities should ensure that at all times sufficient effective land is available to meet the housing land requirement for at least the following 5 years. The housing land audit should specify the sites (or proportion of sites) which can be programmed over a period of 5 years. It should also include the programming of sites expected to be developed shortly after the 5 year horizon, including at least years 6 and 7. This will help to monitor whether sites are available to continue to meet the housing land requirement.

2.6 PAN49: Local Planning

Links with the Structure Plan

24. The development plan for an area consists of the structure plan provisions in force for that area and the relevant local plan. When preparing a local plan, the planning authority must ensure that policies and proposals contained in the plan conform generally to the structure plan as it stands, whether or not it has been approved. In addition, a local plan should not be adopted if it is out of conformity with the approved structure plan. When a structure plan alteration is being prepared, early consideration must be given to altering local plans to achieve conformity, or to implement the new policies or proposals of the structure plan.

25. Structure plans and local plans are therefore inter-dependent and in many ways complementary. Regular and close dialogue is needed between those involved in their preparation and monitoring if they are to be effectively co-ordinated. Structure plan strategy should be realistic and that depends to a large extent on information, judgements and detailed action inherent in the local plan preparation and monitoring processes. The links should work both ways. Local plan guidance should be clearly set out in the structure plan, and, equally, the local plan should highlight those matters which it is obliged to take into account following approval of a structure plan.

26. Local planners should make full use of structure plan information and broad locational requirements for matters such as population, employment and housing land. Effective co-ordination demands that the structure plan and local plan make use of common

dates for information analysis and forecasting, and that they identify the extent to which existing planning permissions are included in land allocations.

2.7 PAN74: Affordable Housing

Local Plan

29. The requirement for affordable housing should be seen as part of the overall housing requirement, not a separate element. Local plans should therefore allocate sufficient land to meet the requirement identified in the structure plan including affordable housing. It is important that there is an up-to-date understanding of requirements consistent with a local housing strategy addressing the need for different categories of affordable housing from social rented housing to low cost home ownership. One means through which local authorities may seek to influence the delivery of affordable homes is by allocating sites in local plans specifically for affordable housing...

30. Where a local authority intends to use the planning system to support affordable housing provision it is essential to set this out in local plan policy. In circumstances where this cannot be achieved swiftly because the local plan is not due for review, the planning authority may wish to consider an alteration to the local plan, or an interim policy, subject to consultation with stakeholders. This should then be reflected in the adopted local plan at the earliest opportunity.

31. Where the planning authority wishes to seek a percentage contribution of affordable housing on private housing sites, this should be set out as a clear policy in the local plan. Any such requirement must be justified by a housing needs assessment as part of the local housing strategy. Advice on this is contained in the section on the Nature of the Affordable Housing Contribution from paragraph 34. Where it is known that particular items of infrastructure are required to enable development to go ahead, these should be identified in the local plan. It is important that developers have an early indication of the requirement for affordable housing, and other requirements for which a financial contribution is expected, so that the cost implications can be fully estimated at the time of site purchase.

32. Box 1 sets out a guide to the steps which should be taken in determining the appropriate measures to support affordable housing through the development plan. However the scope for and scale of contributions through the planning system will depend on a number of factors, including the vibrancy of the local housing market. In some areas, especially in some rural areas, the planning authority may conclude that there is limited scope to achieve new affordable housing through this approach. Other measures that planning authorities should consider include allocating new sites in local plans specifically for affordable housing, in particular small sites within or adjoining existing villages to provide for local needs in perpetuity; identifying plots for self build dwellings; using compulsory purchase powers to support the delivery of social rented housing; and working with major land owners who may be able to identify opportunities to convert surplus properties in their ownership or develop new affordable housing.

SPG

33. The general policy in the local plan can be supplemented by more detailed non-statutory planning guidance. This may cover issues such as the local authority's approach to negotiating planning agreements, off-site provision and commuted sums (see also the section on Development Control paragraph 41. Where the planning authority intend to introduce SPG, it should also be subject to consultation with stakeholders before adoption by the local authority.

Nature of the affordable housing contribution

34. SE's aim is to create a climate of certainty and confidence in the requirement for affordable housing, in order to reduce the need for negotiation on each site, which will be beneficial for both developers and local authorities. Policies in local plans may seek affordable housing contributions as part of housing development proposals, with the inclusion of a percentage figure. The benchmark figure is that each site should contribute 25% of the total number of units as affordable housing.

BOX 1 - SUMMARY OF STEPS TO SUPPORT DELIVERY OF AFFORDABLE HOUSING THROUGH PLANNING POLICY

This chart sets out a series of steps to follow where a local authority intends to support delivery of affordable housing through planning policy:

Step 1 - Prepare or update Local Housing Strategy

- Undertake a housing needs assessment
- Assessment of existing affordable housing supply; and

Step 2 - Assess housing market information

- From both the housing needs assessment and market information, establish the need for different types of affordable and lower cost housing

Step 3 - Planning authority to assess potential future supply through established housing land supply

Step 4 - Consider the distribution and sources of sites and decide whether or not a threshold is appropriate

Step 5 - Derive an initial target (% and number) of affordable housing units

- Where appropriate adapt percentage target to reflect different needs and market circumstances in the local authority area
- Form an initial view on willingness to accept alternative contributions equivalent to a percentage requirement.

Step 6 - Establish resource implications of using planning policy to require a contribution to affordable housing land

- Assess availability of public funds
- Assess viability of proposed targets in light of any major costs which may be associated with elements of the established land supply (e.g. any known decontamination requirements)
- Revise target as appropriate

Step 7 - Prepare development plan policy

- Consult with interested parties
- Issue development plan policy or interim development plan policy
- The development plan policy may be supported by detailed SPG or other guidance to developers, landowners and RSLs provided it has been subject to full consultation.

Step 8 - Monitor outcomes

- Number of consents per different tenures; starts; completions; take-up; contribution to meeting housing need

Step 9 - Review and revise policy as appropriate

Strategic Policy Guidance

2.8 ASP 1999

Strategy

Statement of Strategic Intent

It is recognised by the 3 Ayrshire councils that economic growth must be the driving force of ASP. The future needs of Ayrshire would be best served by a period of consolidation: to identify the strengths of the economy and build on them, to address any weaknesses and to ensure that adequate infrastructure is in place to accommodate future development opportunities. This must be achieved in such a way that provides existing communities, and particularly those considered as having economic disadvantage, with enhanced access to opportunity whilst ensuring that the environment so valued by all is protected and enhanced through a sustainable approach to development.

This approach underlies the 4 key statements of strategic intent on which the Ayrshire Development Strategy is based:

- Promotion of economic growth
- Protection and promotion of the vitality and viability of existing settlements;
- Protection and enhancement of the countryside and the environment; and
- Promotion of the principles of sustainable development.

Settlement strategy

The size of a settlement generally reflects its economic importance to the locality that it serves, and the extent of its accessibility to a wider community. Larger settlements have tended to attract investment in infrastructure to support the wide range of services they contain and this represents a massive investment in those specific locations...

The main conclusion to be drawn is that outside Ayr/Prestwick/Troon, Irvine/Kilwinning and Kilmarnock there is a complex interrelationship of settlements that fulfil a variety of different functions and provide support to a range of hinterlands. This pattern of development does not represent a coherent hierarchy of settlement and it is not felt appropriate to define types,

ranges or categories of development that each settlement could accommodate. Nevertheless it is possible to identify the towns of Ayr/Prestwick/Troon, Irvine/Kilwinning and Kilmarnock as the main focus of activity in Ayrshire and, as such, these towns should generally be the recipients of most major development.

With sustainable development as a main element of the development strategy, an important aspect of ASP is to ensure that development in general is directed to, and promoted in, all existing settlements. This encourages the reuse of land and maximises both the existing physical and social infrastructure. Most settlements have developed a range of neighbourhood facilities which serve the daily needs of the community and these should be supported, and if necessary, improved. In the longer term this concentration of activity within settlements should also allow for easier resolution of the complex issues of accessibility through the provision and promotion of public transport. The role of settlements, therefore, will be to function as locations for a range of activities compatible with their character and size, and with their development being consistent with all other policies in the plan.

Policy ADS2

The 3 Ayrshire councils shall promote Ayr/Prestwick/Troon, Irvine/Kilwinning and Kilmarnock as the primary locations in Ayrshire for all major residential, economic, commercial, cultural, educational, and community development.

Policy ADS3

New residential, economic, commercial, cultural, educational and community development shall be directed to, and located within, settlements as defined by local plans.

Countryside designations

Green belt as a policy has existed around Ayr and Prestwick since 1965 and the principle has been extended to cover most of Troon (though not north of Barassie). Elsewhere in Ayrshire there has been no green belt control. Over time the green belt function has shifted from a protective measure largely for Glasgow Prestwick International Airport to the more recognisable protection for landscape, amenity and the prevention of neighbouring towns from merging. In accepting that the pressures on the countryside are of a different magnitude at Ayr, Prestwick and Troon to those in the rest of Ayrshire, it is concluded the principle of protection by green belt in that area is still warranted and appropriate policies put in place (see policy G4). It is important that the appropriate local plan when preparing detailed policies, considers the landscape character of the green belt as well as putting forward proactive policies to upgrade the area. The fact that a green belt is not suggested for other towns in Ayrshire should not mean that effective planning of the urban edge is not necessary.

Policy ADS6

The 3 Ayrshire councils shall identify and promote 3 broad policy areas for the countryside which exhibit common characteristics in terms of their ability to accommodate land use change. These areas are defined on the key diagram as:

- A. Green belt at Ayr/Prestwick and Troon;
- B. Rural Protection Area;
- C. Rural Diversification Area.

Local plans shall bring forward specific policies for their identification, protection, management and development.

Living

Assessing Housing Requirements

ASP has used recently published household projections prepared by SO to assess future housing requirements....The household projections are calculated by applying trends in the formation of households between 1971 and 1991 and are therefore indicative of what might happen if past trends were to continue. On this basis between 1998 and 2010 households are projected to increase by 10700. This is primarily accounted for by a growth in smaller households, particularly single person households and households with 2 adults and no children.

In considering the actual requirement for future housing, projected changes in households have been refined through an assessment of out migration, and likely changes to the existing stock of housing, principally due to demolition, vacancies and transfers to second homes.

This further calculation gives a total assessed housing requirement between 1998 and 2010 of 15300 and is equivalent to the construction of about 1300 houses per annum, a similar rate of building to that which has been experienced in Ayrshire in the last few years. In the past, however, almost a quarter of new houses built have been by the public sector and there is now some doubt whether this past scale of public provision can be maintained. It should also be noted that no distinction has been made in calculations of future housing needs between public and private sector requirements. This is a matter for individual councils to deal with in the context of their housing and local plans.

Government advice....requires that planning authorities should provide a minimum 5 year supply of housing land against a background of a longer term provision.

Policy L1

The 3 Ayrshire councils shall work in conjunction with public and private agencies to ensure sufficient effective land is available for housing to 2005 and to set the context for annual roll forward to meet the forecast requirement to 2010. Councils shall aim, in conjunction with the housebuilding industry and other public housing agencies to maintain as a minimum a 5 year effective land supply.

Figure 4.1 – Ayrshire Housing Requirement 1998-2010

Projected Households	1998	2010	Net change 1998-2010
Projected Households	157700	168400	10700
Allowances for Vacancies	5203	5559	356
Allowances for 2 nd and Holiday Homes	2536	2767	231
Allowances for demolition	0	1392	1392
Flexibility Allowance (+10%)			1268
Adjustment for out migration			1350
Total Assessed Housing Requirement (1998-2010)			15297
Housing Need 1998-2005 (pro-rata)			8923
Housing Need per Annum			1275

Housing Market Areas

The strategic assessment of demand for housing requires the projected level of demand for housing in Ayrshire to be assigned within a Housing Market Area framework. For the purposes of ASP, each of the 3 Ayrshire Council areas are treated as individual and separate Housing Market Areas. All 3 areas have a high degree of self-containment being areas within which the majority of those moving house without changing job would stay and are also areas in which the majority of the employed population both reside and work. There are also 9 sub Housing Market Areas, the characteristics of which require to be addressed within the context of local plan housing provision....

Policy L2

In assessing the supply and demand for housing the 3 Ayrshire Councils shall:

- A treat each of East, North and South Ayrshire Council areas as Housing Market Areas; and
- B be guided by forecasts of demand in ASP, or its reviews.

Figure 4.2 – Ayrshire Housing Requirement by Housing Market Area 1998-2010

	1998-2005	2005-2010	1998-2010
East Ayrshire	2289	1636	3925
North Ayrshire	4318	3085	7403
South Ayrshire	2315	1654	3969
Ayrshire	8922	6375	15297

Housing Land Supply in Ayrshire 1998-2005

The 3 Ayrshire Councils in conjunction with the house building industry and Scottish Homes undertake an annual audit of available land for housing within Ayrshire. The audit completed at the end of March 1998, identified a supply of sites with a capacity for 14565 housing units. Of this supply some 7400 housing units are expected to be built by 2005. This is known as the “effective supply” of future housing sites. Comparing the effective supply with the forecast housing requirement to 2005 at a council area level, indicates a shortfall which requires to be met by the identification of further housing land.

These figures represent the number of houses that are required to meet demand in any one area over and above the current effective supply. The allocation of housing sites within these areas is the responsibility of each Council's local plan, and will require to conform to other policies in ASP as well as be derived from a detailed assessment of local circumstances. This will include a preference for allocating new housing sites to brownfield land and should allow for choice in terms of location, size and type of development. Policy L3 identifies the housing shortfall by Housing Market Area and its distribution by sub-area for the period 1998-2005.

Policy L3

In addition to the effective housing land supply at March 1998, local plans shall allocate sufficient land to meet the following housing shortfall for the period 1998-2005....

	Housing Shortfall 1998-2005
South Ayrshire	860
Ayr, North Carrick and Doon (part)	780
Girvan and South Carrick	80

Note: Distribution by sub-market area is provided for guidance to local plans only.

Housing Land Supply in Ayrshire 2005-10

Policy L4 sets out the additional housing provision that may be required in the period 2005-10. These figures are provided as guidance for local plan preparation and infrastructure provision only and will require to be monitored on an annual basis and reviewed in accordance with policy L1.

Policy L4

The following additional housing provision for the period beyond 2005 up to 2010 is provided for strategic guidance. The housing provision will be subject to regular monitoring and review in accordance with policy L1.

	Additional Housing Provision Possible Requirement 2005-10
South Ayrshire	1650
Ayr, North Carrick and Doon (part)	1550
Girvan and South Carrick	100

Note: Distribution by sub-market area is provided for guidance to local plans only.

Housing Land Release Criteria

....The preferred method for measuring supply and demand for housing as defined by PAN38 suggests an annual audit to ensure a minimum 5 year effective land supply at any time. Although the councils will continue to conduct the annual audit, consultation and approval of both structure and local plans can be longer than one year. In order to provide flexibility in the process, and to create a degree of certainty for the construction industry, policy L5 is included which seeks to provide a context for greenfield housing land release at any stage in the structure and local plan process.

Policy L5

Proposals to extend the greenfield supply of land for residential development shall require to:

- A demonstrate clear evidence of shortfall in effective land supply in the relevant Housing Market Area;
- B demonstrate effectiveness and output contribution during the shortfall period; and
- C be fully justified against the criteria identified in policies G1-G8.

Affordable and Special Needs Housing

The availability of social and affordable housing also requires to be addressed when considering future housing land allocation. The Ayrshire Development Strategy has outlined an approach for the creation of sustainable and balanced communities within which it is important to recognise the needs of the old, disabled, homeless and young as well as those who cannot afford to buy their own home.

It is clear the operation of the housing market is not responding adequately to these needs in some parts of Ayrshire where there are high demands for affordable housing with limited opportunities for housing to rent and an under supply of housing for people with community care needs. The solution to these issues does not lie solely with land use planning but will require innovative initiatives by the public and private sectors targeting expenditure to areas of greatest need. Proposals for meeting requirements for affordable and special needs housing should be brought forward within the overall strategic context for housing land release as part of local plan preparation.

Policy L6

The 3 Ayrshire councils shall ensure the availability of sites for affordable and special needs housing in local plans.

Strategic development guidelines

Development in the countryside

...In order to provide a context for dealing with development proposals a series of policies is identified which seek to address the type of development acceptable in each area. As a general principle, policies...reflect the varying degrees of development pressure experienced...and its impact, thus policy G4 for the green belt is the most restrictive as here development pressure is greatest.

Development pressure is also evident in the rural protection areas. Whilst these pressures are not of the same magnitude as the problems associated with the green belt there is a general requirement for general development constraint in these areas, limiting development in the countryside to that for which there is a specific local requirement. In limiting development, however, due account has to be taken of the social, economic and other needs of resident populations, both in the smaller settlements and the countryside. In this regard, whilst there is a general presumption against development in the countryside, there are particular developments associated with farm diversification and the local economy that are considered acceptable in planning terms. This is reflected in policy G5.

Policy G4

There shall be an overall presumption against the spread of built-up areas and the encroachment of development into the countryside of the Ayr, Prestwick and Troon Green Belt. As a consequence there shall be a presumption against development proposals unless:

- A. it can be demonstrated they provide exceptional economic benefit, and have a site specific locational need; and
- B. they specifically accord with other policies in the structure plan and any other relevant policies which may be included in local plans.

Policy G5

Development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the structure plan only where the development:

- A. has a demonstrated site specific locational need;
- B. can be justified in terms of social and economic benefit to the community;
- C. contributes to rural land diversification; or
- D. provides for the operational needs of agriculture and forestry.

3. Strategic Objections

3.1 HOUSING LAND

Representation nos:

369, 370, 371, 373, 389, 423, 444, 490, 491, 539,
1105 and 1123

Objectors appearing at Inquiry:

M&M
HforS
SEAC
Hallam Land Management
(+ written submissions)

Objecting to:

Housing Requirements Section
Policy H2A
Policy H2B
Policy H3A
Policy H3B

1. BACKGROUND

1.1 Strathclyde Structure Plan (approved in 1997) and the emerging ASP formed the main context for preparing CDSALP. It identified a shortfall of 620 houses in the former Kyle and Carrick District Council area in the 12 year period 1994 to 2006, with 90 of the shortfall arising in the period to 2001, and 530 arising in the longer term period to 2006. To deal with this shortfall, a greenfield release of about 650 houses was proposed, with some 100 houses to be released in the earlier period and a further 550 houses in the later period. While the finalised Strathclyde Structure Plan identified 2 broad locations for release at NET (for 500 houses) and at Ayr/Prestwick (for 150 houses), SofSS deleted these locations in subsequently modifying the plan because it was for SAC to determine where sites should be identified to meet the shortfall and to reflect that in SALP. NET had been seen as being particularly suited to meeting longer term needs. Following on from the earlier Updates, Strathclyde Structure Plan continued to identify additional greenfield locations for housing at Maybole (75 houses), Girvan (50 houses), Loans (75 houses), Coylton (500 houses), Mossblown (50 houses), and Dundonald (100 houses).

1.2 While CDSALP (published in 1999) indicated that the total population in the area had remained relatively stable, it highlighted a projected rise in households from 48300 in 1998, to 50000 in 2005 and 50800 in 2008. This clearly had implications for housing demand. The population was concentrated in the urban areas of Ayr, Prestwick and Troon, with smaller concentrations in Girvan and Maybole. CDSALP had 7 housing objectives, including: to maintain an adequate range, choice and distribution of effective housing sites to meet projected demand over the plan period; to seek to ensure that the needs of all housing tenures are accommodated; to assist the sustainable development aims of CDSALP by seeking to accommodate housing demand within existing settlement boundaries; and to ensure new sites selected for residential development meet, as far as possible, with CDSALP's aims for sustainable development by being economic to service and accessible by a range of modes of transport. CDSALP acknowledged that housing development might assist, amongst other things, economic development and urban regeneration. In line with Strathclyde Structure Plan and the emerging ASP, it also identified the SAC area as a single housing market area (with 2 sub-housing market areas).

1.3 CDSALP identified that the deficiency in housing was especially evident in the northern part of SAC's area, with Ayr, Prestwick and Troon being under considerable pressure. In the period between 1998 and 2005, CDSALP indicated that there was a shortfall of 628 houses, and that, in the period 2005-2010, the shortfall would potentially grow to 1936 houses. Although the figures in the emerging ASP were to be used to help identify the future demand for housing, SAC acknowledged that there was a pressing need to take stock of the current position and the requirement to comply with Strathclyde Structure Plan.

1.4 CDSALP indicated that the housing release figures in Strathclyde Structure Plan were out of date because they were based on calculations dating back to 1994, and that the figure of a 100 houses was much too low when account was taken of the requirement to maintain a 5 year supply of housing. In order to meet the urgent need to find greenfield land for the period up to 2003, SAC calculated that provision required to be made for 320 houses. Sites were identified at Doonholm (Ayr), Girvan, Longhill Farm (Ayr) and Monkton, and SAC indicated that they were minded to release them prior to the publication of SALP. It was anticipated that the 4 sites would have a capacity of about 330 houses. In the longer term, CDSALP sought to identify land for a further 540 houses between 2003 and 2005 (the 7 year requirement) of which 308 would be on greenfield sites. A further 32 greenfield sites were still required in the remaining year, to 2006, if CDSALP was to comply with Strathclyde Structure Plan. CDSALP explained that a larger site which could be developed in phases offered the most satisfactory solution of meeting the housing need. The search was concentrated on the 3 largest towns of Ayr, Prestwick and Troon, and 3 locations were identified for closer examination – NET, SEA and Greenan. CDSALP also identified housing opportunities for meeting local demand within villages.

1.5 ASP (approved in 2000) sets out the housing land requirement that SALP seeks to address (chapter 2.1 above). ASP policy L3 indicates that there is a need for SALP to allocate land to meet a shortfall of 860 houses. ASP policy L4 provides strategic guidance on additional housing provision between 2005 and 2010, and indicates that provision should be made for an additional 1650 houses. However, these figures were based on the 1996 SE household projections, and a report on the implications of the 1998 updated household projections was prepared for ASP&TC in December 2000. This suggested that instead of an annual increase of around 900 households in Ayrshire in the period to 2012, the figure should be 1100 households. Such an increase would require additions to the housing land supply. On this basis, the shortfall in South Ayrshire would increase to 1351 houses in the period 2000-07, and there would be a possible requirement of 2130 houses from 2007-12. In South Ayrshire these shortfalls are concentrated on the Ayr and North Carrick Sub-Housing Market Area, which contains Ayr, Prestwick and Troon. The report concludes that the need to meet the shortfall within South Ayrshire is now critical, and that major releases would be necessary if future demands are to be met.

1.6 SALP takes into account the updated, 1998 SE based household projections. It indicates that there will be an increase of around 4400 households (9%) in the period 2000-12. The housing objectives in SALP broadly reflect those of CDSALP, and there is an emphasis on directing housing development to existing gap sites or to redevelopment (including brownfield) sites within settlements. The primary aims of guiding development towards existing settlements are to maximise their viability, and to provide protection for their setting. SALP strategic policy H1 indicates:

Strategic policy H1

SAC will seek to maintain an effective 5 year supply of land for housebuilding to meet projected demand and encourage housing development on appropriate brownfield sites, in preference to greenfield sites.

Large scale development proposals are to be directed to the 3 largest towns (Ayr, Prestwick and Troon) and to Maybole and Girvan.

1.7 SALP acknowledges that it would not be possible to meet demand for housing from the existing housing land supply. Between 2002 and 2009, SALP identifies a requirement for 2982 additional houses, and a shortfall of 570 houses, once account is taken of the sites contained in strategic policies H2A and H2B. For the period to 2012, these figures increase to a requirement of 4260 houses, and a shortfall of 1108 houses. The policy H2A sites (brownfield sites) could bring forward 365 houses in the period to 2012 (289 houses by 2009), and the policy H2B sites (greenfield sites) 422 houses (374 by 2009). The housing requirement figures cover all tenures, including affordable housing. In addition to the sites referred to in policies H2A and H2B, SAC proposed that 2 major greenfield releases be brought forward at NET (strategic policy H3A) and SEA (strategic policy H3B). The sites identified in SALP seek not only to meet the 7 year requirement (to 2009), but to substantially address the emerging housing shortfall in the 10 year period (to 2012). Key factors taken into account in opting to select larger sites were the need for new development to be as sustainable as possible, and to ensure that the sites could provide the necessary number of houses on time and a choice of housing. Through policy H4, SAC included a measure to protect housing land from inappropriate alternative uses. SALP's background paper on housing land indicated that it was prudent for SALP to take into account the latest estimated housing land requirement (2000 based) because this was based on up-to-date information.

1.8 In April 2004, SAC brought forward changes to SALP. In the reasons for those changes, they indicate that the updated 2000 housing requirements have not been incorporated into any alteration, update or review of ASP, and that SALP's housing requirements must remain those identified in ASP (2315 for the period 1998-2005). In addition, the reasons note that the housing requirement during the SALP period had reduced since SALP's approval. In the changes themselves, SAC contend that future housing requirements may be capable of being accommodated on sites other than SEA (mainly brownfield ones), and that it is therefore uncertain whether further greenfield housing land will be required in the period beyond 2012 or by way of any future structure plan reviews. Given this, policy H3B has been deleted, and strategic policy STRAT6 has been amended to identify SEA as a longer term strategic growth area. In addition, as a result of the changes put forward by SAC, revisions have been made to the housing requirements table in SALP (revisions in italics), as follows:

Revised Housing Requirements Table

<i>Requirement for additional housing</i>	2002-2009	=	2315
<i>Requirement for additional housing</i>	2002-2012	=	3307
<i>Proposed updated requirement for additional housing</i>	2002-2009	=	2982
<i>Proposed updated requirement for additional housing</i>	2002-2012	=	4260
<i>Established land supply (effective part)</i>	2002-2009	=	1749
<i>Established land supply (assumed effective part)</i>	2009-2012	=	489
<i>Brownfield site search (policy H2A sites)</i>	2002-2009	=	256
<i>Brownfield site search (policy H2A sites)</i>	2009-2012	=	74
<i>Greenfield town and village expansions (policy H2B sites)</i>	2002-2009	=	395
<i>Greenfield town and village expansions (policy H2B sites)</i>	2009-2012	=	63
<i>Remaining housing surplus</i>	2002-2009	=	+85
<i>Remaining housing shortfall</i>	2002-2012	=	281
<i>Remaining housing shortfall to meet proposed updated requirement</i>	2002-2009	=	582
<i>Remaining housing shortfall to meet proposed updated requirement</i>	2002-2012	=	1234

NB: the land supply estimates shown above only include the output contribution for the period given

1.9 CDASP (published in June 2004) states that it must be read in the context of promoting consultation and stimulating debate and is not to be interpreted as an agreed policy for change. CDASP considered 3 options based on the following population trends: GROforS trend; applying the equivalent national household growth rate (7%); and achieving a stable population by 2017. A stable population would mean maintaining the population at the 2005 level of 362000. This would meet one of the proposed principle aims of CDASP's spatial development strategy. The other 2 population trends would lead to a decline in population by 2025 of up to 31000. CDASP does not consider a population falling by this amount to be a viable option. If a stable population is to be achieved in South Ayrshire, there would be a requirement for an additional 5800 houses by 2017 and 9600 houses by 2025. The other 2 trends would result in a requirement for a smaller number of houses, with the lowest future requirement in South Ayrshire being for an additional 1000 houses in 2017 and 3900 houses in 2025 (GROforS trend). CDASP uses the 2002 SE household projections, which indicate a smaller increase in the number of households than that estimated in the 2000 based household projections. However, the achievement of a stable population would result in a significant increase in the number of households. CDASP proposes an approach to the location of housing based on 10 criteria and amongst others, it puts forward a housing allocation for up to 8000 houses in south and east Ayr. Ayr is identified as a core investment area town, and Prestwick, Troon, Maybole and Girvan are identified as service centres. A number of smaller settlements are recognised as local communities, some with significant development opportunities, and others with further small scale opportunities. Principles behind the emerging strategy include the promotion of strong and vibrant communities and supporting measures which encourage economic development.

2. POLICIES SUBJECT OF THE OBJECTION(S)

2.1 Objections have been lodged to the policies outlined below. In essence, the objectors were concerned that insufficient land had been allocated for housing in SALP, and this remained the case even when the changes made to SALP were taken fully into account.

Strategic Policy H2A

Residential development on the following sites, as identified on the Proposals Map, will be considered acceptable by SAC.

Ayr, Holmston Road	Dailly, Victory Crescent
Ayr, McCall's Avenue (west)	Former Primary School, Dundonald
Ayr, McCall's Avenue (east)	Girvan, Coalpots Bridge
Ayr, Former Seafield Hospital	Kirkoswald, Main Street
Ayr, Former St Catherine's Primary School	Prestwick, East Road
Ayr, Viewfield Road	Troon, Barassie Yard

Strategic policy H2B

Residential development on the following greenfield sites, as indicated on the Proposals Map, will be considered acceptable to SAC, subject to conformity with development briefs or master plans, which will be prepared or otherwise approved by SAC.

Weston Avenue, Annbank	Dalhowan Street, Crosshill
Gowlands, Barrhill	Coalpots Road, Girvan
Doonholm Road, Ayr	Bolestyle Road, Kirkmichael
Longhill Farm, Ayr	Mauchline Road, Mossblown
Main Street, Colmonell	Baird Road, Monkton
Main Street, Barrhill	Knockbreck, Straiton
Hole Road (east), Coylton	Hole Road (west), Coylton

Strategic policy H3A

Residential development on 44.3ha of land at NET will be considered acceptable by SAC, subject to conformity with masterplans which will be prepared or otherwise approved by SAC.

Strategic policy H3B

Residential development on the settlement expansion greenfield release site of 63ha at SEA will be considered acceptable by SAC, subject to conformity with masterplans which will be prepared or otherwise approved by SAC.

In addition to the subsequent deletion of policy H3B, other changes have resulted in Barassie Yard, Troon and Hole Road (east), Coylton being deleted from policy H2A and policy H2B respectively. In addition, the following sites have been added to policy H2B: Townend Terrace, Symington; Symington Road North, Symington; Townend Brae (A), Symington; and Croft Street/Garden Street, Tarbolton.

3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 M&M considered that SALP would not be adopted until 2006 at the earliest, and possibly 2007, and there was every possibility that CDASP would be approved prior to SALP's adoption. Even if SALP predated CDASP's approval, section 11(5)(b) of the 1997 T&CPA requires that it must generally conform to CDASP. CDASP should therefore attract considerable weight.

ASP policies L3 and L4

3.2 ASP policy L1 was important, and included requirements for a minimum 5 year effective land supply. It implied that a continuous land supply was required at all times in

line with policy L3. There was also to be a sufficient effective minimum housing land supply up to 2005, and it was unsatisfactory to have SALP adopted after this date had passed. ASP clearly laid out the housing requirement to be met in the period 1998-2010 (15297 houses), with the figure for South Ayrshire being 3969 houses. This requirement could come from a number of sources. ASP policy L3 required SAC to allocate sufficient land in SALP to meet a housing shortfall of at least 860 houses between 1998 and 2005. The base year for the land supply was 1998, and the additional requirement of 860 houses was based on the draft housing land audit rather than the agreed one which, if applied, would have increased the number of effective houses required in policy L3 to 944. The preamble to policy L3 was clear that the responsibility for meeting this strategic requirement fell to local plans. The surplus (456 houses) that SAC believed had been delivered between 1998 and 2005 was in essence windfall and unplanned (eg from changes in site capacity and programming). It was therefore only by happy circumstances and good fortune that the numerical shortfall or housing requirement identified in ASP (2315 houses) had been satisfied. SAC's view that windfall sites and other sources could meet the policy L3 requirement was misplaced. In addition, SAC were unaware whether ASP's strategy of directing 90% of the release to Ayr, Prestwick and Troon had been achieved, which highlighted the difficulty of relying on windfall sites, and was a telling indication of the lack of importance that SAC attributed to this aspect of ASP compliance.

3.3 SAC's response to ASP policy L3 had to be contained in SALP strategic policies H2A, H2B and H3. From the housing land audits for 2002, 2003 and 2004 (draft), it could be seen that the sites identified in SALP had failed to provide the number of effective sites required by policy L3 (860 houses) with only 167, 135 and 108 houses being built or programmed in each of the 3 audit years. If the period was extended from 2002 up to 2009, the 2002 and 2003 housing land audits indicated that the effective sites in SALP would result in a surplus of 173 and 169 houses when measured against the policy L3 requirement, and the draft 2004 housing land audit indicated that there would be a deficit of some 47 houses. If the policy L3 requirement was taken as 944 houses, the figures would be varied accordingly. The deficit in the programming from the latest (2004) draft audit arose because of the removal of the major greenfield release at SEA (strategic policy H3B), and a substitute was required.

3.4 The changes proposed by SAC to SALP had removed housing sites with a capacity of 1011 houses, and they had been replaced by sites with a total capacity of 255 houses (100 of which were non-effective because of a drainage constraint at Tarbolton). In site capacity terms, there had therefore been a reduction of 756 houses in SALP. When this was taken with the over optimistic programming of NET, it confirmed that a second greenfield release was needed to provide the houses required by policy L3.

3.5 ASP policy L4 required a further 1650 houses to be provided in the period 2005-10. While the word "possible" appeared in the policy, this was the minimum level of housing required. There would be contributions from 3 sources to this requirement: established sites in the 1998 housing land audit; windfall sites; and the effective sites in SALP, once any contribution to the ASP policy L3 requirement had been deducted (in order to avoid double counting). Based on the 3 housing land audits, the deficit to be found to meet the total of 1650 houses identified in policy L4 would be 735 houses (2002 housing land audit), 541 houses (2003 housing land audit) and 512 houses (draft 2004 housing land audit). If the programming at NET was over optimistic then the shortfall for the draft 2004 housing land audit should be increased by 125 houses. This provided further confirmation that a second

major greenfield release was required. Whether or not policies L3 and L4 were met was not simply a matter of arithmetic. While over the period 1998-2010 HforS accepted that ASP's numerical housing requirement (3969 houses) would probably be satisfied, it was pointed out that the 2 policies went beyond that and established how the additional housing provision identified should be met.

1998 updated household projections

3.6 The report prepared in late 2000 on the 1998 updated household projections would have resulted in the housing requirement in South Ayrshire increasing to around 426 houses per annum. SALP's background paper on housing land indicated that, even with the reliance placed upon the 2 major greenfield releases proposed initially in SALP, there would have been a shortfall in the housing land supply to 2009 (82 houses) and 2012 (434 houses). It was on the basis of slightly lower figures that SAC had brought forward the 2 greenfield releases, which were meant to provide 500 houses up to 2009 and 800 houses up to 2012. It was illogical of SAC to now reduce the output from the major greenfield sites (by 250 houses to 2009). SAC's approach had also to be seen in the light of calculations by HforS which showed that, over the period 2000-12, the shortfall would be either 1400 houses (350 houses to 2007) or 1650 houses (440 houses to 2007), depending on whether or not account was taken of the disputed sites. Rolling this forward to the SALP period of 2002-12, there would be a shortfall of around 1000 houses (247 houses to 2009) or 1560 houses (678 houses to 2009) against the updated requirements. Against ASP, these figures would be adjusted to shortfalls of 50 houses or 600 houses respectively. HHLtd had calculated shortfalls of around 360 houses between 2002 and 2009, and around 620 houses between 2009 and 2011.

3.7 It was a retrograde step of SAC to have decided not to use the updated requirements because there would be no 20 year planning framework in place; it would be contrary to ASP policy L1; it also took no account of maintaining a 5 year land supply at all times. The housing requirements section of SALP was brief, and it did not address the emerging requirements of CDASP.

5 year housing land supply

3.8 SPP3 required that local plans converted the housing provision identified in structure plans into effective site specific allocations for a period of up to 12 years. The medium term, which was referred to in SPP3, was a period exceeding 5 years, and went up to at least 10 years. HforS believed that the purpose of medium term allocations was to identify and safeguard land that could be brought forward quickly in response to demand, even if that land was initially phased for a later period. SPP3 required local plans to provide an effective housing land supply for at least 5 years from the date of adoption. It would be unreasonable to adopt a local plan which did not have a 5 year land supply available at the date of adoption, and it would be unreasonable to adopt a plan if the supply was barely met because there were always unforeseen difficulties with the delivery of substantial housing sites. The 5 year land supply requirement was related to but separate from the housing requirements set out in ASP. The current 5 year land supply requirement was 1655 houses, and this required to be maintained (as a minimum) throughout SALP's lifetime. The delivery of sufficient housing land to meet the requirement included a spatial element and the need for a range and choice of housing. Planning for a 5 year effective housing land supply from 1 April 2006 onwards would require a new ASP to define the land supply beyond 2010. While it was a useful starting point, there was no national or strategic context which justified SAC's rolling

forward of the 1998-2010 housing land requirements to 2012. SAC's interpretation of SPP3 that a 7 land supply was meant to include the date of a local plan's adoption, was wrong. At its most extreme, that would allow the possibility of programming the delivery of all the houses in the years prior to adoption, with none programmed post adoption. The housing output from windfall sites was a flexible element in the housing land supply, and should not influence whether SAC had a 5 year land supply in place.

3.9 While the 3 housing land audits for 2002, 2003 and 2004 (draft) provided for a minimum 5 year supply of housing land from each base date, this was only when assessed against ASP not CDASP or the updated household projections. The 2004 draft housing land audit had not been the subject of detailed discussions with the housebuilders. The figures should be reduced by at least the 189 sites disputed in 2003, and by removing the Tarbolton site. However, even if all the sites remained in place, from the date of SALP's adoption, there would still be a shortfall in the 5 year land supply of around 70 houses, with only 1587 houses programmed from 2006-11. If the sites disputed between SAC and HforS in the 2003 housing land audit were carried over to the 2004 draft audit, and the site at Tarbolton was added then the shortfall would increase to around 350 houses. A 7 year land supply from the date of adoption, which HforS think would be prudent and desirable, would result in a shortfall of some 500 houses.

3.10 While these calculations were all based on ASP, CDASP would overlap ASP for a period of 5 years (2005-10). It was inconceivable that the new ASP would allocate houses on the basis of the more recent household projections, and SAC had accepted that the preferred strategy of a stable population was consistent with the National Planning Framework. If CDASP was approved on the basis of the preferred strategy, the annual requirement would be 480 houses and, over a 5 year period, this would increase the requirement by around 750 houses (over a 7 year period, the figure would be 1050 houses). SALP would have significant difficulties in meeting these increased requirements. Even taking into account SEA, there would be significant shortfalls in the early part of the SALP period, which would only get worse as the SALP period progressed. M&M indicated that the shortfall identified in the initial SALP housing requirements would increase to 932 houses to 2009 (from 582 houses) and 1734 houses to 2012 (from 1234 houses). It would be likely that SAC would have to resort to the release of sites through a policy such as the existing ASP policy L5, which would be poor planning.

3.11 SEAC had carried out a detailed strategic housing land assessment for South Ayrshire (based on the 2003 housing land audit) to assess the ability of the land supply to deliver the required number of house completions and, despite SAC's views to the contrary, it should be given considerable weight. While over the whole ASP period (1998-2010), the assessment showed that a small housing land surplus (121 houses) was projected, that became a shortfall (208 houses) if the period 2003-10 was looked at in isolation. This shortfall broadly equated to SAC's surplus of 342 houses once account was taken of the disputed sites, the proposed changes to SALP, and the difference between the anticipated and the actual completions in 2003/04. Rolling forward the strategic requirement to 2012 on the basis of the current annual requirement of 331 houses, the shortfall would increase to 346 houses. The shortfall identified by SAC up to 2012 was significant once the impact of the disputed sites and the proposed changes were taken into account. If the annual CDASP requirement was applied between 1998 and 2010, the shortfall would be 627 houses; applying it over the period 2003-10, the shortfall would be 953 houses; and projecting it forward to 2012 would result in a shortfall of 1332 houses.

3.12 While deciding which housing requirement figure should be adopted was not straight forward, it was clear that ASP's requirement (331 houses per annum) was insufficient. SAC's decision at an earlier stage to use the updated household projections showed that they were willing to depart from ASP's requirement if more up-to-date information suggested that it was appropriate. It also showed that SAC accepted that ASP required SALP to ensure that at least a 5 year effective housing land supply was maintained at all times and that it was prudent to address emerging housing requirements for at least 10 years. In adopting their current approach, SAC had missed the opportunity to plan for the new phase of growth proposed in CDASP. Overall, SALP did not satisfy the full requirements of ASP policy L1. In addition, SPP3, PAN38 and PAN49 all promoted a longer term perspective than that being proposed. SALP's housing requirements table should be simplified, and SAC should make clear which set of housing requirement figures out of the 2 provided (ASP and the 2000 update), they had used. The year 2009 had now been superseded, had no relevance and should be deleted, and replaced by 2011/12, with 2016 defining the medium term. The future housing land supply remained dependent on greenfield releases. Such releases would maintain choice, would meet need, and would ensure a supply of housing land through the latter parts of the ASP period. SAC should reinstate an appropriate replacement paragraph or section on major greenfield releases.

3.13 It was indicated that the proposals recently brought forward for Ayr Racecourse vindicated the argument put forward that there was a shortfall against ASP policy L4 of 512 houses based on the draft 2004 audit. Objections had been made to the application by a number of parties citing planning and legal reasons. The application had now been called in by SMs, and there was no guarantee that planning permission would be granted. If planning permission was granted subject to the conditions proposed by SAC, M&M would seek to have the decision judicially reviewed. In the circumstances, there could no confidence that the proposal would produce any houses in the foreseeable future. Even if this site was to be added to the effective housing land supply, there would still be a requirement to release further strategic greenfield housing sites.

CDASP

3.14 Considerable weight required to be attached to CDASP. Its housing strategy indicated that there was an immediate requirement for new housing, and that the main stimulus for economic success would be through the contribution that key towns, such as Ayr, could make as providers of housing opportunities. Although the housing land requirement incorporated a 30% flexibility allowance on the demand side of the equation, the preferred policy for South Ayrshire would result in an additional 5800 houses by 2017 and 9600 houses by 2025. CDASP also indicated that 8000 houses should be provided to the south of Ayr. It sent a clear message about what the 3 Ayrshire councils were seeking to achieve. The requirement to provide good quality, well designed housing to improve choice, would not be met through promoting just one location. CDASP's approach would provide both choice and economic prosperity, and it was entirely possible that it could be approved prior to SALP being adopted.

3.15 It was accepted that CDASP was at an early consultative stage, but SAC's own figures demonstrated the scale of the deficit that would arise under the preferred strategy. Even taking into account the urban capacity studies undertaken, around 60% of the new housing land requirement up to 2025 would have to be on greenfield sites. CDASP also

merited some weight because ASP did not provide a robust strategic context for assessing the adequacy of the housing land supply. In particular, the necessary regular reviews of the requirement had not taken place. SALP should be changed to recognise CDASP and its signalling of further housing land being required beyond the SALP period. Careful attention should be paid to CDASP's development during and after the inquiry, and opportunities should be given for further comment at key stages.

Other matters

3.16 It was not just CDASP which pointed towards a need for more housing in the future. The higher completion rates demonstrated by SAC between 1998 and 2005 were also indicative of higher than anticipated demand. Indeed, in the period 1998-2003, the housing land supply had significantly outstripped the strategic requirement by around 20%, and the actual output in 2003/04 had continued that trend with 426 completions against a projected output of 327 houses. If the 20% over supply between 1998 and 2003 was taken as the new requirement, the number of houses required would increase to 397 per annum, which would give a shortfall of 670 houses in the period 2003-10 and 1264 houses up to 2012. Such a level of demand would not be taken into account in the GROforS projections, and it was a further factor which demonstrated that SALP should adopt a prudent and flexible approach by allocating more land for housing. The SALP policy H4 sites did not provide the answer to the housing land supply difficulties because some had alternative preferred uses and some were already allocated under other housing policies. Furthermore, all of those sites were included in the draft 2004 housing land audit. It would be contrary to the principles of good forward planning to rely on them as a substitute for allocations. SAC's suggestion that any problems with housing output could be resolved by tinkering with programming in the housing land audits demonstrated a lack of understanding of the housing market. No matter how the issue was looked at, there would be a substantial housing land supply shortfall.

3.17 Hallam Land Management, in addition to supporting the position of HforS, emphasised that the issue of the housing land supply was not just about numbers, but embraced choice, location, size and type of development. This was recognised in ASP as approved by SMs, and was supported by the Barker Report (published in April 2004), which sought greater realism in local plans in their initial allocation of land and more flexibility in bringing forward additional land for development. It also called for a further buffer of land to be allocated to improve a local plan's responsiveness. Given that the relationship between the amount of land allocated and the cost of housing was important, account should be taken of any market behaviour evidence for a particular location. In addition, it was necessary to maintain an adequate distribution of effective housing sites throughout South Ayrshire. In the Clydebank Local Plan Inquiry, the Reporter had recommended releases on this basis.

3.18 The implications of the shortfall in affordable housing identified by FRLtd (chapter 3.2 below) should be given serious consideration. A joined-up approach was required between the development plan and the local housing strategy but, in its current form, SALP was in danger of running counter to the local housing strategy's objectives. This was because the annual shortfall identified in SAC's SPG on affordable housing exceeded ASP's annual strategic housing requirement. While SPP3 indicated that the aim was to consider the housing market area as a whole when addressing the shortage of land for affordable housing, specific differences across the housing market area should be taken into account.

Conclusions

3.19 Overall, SALP did not conform to ASP, did not meet national guidance, and did not take account of CDASP. It could not be adopted in its current form, and additional housing allocations were required. If ASP's strategy was to be achieved then the housing sites before the inquiry should be considered not just numerically, but also qualitatively in terms of location and choice (including house type and tenure). One suggestion was to combine a number of larger strategic greenfield releases, which could contribute to the supply into the medium term (as required by SPP3), and a number of smaller sites, which could assist with the short term shortfall. A sufficient supply would go some way to ensuring that land could be made available for the development of affordable housing.

4. SUMMARY OF CASE FOR SAC

4.1 Sections 11, 15 and 17 of the 1997 T&CPA set out the obligations imposed on SAC in considering the objections to SALP. The Structure and Local Plans (Scotland) Regulations were also relevant. The test of whether a local plan conformed to the structure plan was one of planning judgement (*Commission for the New Towns v Horsham District Council [2000] PLCR (Part 1) 70*; *R v Derbyshire County Council ex parte Woods [1998] Env LR277*; and *Freeport Leisure plc v West Lothian Council [1999] SLT452*). The correct approach in interpreting a structure plan was to look at the policy, the relevant text supporting the policy, and the policy and text in the context of the relevant chapter. An example of the correct approach was contained in the *City of Edinburgh Council v SMs [2001] SC957*.

4.2 The objections to SALP must be considered within the context that SALP was required to conform to ASP. Section 11(5)(b) of the 1997 T&CPA related to the formulation of proposals in a local plan. It did not require a plan going to adoption to conform generally to a consultative draft structure plan. It could not do that because a consultative draft structure plan could be completely at odds with the approved structure plan at the time of the local plan's adoption. In any event, CDASP had to be read having regard to the important fact that it was prefaced by a statement which indicated that it must be read in the context of promoting consultation and stimulating debate, and was not to be interpreted as an agreed policy for change. CDASP did not have policies against which to undertake a complete assessment of SALP.

ASP policies L3 and L4

4.3 It was not the function of a local plan inquiry to reassess the relevant structure plan requirement for housing. While the housing land requirement shown in ASP had not been transferred into any policy, SPP3 clearly indicated that the first requirement of a structure plan was to identify the overall housing land requirement for a period of 12 years from the expected date of approval. It also indicated that it was for the local plan to allocate land in conformity with the structure plan. ASP required 3969 houses to be built between 1998 and 2010 in order to meet the housing requirement in the South Ayrshire Housing Market Area. That requirement could be met from any source, and it could only be altered by an amendment to ASP. There was nothing in ASP to suggest that the 1998 established housing land supply, SALP housing allocations and windfall sites could not all count towards meeting the requirement. It would be bizarre if housing units built between 1998 and 2010 could not help meet the requirement. The important point was that the requirement was met and ASP's

objectives achieved. SAC had followed national advice and had taken no account of windfall sites in assessing the effective housing land supply. However, they provided added flexibility, and the urban capacity study had identified a potential 297 such sites in South Ayrshire. Greenfield sites coming forward under policy L5 would also count towards ASP's requirement. SALP's housing strategy offered ample choice, and if a further large greenfield release was to come forward then more than 90% of the housing allocations would have been in the Ayr, North Carrick and Doon Sub-Housing Market Area. SALP had addressed ASP's requirement, and it had to be borne in mind that the over or under allocation of land could result in a local plan not conforming to a structure plan. The housing background paper for SALP, published in 2004, reflected the position at the time that SALP was approved by SAC.

4.4 By the time SALP was published, the time frame it was considering had moved on to 2002-12, but policy L3 specifically addressed the housing shortfall calculated for the period 1998-2005. Both HforS and SEAC accepted that there would be a surplus for that period. The shortfall identified in policy L3 therefore no longer existed. SAC considered that the surplus amounted to at least 217 houses which arose from higher than expected completions up to 2004 on sites in the 1998 housing land audit, and from windfalls. This surplus would increase to 456 houses if account was taken of completions in 2004/05 on those sites in the 1998 audit and windfalls. Even if M&M were correct, SAC had identified more than 860 houses in SALP, having allocated over 2700 houses through policies H2, H3 and H4. Of the policy H4 sites, none were in current active use, and only around 6 were designated under policy OPP1, which would allow alternative uses to be promoted to housing. Although unsure, SAC felt that the allocations outlined for sub-housing market areas in policy L3 had been broadly achieved.

4.5 Policy L4 provided strategic guidance for the period 2005-10 on the possible housing requirement. One reason for this was that a greater or lesser number of houses could have been built between 1998 and 2005 than was predicted. It was important to note that policy L4 was not a requirement of ASP. The total figure for policy L3 and policy L4 sites was 2510 houses. Given the full extent of the policy H4 sites and the allocations in SALP, no matter what interpretation was put on the 2 policies, SALP had identified sufficient land to address them. Even if policy L4 was considered in isolation, the agreed 2003 housing land audit indicated that there would be a surplus of 184 houses over the possible housing requirement for 2005-10 (1650 houses).

1998 updated household projections

4.6 The updated requirements as outlined in the December 2000 (paragraph 1.5 above) report were really only of academic relevance because they were not incorporated into an ASP alteration and they were not relied upon by CDASP. At the time SALP was prepared, a formal alteration to ASP had been anticipated, and it had been considered relevant to take the updated projections into account. On the basis of the 2002 audit, in the period 2002-09, there would be a shortfall of 82 houses and, extending this to 2012, the shortfall would increase to 434 houses. The 2 major greenfield releases (NET and SEA) initially proposed would have substantially addressed these shortfalls. HHLtd, in their calculations, had incorrectly made no allowance for any changes in the established land supply between 2000 and 2002.

4.7 The 1996 household projections formed the basis of ASP, and they were very similar to the 2000 based projections, which replaced the 1998 ones. A comparison of those household projections and those used for ASP showed that there was no justification for

finding the additional land identified in the December 2000 updated requirements. ASP's policies and housing requirement therefore continued to be valid. If there was a change in strategy in the emerging ASP, SEA had been identified as the longer term strategic growth area. SAC's position on the updated projections had changed in April 2004.

5 year housing land supply

4.8 ASP's housing land requirement was also important in providing the information required to establish the 5 year effective land supply. ASP policy L1 set out that SAC should aim to maintain a minimum 5 year effective housing land supply, and the housing land requirement provided the basis for calculating that supply. SAC had provided additional flexibility in assessing the 5 year land supply by using a figure of 1655 houses. This was because the completions and output counting towards ASP's housing land requirement would be around 2720 houses for the period to 2005, which would leave only a need for a further 1251 houses in the period 2005-10. Policy L1 should be interpreted as meaning that at any housing land audit there should be a minimum 5 year effective land supply. Housing land audits provided only a snapshot of the housing land supply at any given time, and they could not be used to show a snapshot of the position over a 5 year period set in the future because further sites would be introduced in the intervening period. In addition, there was no requirement in SPP3 for SALP to ensure that there was a 10 year plus effective land supply which was what some objectors appeared to suggest. SALP aimed to provide sufficient land to meet housing land requirements over the 10 year period (2002-12) in order to provide certainty for local communities and the housebuilding industry. The changes made in April 2004 to the housing requirements table in SALP were not a consequence of introducing new policies or sites. The table took no account of the proposed release at NET. While the inquiry was set up to consider the objections made to SALP, SAC considered that it was relevant and appropriate to up date the housing land supply information.

4.9 In addition to addressing ASP's requirements, SALP provided sufficient housing land over 7 years, which therefore ensured that an effective 5 year housing land supply would be in place from the date of adoption. Both HforS and SAC agreed, on the basis of the 2003 housing land audit, that there was a surplus over requirement for the periods 2003-09 and 2003-10, with SAC calculating that the surplus amounted to 412 and 342 houses respectively. The 2003 audit resulted in a deficit in the period to 2012, but only of 18 houses. The 2004 draft audit showed that there was a surplus for the periods 2004-09 (237 houses) and 2004-11 (24 houses), and a deficit for the period 2004-12 (218 houses). The total variation between the 2003 and 2004 audits was 108 houses for the period 2004-10 and 154 houses for the period 2004-12. Assessing the housing requirement against the 2002 housing land audit revealed surpluses of 585 houses (2002-09) and 519 houses (2002-12). SAC had adopted the correct method for assessing the effective land supply. Even if the method promoted by HforS and M&M was to be applied to the period 2006/07 to 2010/11, there were 1587 houses programmed to be built in the 2004 draft audit, and a further 1348 houses identified for development post 2010/11 (equivalent of around 4 years land supply at 331 houses per annum). This took no account of the potential 3000 houses that SEA could produce.

4.10 It was impossible to identify a housing requirement for the period 2010-11 until CDASP had been progressed and was approved by SMs. SAC had continued the figure of 331 houses into this period for guidance purposes, and this gave an indication of the extent to which SALP was addressing the post 2010 housing needs. SAC's figures had added flexibility because they did not take account of any completions from 1998. In addition, none

of SAC's 5 and 7 year housing assessments took account of windfall sites coming forward, of new sites coming through ASP policy L5, or of SEA. All of these sites could make contributions, could provide additional flexibility, and could ensure a sufficient housing land supply. It had been demonstrated that between 2003 and 2010, the housing land supply could address the 5 year housing land requirement. Housing land supply figures commonly showed a smaller housing output towards the end of the housing audit period because of uncertainty and site programming difficulties.

4.11 Little weight should be attached to the housing shortfalls calculated by HforS and SEAC because both had subtracted the sites being removed from SALP, but they had not taken account of the new sites which had been identified in SALP and in the draft 2004 housing land audit. Neither had they recognised the housing land supply as being a snapshot of the circumstances at a particular time. HforS had compounded their error by attempting to roll back and update the 2002 snapshot with more recent information. SEAC's calculations were unhelpful because they had inappropriately combined the periods 1998-05, 2005-10 and 2010-12, and their housing land supply tables did not accurately demonstrate the difference between the positions in 1998 and 2003. The level of sites disputed between SAC and HforS was largely because of Scottish Water's position. As far as SAC were concerned, the site at Tarbolton was in the control of a housebuilder who intended to progress the development. Should CDASP identify a requirement for a large release, SALP provided a framework through to 2017 (through policy STRAT6).

4.12 It was indicated that SAC were minded to grant planning permission for a proposal at Ayr Racecourse which included 400 houses. The application had been referred to SE as a significant departure from ASP and, provided it was not called in, the site would appear in the 2005 housing land audit. SAC normally took the view that it was inappropriate to alter housing land supply assumptions between audits. However, this proposal was of such a scale that it should be properly taken into account at this stage. In particular, it was emphasised that the number of houses proposed would exceed ASP's annual housing requirement for South Ayrshire.

4.13 SALP complied with government policy because it conformed to ASP, and it would provide sufficient effective housing land to meet the housing land requirement for at least 5 years from the date of adoption.

CDASP

4.14 SAC intended to adopt SALP under ASP, and SALP must therefore conform to ASP's terms. CDASP was not an agreed policy for change and, indeed, it had no policies. The overall 12 year housing land requirement for CDASP would run from 2005-17, and a general indication of requirements would be given for the period 2017-25. There would therefore be an overlap between the ASP and CDASP periods. Although delays in the finalisation of CDASP could result in the time frames moving forward, that did not happen when ASP was approved.

4.15 By identifying the significant potential of SEA under SALP policy STRAT6, SAC had recognised that the preferred scenario CDASP had put forward was the achievement of a stable population in South Ayrshire. CDASP was at an early stage, and the 2 other scenarios identified required consideration (the GROforS trend [as in ASP's strategy] and the equivalent national household growth rate [7%]). Under the GROforS trend, there would be

a surplus of 2618 houses in the indicative housing land supply to 2017, and no requirement for further provision. In relation to the equivalent national household growth rate scenario, there would be a deficit of 182 houses and, for the stable population scenario, the deficit would increase to 2182 houses. If SEA was excluded these figures would change to a surplus of 2093 houses, and deficits of 707 and 2707 houses respectively. SAC accepted that a 5 year land supply would not be provided if CDASP was approved in 2006. However, no account had been taken of the estimates calculated under the urban capacity study (an estimated 297 houses in the period) or of any windfall allowance. Between 1994 and 2004, there was an average of 66 windfall sites each year. While there could be some doubt over whether SALP generally conformed to the GROforS scenario (because of the scale of the surplus that would be created), SAC believed that it would generally conform to the other 2 scenarios.

Other matters

4.16 In their selection of sites, SAC had provided choice in terms of location, size and type of development. Housing sites had been proposed for the majority of settlements in South Ayrshire. The housing requirements table in SALP as amended to show a housing surplus of 85 between 2002 and 2009 and a housing shortfall of 281 between 2002 and 2012, represented a snapshot in time of the 2002 position. It justified the release of NET. The housing shortfalls identified to meet the proposed update justified the identification of SEA as set out in the changes to SALP. The policy for this latter site (policy STRAT6) was now also justified through CDASP.

4.17 SAC expected the level of windfall sites to continue at much the same level or higher. The urban capacity study was a minimal position because of the conservative assumptions SAC had adopted compared to other councils. SAC believed that the new M77 would provide capacity for additional traffic for only a few years. Any increase in the marketability of the South Ayrshire area to the wider conurbation would therefore be short lived. The publication of the 2000 household projections had prompted discussions between SAC and GROforS. The latter had explained that the earlier high level of household projections for South Ayrshire were based on a false premise, which had resulted in their approach being altered.

4.18 Turning to affordable housing, PAN38 confirmed that housing needs assessments were carried out using a different methodology from that adopted to identify a structure plan housing requirement. They were also used for different purposes. While, in principle, joined up thinking between a development plan strategy and a housing strategy would be appropriate, this was difficult to achieve in reality. It was desirable to have a range of affordable housing opportunities throughout the housing market area.

Conclusions

4.19 Both the 1998 updated household projections and CDASP are matters to be taken into account in bringing forward a housing land strategy. A strategy that only met the requirements of ASP with no further flexibility to release potential sites to meet any eventual requirements in the emerging ASP, would be inconsistent with the aims of SPP3 to provide certainty and a longer term view. Overall, there was no reason to recommend further changes to SALP on the basis of the objections that had been put forward. SALP constituted a robust position, and conformed to ASP and national planning guidance and advice.

5. CONCLUSIONS

ASP policies L3 and L4

5.1 ASP policy L2 indicates that in assessing the supply and demand for housing, the 3 Ayrshire councils shall treat each council area as a housing market area and shall be guided by forecasts of demand in ASP or its reviews. The periods used in ASP are based on the timescales contained in NPPG3 and the old PAN38, which have now been superseded by new timescales set out in SPP3 and the new PAN38. ASP sets out an overall housing requirement in South Ayrshire of 3969 houses between 1998 and 2010. Taking account of the completions in 2003/04 (426 houses), the 2003 housing land audit and the draft 2004 audit both show that the supply, at over 4000 houses, is expected to be well in excess of the requirement over the period. Even when changes are made because of disputed sites or deletions from SALP, the figures from the objectors show that the requirement would still be met or, at least, be thereabouts (SEAC - +121 houses; HforS - +52 houses).

5.2 ASP figure 4.2 breaks down the housing requirement identified for South Ayrshire into 2 periods. For the period 1998-2005, the requirement is 2315 houses. For the second period, 2005-10, it is 1654 houses.

5.3 ASP policy L3 identifies a shortfall of 860 houses in South Ayrshire which should be allocated in local plans for the initial period of 1998-2005. The supporting text makes it clear that the shortfall is based on the requirement for 2315 houses. Notwithstanding the wording of the policy, we are quite satisfied that the housing requirement for this initial period is likely to be met, and this is reflected in the figures of SAC (+456 houses), HforS (+368 houses), and SEAC (+447 houses). Taking into account completions, it can also be seen that the requirement would be met from the agreed 2003 audit (2693 houses) and the draft 2004 audit (2627 houses). This remains the case even taking account of any sites disputed by HforS. Even if the higher shortfall figure of 944 houses is used (paragraph 3.2 above), the surpluses show that there would be unlikely to be any difficulty in meeting the requirement. We are not persuaded that any compensatory allocations have to be made in SALP to meet the underlying intentions of the policy. The sources used to meet the shortfall identified in the policy are windfall sites and a higher than expected level of completions on sites in the 1998 housing land audit. Although we do not consider that such sources should generally be relied upon to meet a shortfall, we acknowledge that they provide some flexibility upwards in the land supply. While the allocations in SALP under policies H2A, H2B, H3 and H4 may overall provide in excess of the shortfall identified, the delay in bringing SALP forward has meant that the contributions anticipated from this source by policy L3 have not occurred. In our view, given that the first period has almost passed, and the shortfall is on course to be met, the policy is now largely of historical interest. We do not consider that the allocations proposed in SALP should be regarded as retrospectively seeking to meet a shortfall which is likely to be met from other sources. Within this context, we do not find M&M's exercise based on policy L3, of assessing the effective contribution that sites in SALP could make up to 2005 and using a different time period (2002-10), particularly helpful.

5.4 ASP policy L4 indicates that the additional housing provision for the period 2005-10 is provided for strategic guidance. This is confirmed in the supporting text which states that the figures are provided as guidance for local plan preparation and infrastructure provision only. The policy and text also indicate that the housing provision in this period will require regular monitoring and review in accordance with policy L1. The possible housing

requirement identified for South Ayrshire over this second period is 1650 houses. The 2003 audit shows that the possible requirement would be met with a surplus of 184 houses, and the draft 2004 audit shows that the surplus would be 188 houses. When the sites disputed by HforS in the 2003 audit are taken into account, a small deficit of 15 houses arises. However, while the disputed sites potentially indicate which ones may not progress as expected, we have been unable to form a complete view on their position as only one was extensively debated at the inquiry (Croft Street/Gardener Street, Tarbolton) and it is dealt with in the site specific chapter in part 2 of our report. Although policy L4 is not set out as an absolute requirement and there is a possibility that other sites could come forward in the interim, the figures suggest some tightening of the supply in this latter period. For the reasons outlined above in relation to policy L3, we are not persuaded that M&M's approach of removing 860 houses from the supply to avoid double counting is the correct one. We therefore do not support the deficits they identify against the 2003 and draft 2004 audits of 541 and 512 houses respectively.

5.5 Both policy L3 and policy L4 are based on dividing the proposed releases between the 2 sub-housing market areas. The allocation in policy L3 is based on directing 90% of the releases to the northern sub-housing market area, where the principal centre of Ayr, Prestwick and Troon is located. This matter has not been addressed directly either in SALP or the evidence before the inquiry, and it is therefore unclear whether or not the proposed distribution between the sub-housing market areas has been achieved. While we acknowledge that the distributions shown in both policy L3 and policy L4 are provided only as guidance to local plans, we believe that SAC should establish the extent to which they have, and would be, met and explain any significant variations.

1998 updated household projections

5.6 SALP addresses the period 2002-09 and 2002-12 and, through the proposed changes, it addresses the requirement in both ASP and the 1998 updated household projections. The later household projections were put before ASP&TC in December 2000. They indicated that households would increase by over 20% more than the annual increase forecast in ASP, and it was therefore thought necessary to bring forward new housing opportunities. The report prepared highlights that the need to meet the shortfall in South Ayrshire was now critical and that major releases would be necessary if future demands were to be met in full. Leading on from this, SALP identifies the housing requirement under the update as being 2982 houses between 2002 and 2009, and 4260 houses between 2002 and 2012. This gives an annual requirement of 426 houses. This compares with the requirement under ASP of 2315 and 3307 houses for the 2 periods respectively, which give rise to an annual requirement of 331 houses.

5.7 Against the increased requirements of the updated projections, the draft 2002 audit shows that there would be shortfalls of 82 houses between 2002 and 2009 and 434 houses between 2002 and 2012. If the 2003 audit and the same periods are used, they only increase the size of the shortfalls, as does taking account of the disputed sites. Rolling the period forward to 2003 to 2010, and on to 2012 has a similar effect. A similar pattern of shortfalls emerges using the draft 2004 audit. These shortfalls all helped to justify the release of a second major greenfield site as originally proposed in SALP under policy H3B. HforS also identify shortfalls based on the 2003 audit, as adjusted by completions in 2003/04, but these are of a larger scale.

5.8 While the 1998 updated projections potentially support the notion of further greenfield releases, we note that they have not resulted in an alteration or review of ASP. In addition, the increases identified have not been reflected in subsequent household projections. The projections for 2000 show a position more consistent with that identified in the 1996 household projections, with 51500 households estimated in South Ayrshire at 2010. The 1998 updated projections put this figure at the higher level of around 52400 households, and we note that the estimated figure in CDASP, at 49610 households, is even lower than the 2000 estimate. Although we acknowledge that the 1998 updated projections had a part to play in the evolution of SALP and that they are a material consideration, we consider that they have been overtaken by events and can no longer attract significant weight. This is particularly so given that SAC indicate that there has subsequently been a change in the methodology used in preparing the projections. We therefore do not believe that any further allocations can be made on the basis of these updated projections. Given that they tend to confuse the housing land position rather than clarify it, we consider that the references to them in SALP should be deleted.

5 year housing land supply

5.9 In addition to dealing with the supply of housing land to 2005 and 2010, ASP policy L1 requires SAC to aim at maintaining a minimum 5 year effective housing land supply. SPP3 indicates that local plans must conform to the structure plan and provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption. Local plans should also identify further sites to meet requirements in the medium term. The guidance goes on to explain that the effectiveness and programming of sites will be monitored through the housing land audit, to maintain sufficient effective land for at least the following 5 years at all times. In addition, SPP3 indicates that the reuse of previously developed land should be promoted in preference to greenfield land, provided that a satisfactory residential environment can be created.

5.10 In assessing the effectiveness of the housing land supply, we believe that the 7 year horizon (2002-09) used in SALP would reasonably include 2 years to the date of adoption, with provision thereafter being made for a minimum 5 year effective housing land supply. The effective housing land supply is defined in SPP3 as the part of the established housing land supply that is expected to be free of development constraints in the period under consideration, and will therefore be available for the construction of housing. PAN38 identifies 7 types of constraint: ownership, physical, contamination, deficit funding, marketability, infrastructure and land use. It also indicates that the overall pattern of future development and detailed plan land allocations will be influenced by: national policy objectives, including the promotion of sustainable development, neighbourhood renewal, and social justice; strategic and local policy objectives; the requirements of the housing market; and the likely availability of infrastructure, education and community facilities.

5.11 If SALP does not provide for the minimum 5 year effective land supply from the date of adoption, there is a significant risk that it would be quickly out of date. In addition, it could also undermine attempts to provide flexibility in the land supply. Contrary to the thrust of SE guidance, it might also potentially result in development being guided more through applications and appeals than through the development plan system. The minimum 5 year land supply is taken from a starting date set 2 years into the future, and we recognise that this could mean that sites identified in the interim would not be taken into account. However, against this has to be set the possibility that not all sites identified in the effective land supply

would necessarily be developed. While the objectors promote a 7 year land supply from the date of adoption as being prudent and desirable, it is more appropriate to consider the additional 2 years as part of the medium term requirement. In addition to the 7 year horizon, SALP aims to provide sufficient land to meet requirements over a 10 year period (2002-12).

5.12 Under ASP, the 7 year land supply equates to a requirement of 2315 houses (331 houses per annum). A 5 year supply from SALP's date of adoption equates to 1654 houses. The draft 2002 and agreed 2003 audits demonstrate that for the periods 2002-09 and 2003-10, provision for sufficient effective sites would have been made both over the 7 year period (+585 houses and +244 houses respectively) and the 5 year period (years 3 to 7)(+565 houses and +179 houses respectively). A surplus of sites would be retained even when the sites disputed with HforS in the 2003 audit are taken into account, although we note that the surplus reduces to 20 houses. However, if the completions achieved in 2003/04 are included, the surplus would increase by around 100 houses.

5.13 In the draft 2004 audit, there is a small deficit over the 7 year period (2004-11) of 7 houses and, over the 5 year period, the deficit increases to around 70 houses. This is on the basis of rolling forward the current annual housing requirement in ASP (331 houses) to 2011, one year beyond the ASP period. While this latest audit has not been discussed or agreed with HforS, it is helpful as it is up to date and shows the changes in the housing land supply since 2002. It is also relevant, given that SALP would probably not be adopted until sometime during 2006, and it indicates that SALP does not provide sufficient effective land for at least 5 years from the date of adoption. Although ASP policy L1 only requires SAC to aim at maintaining a minimum 5 year land supply, national guidance requires this level of supply to be provided and local authorities are not excused from achieving it. We accept that the shortfall arises in the latter part of the 5 year period and that further sites could yet emerge. However, in the context of delivering an up-to-date, relevant local plan, and taking into account the recent strong demand for housing, we consider a minimum 5 year supply to be necessary. We believe that it would be inappropriate to plan for an over supply of housing land as this could have an undermining effect on the strategy of directing development to previously developed land in preference to greenfield land, which is a theme continued from national guidance into strategic and local policy.

5.14 Extending the period up to 2012, would still result in a surplus (+510 houses) against the draft 2002 audit. Using the agreed 2003 audit, would result in a shortfall of 116 houses between 2003 and 2012. While taking account of the disputed sites would significantly increase this figure, including the completions for 2003/04 in the calculations would reduce the shortfall to 18 houses. For the draft 2004 audit, the shortfall in the period 2004-12 would increase to 220 houses. In looking at the position from the likely date of adoption (2006), the shortfall to 2012 in the 2003 audit would be 296 houses. In the draft 2004 audit, it would be at approximately the same level at 281 houses. Taking the shortfall in the draft 2004 audit together with the low programmed output for the years 2012/13 and 2013/14 (110 houses and 99 houses respectively), which would allow for a 10 year period, indicates an emerging difficulty with sites in the medium term, as the shortfall increases to around 675 houses. In coming to this view, we have taken into account that the further one looks ahead, the greater is the uncertainty in predicting the potential effectiveness and programming of sites.

5.15 We note that SAC justify the release of a strategic greenfield site at NET on the basis of a small surplus (85 houses) arising in 2002-09 and a shortfall of 281 houses between 2002 and 2012. Using the draft 2004 audit, the equivalent figure for 2004-11 would be a shortfall

of 232 houses. The shortfall up to 2012 would increase to around 495 houses and, for the full 10 years to 2014, it would increase to 1050 houses. Although, during the course of the inquiry, SAC resolved that 400 houses should be granted planning permission as a part of a larger development at Ayr Racecourse, and they acknowledged that this could make a significant contribution to the housing supply, we note that this proposal has now been called in for decision by SMs. At this stage, it would therefore be inappropriate to consider that this site would be likely to make a contribution. Windfall sites have come forward at an average of 66 houses per annum over the period 1994/95-2003/04 and their contribution has been increasing. However, taking into account the urban capacity study (which identified 595 sites), it is not clear to us that windfall sites could make a significant contribution, or that they could be relied upon to any significant extent. In coming to this view, we have taken into account SAC's view that this (595) is a minimal figure and has the potential to be increased.

5.16 HforS and SEAC identify a significantly worse position in the housing land supply than that outlined above. However, the shortfalls identified by both parties appear to rely on not taking proper account of all sites. This presents a misleading impression by minimising any surpluses and maximising any shortfalls. In addition, we are not persuaded that their approach recognises that an audit only represents a snapshot of the housing land supply at a particular point in time. HforS's rolling back of the 2003 audit to 2002 and SEAC's elongated time period covering 1998-2012 are also unhelpful. In the circumstances, we do not consider that the shortfalls identified by HforS (-510 houses between 2002 and 2009) and SEAC (-346 houses between 1998 and 2012) particularly assist the case for more releases.

5.17 Given the overall terms of SPP3 and PAN38, we do not consider that SPP3 requires local plans to convert the complete 12 year housing provision of structure plans into effective site specific allocations by the date of adoption. In our view the housing requirements table in SALP should be updated to ensure that it is consistent with a likely adoption date in 2006.

5.18 While we do not accept the shortfalls identified by the objectors, overall, we are not convinced that SALP is entirely consistent with national guidance or with the thrust of ASP policy L1, and we are not satisfied that a sufficient housing land supply has been provided.

CDASP

5.19 The relevant provisions of sections 11 and 17 of the 1997 T&CPA are set out in the policy background chapter (chapter 2.1 above). Under these provisions, SAC must ensure that, in formulating their proposals, SALP conforms generally to the structure plan, as it stands for the time being, whether or not it has been approved, and they cannot adopt a local plan if it does not conform to the approved structure plan. The approved structure plan for the area is ASP. Section 11(5)(b) requires us to deal with CDASP as it stands at the present time. While we acknowledge that CDASP has no specific policies, that it contains many questions, and that it is prefaced by a requirement that it be read in the context of promoting consultation and stimulating debate and is not an agreed policy for change, we note that out of the 3 options considered, it highlights a preferred option, and we have considered it on this basis. The preferred option is to stabilise the population in the CDASP area at the current level of 362000.

5.20 The CDASP period would be 2005-25, with the period post 2017 only providing a general indication of requirements. SAC have included SEA as a longer term strategic growth area in SALP, under strategic policy STRAT6. Although, during the evidence

considered in this session of the inquiry, the proposal was seen as potentially delivering houses from 2006/07, it has been the subject of objections and was considered in some detail at another inquiry session. At this stage, it would therefore be inappropriate to rely on the site making any contribution. On this basis, there would still be no requirement for the further provision of housing land under the GROforS population trend option in the period to 2017 because, assessed against the draft 2004 audit, there would be a surplus of 1093 houses. For the equivalent national household growth rate (7%) and stable population options, there would be shortfalls of 707 houses and 2707 houses respectively between 2005 and 2017. CDASP indicates that the GROforS population trend is not a viable option for the CDASP area. It would be unwise therefore to regard it as an intimation of a pre-ordained future. If CDASP was approved by SMs under the preferred option, there would be a very substantial housing land shortfall to be addressed. The shortfalls for both the equivalent national household growth rate (7%) and stable population options are based on an implied annual housing requirement of around 320 houses and 480 houses per annum respectively. SEAC's calculations under the preferred stable population option reveal housing land shortfalls, but are unhelpful because of their approach to the housing land supply which, in our view, results in a misleading impression.

5.21 There is an overlap between the ASP and the CDASP periods between 2005 and 2010. If the preferred option in CDASP is applied to this period, based on the draft 2004 audit, there would be shortfalls of 903, 1265 and 2016 houses between 2004 and 2011, 2004 and 2012, and 2004 and 2014 respectively. Over the minimum 5 year period from the likely date of adoption (2006-11), the shortfall would be 813 houses. Notwithstanding this, ASP is the approved structure plan, and we are not satisfied that if SALP was to propose allocations on the basis of such significant shortfalls that it would conform to ASP's terms. Given this, we do not believe that the higher implied requirement of CDASP's preferred option should be used for this period. However, it is important to recognise that the ASP period only extends to 2010 and, as things stand at present, there is no strategic context in place beyond that date. For this later period, which already covers one year of the 5 year supply, it is possible to roll forward the ASP requirement as SAC have done. However, we also believe that there would be merit in taking into account, at least partially, the implications of the preferred option's higher implied building rate (480 houses per annum). While there is an aspirational quality to this preferred option, such an approach would help maintain the relevance of SALP, would assist in providing for a transition between the 2 strategic frameworks, and would satisfy the requirement for SALP to conform generally to CDASP in formulating proposals. In coming to this view, we have taken into account that CDASP is still at an early stage, and that the annual housing land requirement can be regarded as no more than an outline one. In the circumstances, we believe that the housing requirements table in SALP should be predominantly based on the housing requirement in ASP over the plan period, but that the housing requirements of CDASP's preferred option should also be incorporated for post 2010.

5.22 Using this approach with the draft 2004 audit, for the period 2004-11, the housing requirement would increase to 2464 houses and between 2004 and 2012, it would further increase to 2944 houses. This would result in shortfalls of 156 houses and 518 houses respectively. If NET is excluded from the audit as outlined above, the shortfalls increase to 381 houses and 793 houses. Extending the period for the full 10 years to 2014 and retaining NET in the audit, would give rise to a shortfall of 1269 houses. In looking at the position from the likely date of adoption (2006), the shortfall would amount to 217 houses up to 2011 and 579 houses up to 2012. On this basis, the indicators at this stage are that under CDASP's

preferred option, the housing land supply position would be likely to continue to materially deteriorate in the later part of the SALP period and the medium term.

5.23 In the circumstances, we are not satisfied that in formulating the proposals for SALP, general conformity has been achieved with CDASP.

Basis for assessing sites

5.24 Given our conclusions in relation to the 5 year housing land supply and our views on CDASP, we accept that there is justification for some additional release of housing land, aimed more towards the end of the 5 year period and the medium term. This is in order to ensure that sufficient effective land is provided in SALP for at least 5 years from the date of adoption and that reasonable provision is made to meet requirements in the medium term. While it is not necessary to meet an exact shortfall figure, and care must be taken to ensure that any release is not excessive, we are satisfied that the shortfalls outlined above against the draft 2004 audit could potentially warrant 2 major greenfield releases in total in SALP. We are also aware that the programming of sites could affect the level of housing land available at any one time. This matter will be considered further in part 2 of the report, when each site before the inquiry will be looked at, and the overall impact of programming on the supply will be assessed in more detail.

5.25 Furthermore, a number of sites before the inquiry are proposed in SALP and are contained in the draft 2004 audit. In order to ensure that all the sites we have considered are treated on a level playing field, we consider it appropriate to remove those sites before us and in SALP from the 2004 audit. The differences between the audit and the adjusted audit are set out below.

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	Total	Post 14
04 audit:	331	390	404	424	341	279	139	118	110	99	2635	1021
Adjusted												
04 audit:	331	385	349	307	241	174	59	38	40	35	1959	621

This exercise shows that by omitting the sites before the inquiry, only 1846 house would be programmed to be built between 2004 and 2011 (264 houses per annum), 1884 houses between 2004 and 2012 (235 houses per annum), and 1959 houses between 2004 and 2014 (196 houses per annum). This can be compared to the annual housing requirement of 331 houses in ASP and 480 houses in CDASP. If the requirement in ASP is used until 2010, and the one in CDASP thereafter, it can be seen that up to 2011, there would be a shortfall of 618 houses, up to 2012, a shortfall of 1060 houses, and up to 2014, a shortfall of 1945 houses. Even adhering to the ASP requirement for these periods, would give rise to shortfalls of 469 houses (2004-11), 762 houses (2004-12) and 1351 houses (2004-14). Taking the period 5 years from the likely date of adoption would give rise to a shortfall of 524 houses using the ASP requirement and 673 houses using the combined ASP/CDASP (preferred option) requirement. Drawing these matters together, we are satisfied that it would be appropriate to recommend the release of sites through this inquiry process, provided that suitable sites can be identified.

Other matters

5.26 Regarding housing choice, the allocations between the 2 sub-housing market areas as covered in ASP policy L3 and policy L4 are dealt with above. Based on an overview of all the evidence before the inquiry, we are broadly satisfied that SAC have sought to provide a reasonable spread of opportunities throughout the SALP area. Although they have concentrated the main proposed housing sites on the larger settlements, they have provided opportunities in smaller settlements as well. We accept that it is not possible or even desirable to provide a greenfield opportunity in every settlement. However, we acknowledge the contribution that housing can make to the regeneration of run down communities. We have considered the matter of choice in more detail in our assessment of individual sites, but believe overall that the supply shows a reasonable geographical distribution and balance of sites. We consider that additional releases solely on the basis of increasing choice would not be justified.

5.27 We note that between 1998 and 2003 the supply of housing exceeded the requirement by 20%. However, we do not consider that this in itself would warrant any additional releases in SALP. The historic build rate would be only one factor, amongst many other others, which would be considered in an overall review of housing land demand and supply, and this would have to take place at the strategic level rather than through a local plan.

5.28 Our views on affordable housing are set out in chapter 3.2. We appreciate that housing needs assessments are carried out for different purposes from a structure plan housing requirement, and that they use different methodologies. However, given that they both relate in some way to a requirement for new housing building, it appears to us that there should be an explicit, properly explained link between any requirement for affordable new build housing, as identified in a housing needs assessment and local housing strategy, and the housing requirement, as contained in a structure plan and continued through into a local plan. This is particularly so when SAC are promoting through SALP a target for affordable housing from new housing developments (above a certain size) which is well above the benchmark figure advised in PAN74. As the evidence presented to the inquiry on the links between these elements was incomplete, and as we make clear in chapter 3.2, we are firmly of the view that further work requires to be done in this area.

Conclusion

5.29 We are not satisfied that any additional releases can be justified in SALP either through ASP policy L3 or policy L4. We do not consider that any significant weight should be given to the 1998 updated household projections because they have been overtaken by events. Reference to them in the housing requirements table in SALP should be deleted. Based on the draft 2004 audit, we are not persuaded that a sufficient effective housing land supply has been provided in SALP to ensure at least a 5 year housing land supply from the likely date of adoption or that adequate regard has been had to the medium term. At this stage, CDASP is more relevant in the post 2010 period, and it indicates that the housing land supply would be likely to continue to materially deteriorate in the later part of the SALP period and the medium term. We are satisfied that further releases are justified against the draft 2004 audit and that these could potentially include a second major greenfield release. We believe it appropriate to carry out our assessment of the sites on the basis of a level playing field by deleting those sites before us and in SALP from the draft 2004 audit.

5.30 We have taken account of all the other matters, including the reliance placed on the policy H4 sites by SAC, the Barker Review, and the potential impact of the M77, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

(i) that the housing requirement table in SALP (page 51) be updated to ensure consistency with a likely adoption date of 2006, and that it be based on the draft 2004 housing land audit;

(ii) that all references to the 1998 updated household projections in the housing requirement table in SALP (page 51) be deleted;

(iii) that the housing requirement table in SALP (page 51) be based on the housing requirement identified in ASP over the whole SALP period and that, in addition to this, the impact of the outline housing requirement in CDASP's preferred option be provided for the period post 2010 only, in order to show the potentially changing strategic context;

(iv) that the supporting text be amended to reflect the above recommendations, and to make greater reference to the potential impact of CDASP's preferred option;

(v) that additional releases of housing land be made to meet the housing land shortfalls identified above through the assessment of the draft 2004 housing land audit against the ASP annual housing requirement over the plan period, and that account be taken of the increased shortfalls identified against the outline annual housing requirement of CDASP post 2010 only;

(vi) that 2 major greenfield releases could be warranted in total in SALP, provided that suitable sites can be identified; and

(vii) that further work be carried out in order to amend the supporting text in SALP so that the link between the requirement for affordable new build housing (as identified in the housing study [following a thorough review by SAC] and local housing strategy) and the housing requirement (as contained in ASP and CDASP, and continued through into SALP), is properly explained.

3.2 AFFORDABLE HOUSING

Representation nos:

123, 341, 369, 371, 373, 423, 425, 427, 439, 441,
490, 491, 1104, 1105, 1106, 1108, 1109, 1110, 1111,
1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120,
1121, 1122, 1124, 1128, 1129, 2100 and 2101

Objectors appearing at Inquiry:

HforS
SMH
SEAC
(+ written submissions)

Objecting to:

Policy H13 and supporting text

1. BACKGROUND

1.1 The 1995 Strathclyde Structure Plan (approved in 1997) identified a potential shortfall of social and rented housing in Strathclyde Region. Although South Ayrshire was not identified as one of those areas suffering from a shortfall, the structure plan indicated that its emergence was significant. Within this context, the structure plan promoted the reservation in local plans of sites for social and rented housing, subject to specific criteria.

1.2 In CDSALP (published in 1999), SAC highlighted that there was continued pressure for affordable and social rented housing across South Ayrshire, particularly at Ayr, Prestwick and Troon. That had been demonstrated through a combination of internal data sources and housing need and motivation surveys. However, at that stage, SAC did not consider it appropriate to define either the criteria or the threshold for affordable and social rented housing. Instead, a number of key sites which offered considerable potential were identified, including some new sites proposed as greenfield releases and large redevelopment sites in areas of greatest need. SAC indicated that they intended to continue to evaluate and assess the need for social housing within specific localities, and to make explicit social housing requirements for particular housing sites in SALP.

1.3 ASP (approved in 2000) does not distinguish between the private and public sectors in calculating future housing needs for Ayrshire. It states that this is a matter for individual councils to deal with in the context of their housing and local plans. The housing market has not responded adequately to housing needs in some parts of Ayrshire. ASP recognises that the solution does not lie entirely with land use planning and will require additional initiatives. Affordable housing is dealt with specifically in policy L6, and follows on from the more general housing policies. Policy L6 does no more than require SAC to ensure the availability of sites in local plans.

1.4 Scottish Homes issued a best Practice Guide to Local Housing Systems Analysis in 2000, and this was followed in 2001 by the publication of research undertaken for the SE Central Research Unit on the Role of the Planning System in the Provision of Housing.

1.5 DETR published a Guide to Good Practice on local housing needs assessments in 2000. Its purpose, amongst other things, is to promote greater consistency in their conduct, and to ensure that the information underpinning the local housing strategy is sound. It outlines a basic needs assessment model for establishing the net shortfall or surplus of affordable houses. The model contains 18 steps which calculate the backlog of existing need,

newly arising need and the supply of affordable houses, and it identifies data sources which can be used to feed in relevant information. The guide also sets out 4 broad tests for housing needs assessments which may be summarised as: that assessments should look forward over a medium term and should be developed in the context of longer term plans for the use of land; that assessments should make use of all available data and should apply sound judgements and technical procedures in the analysis of the data; that assessments should recognise the inevitable areas of uncertainty and should build in sensitivity checks to see how much their single forecasts would be affected by different assumptions or eventualities; and that assessments should be sensitive to the changing context and newly emerging needs/problems. At the inquiry, attention was drawn to some further guidance commissioned to replace the DETR Guide but which was, as yet, at an early stage of preparation.

1.6 In SALP (approved in 2002), SAC's approach had evolved from CDSALP, and policy H13 was introduced. This required that a proportion of affordable rented housing provision be negotiated with SAC and other relevant parties for all new housing sites. SALP also contained 2 further policies: one required a contribution towards affordable rented housing specifically from new housing sites identified in SALP, and the other actively encouraged and promoted opportunities for affordable rented housing and low cost ownership developments in association with Communities Scotland and other appropriate agencies.

1.7 SAC's local housing strategy for 2003-2008 was published in 2003. It therefore predated the housing study prepared by FRLtd which SAC used to inform the changes made to the affordable housing policy in SALP. The strategic objectives relating to affordable housing provision over the period included: 200 houses to be provided by RSLs per annum, 80 affordable rented homes per annum through greenfield allocations in accordance with policies H13-H16, 80 affordable rented homes per annum through brownfield development in accordance with policy H1, and a further 50 affordable rented houses through development of gap sites. Within the housing strategy, there are a range of further actions identified to help tackle affordable housing issues. These include proposed suspension of the right to buy, faster turn around of empty properties, improvements to the allocation process and reduction in waiting times, maximising the use of the private rented sector, and working with rural landlords.

1.8 SAC commissioned a housing study from FRLtd in late 2003, and the final report was received in February 2004. The study made use of the basic needs assessment model, as promoted by DETR. It involved surveys of households and stakeholders undertaken by telephone, post, and personal interview. Two questionnaires were utilised for the household survey. The study initially identified a shortfall of 413 affordable houses per annum, but this was reduced during the course of the inquiry to 312 affordable houses per annum. The study indicates that a target of 40% can be supported, and that this would be consistent with current custom and practice. It recommends that the target be applied throughout South Ayrshire, and suggests that a site capacity threshold of 15 houses would be justifiable. The study indicates that delivery of affordable housing provision could only be in the form of social rented stock.

1.9 SAC produced a Pressured Areas Proposal in March 2004, which contended that there is a potential housing crisis in South Ayrshire through a lack of affordable rented housing. Work had been ongoing on the proposal for some time. One measure put forward was the suspension of the right to buy in the areas viewed as being most pressured. These areas

include several small neighbourhoods in Ayr, the towns of Prestwick and Troon, and a number of villages.

1.10 FRLtd's housing study formed the basis for revising the terms of SALP's affordable policies at the end of March 2004. In particular, the 3 policies initially proposed were removed and replaced by an amended policy H13 which accepts the target (40%) and site capacity threshold (15 houses) put forward by FRLtd. It also introduces a further threshold based on site size (0.6ha). At the same time, SAC approved an accompanying SPG. This provides advice to developers on the background to the policy and on how SAC would implement it. SPG amplifies the policy, and indicates that proposals would be assessed in terms of compliance with both policy H13 and SPG. The latter provides guidance on the eligibility of housing sites, the target contribution, the preferred type of affordable housing, on site provision, and commuted sums. In September 2004, SAC promoted 3 revisions to SPG: 2 sought to clarify the guidance, and the third recognised that there was some merit in considering approaches to development other than one based solely on a partnership between a developer and RSL. SAC commissioned more research in July 2004, and this resulted in a further amendment to SPG in October 2004, which involved the introduction of affordability threshold targets.

1.11 In 2004, Communities Scotland commissioned an update of the local housing need and affordability model for Scotland prepared by Professor Bramley and colleagues. The update found that, of the 32 local authorities in Scotland, 16 had no affordability problem and, of the remaining 16, South Ayrshire has the 8th highest net need figure. The authorities with positive needs were found to be those with relatively high housing prices, growing populations and a limited existing supply of social rented housing. Across Scotland the proportion of new households able to afford to buy in the market ranged from 38% to 73%. Affordability related needs had risen in the last few years with rising house prices; and the model indicated that there could be an enhanced role for low cost home ownership.

1.12 PAN74 (chapter 2.1 above) was published in early 2005, following the close of this session of the inquiry, but before the close of the inquiry as a whole. Parties who appeared at the inquiry were invited to make observations and these have been taken fully into account in our consideration of the merits of the objections. PAN74 sets out a summary of steps (9) to support the delivery of affordable housing through planning policy. It proposes a benchmark for the provision of such housing based on each site contributing 25% of the total number of houses as affordable housing. It also advises that for sites in urban areas local authorities should seek, as a guide, to achieve on site provision for developments of 20 or more houses, but on smaller sites to allow for off site provision or commuted sums. It continues that in rural areas, where the general scale of development is smaller, a lower threshold for on site provision may be appropriate in order to make affordable housing available in a range of locations. The advice recommends that procedures for monitoring and review of the need for affordable housing should be put in place.

2. POLICY SUBJECT OF THE OBJECTIONS

2.1 In essence, the objections relate to the terms of the affordable housing policy in SALP and, in particular, to the percentage target and thresholds proposed. SALP policy H13 states that:

SAC will seek a target of 40% affordable housing from all new housing developments with a total site capacity of 15 units or more, or a site size equal to or exceeding 0.6 hectares.

Note 1: A Supplementary Planning Guideline „New Housing Developments and Affordable Housing: A Guideline for Developers“ accompanies policy H13, and all proposals shall require to comply with this guidance.

Note 2: Policy H13 applies to all housing developments that do not have an extant detailed or outline planning consent as of 11th May, 2004.

3. SUMMARY OF CASE FOR THE OBJECTORS

Preliminary Matters

3.1 SAC was a local housing authority under the Housing (Scotland) Acts. The 1987 Act imposed a duty upon SAC to consider the needs of their area for further housing accommodation; and it provided, through section 9, the power to acquire land compulsorily for the erection of any houses which were required. SAC had chosen not to exercise that power, and had instead relied on the development plan process to deliver what they had calculated was the need for affordable housing in South Ayrshire. The difficulty, expense and uncertainty of the compulsory purchase process were not sufficient justifications for SAC failing to perform their statutory duty. By so doing, they had transferred what ought to be a public burden onto private interests. Planning powers might be used in support of the provision of affordable housing under the Housing Acts but not in substitution for them. The use of the 1997 Act as the sole mechanism to obtain affordable housing at a loss to developers and land owners would be unlawful.

3.2 The approach to affordable housing in a development plan must be clear and robust. In particular, affordable housing policy must be distinguished from the extraction of planning gain.

The FRLtd housing study

3.3 The existing tenure structure in South Ayrshire was the result of the operation of a market which had responded to the preferences of residents. As in the rest of Scotland, owner occupation had grown in significance as successive generations had preferred, and increasingly had the means, to become owners. This had been reinforced, not instigated by, the right to buy. SAC's affordable housing policy with its heavy emphasis on the provision of social housing sought to reverse well established long term trends in the housing system.

3.4 The existence of some useful guidance directly related to Scottish circumstances was accepted. However, the DETR Guide to Good Practice (2000) on which SAC and their consultants, FRLtd, had relied was the most authoritative current guidance for the purposes of setting affordable housing targets in Scotland. Its 2 stage process made sense because the extent of any perceived need did not, by itself, provide the planning policies and targets appropriate to address that need. The methodology set out in the housing study prepared by FRLtd differed significantly from the DETR guide; and the deviations were sufficient to undermine the derivation of policy H13 and the content of the associated SPG.

3.5 The FRLtd methodology relied on carrying out a mix between personal interview and postal questionnaires. The response rates for a postal survey were notoriously low; and in this case the possibility of systematic bias must be a concern. The quality of the information

obtained by the personal interview method was far superior to that of the postal survey. Indeed, differences in the questions asked by FRLtd in the personal interview and postal survey recognised the limitations upon obtaining extensive data from the latter approach. One of the consequences of the survey methodology employed by FRLtd was that the Ayr sub-area comprised 41% of households and received only 15.9% of the returns. The sub-area identified as having the greatest need (62%) had the least proportion of responses.

3.6 FRLtd relied over heavily on their own survey data. Best practice required the use of the numerous other sources readily available to benchmark data in the light of knowledge of the distinctive characteristics of the Scottish housing market. The FRLtd results did not appear to fit with patterns which research conducted for Communities Scotland had demonstrated had emerged in Scotland over the past few years. In particular, they did not relate well to recent household survey data on savings and on income. As a consequence, there must be concerns about the reliability of the FRLtd housing study.

3.7 The housing study made over simplistic, unrealistic assumptions about household behaviour which led to a substantial over estimate of affordable housing need. On household formation, survey questions were put to the respondent and not to the potential new householders. The answers from the respondent were very unlikely to take fully into account well established trends in the economic and social circumstances of newly formed households which would be reflected in their choice of house, and their ability to pay for it. Thus, for instance, the housing ladder typically had a number of rungs including: staying at home, private or social renting, and owner occupation either as a single person or jointly. This established pattern of movement through the rented sector into owner occupation was ignored by FRLtd who assumed that those who could not afford to buy a suitable house should be accommodated in the social rented sector; and that, thereafter, they would remain in that tenure.

3.8 FRLtd allowed for persons falling into need but assumed that none of those in need would climb out from need, for example by securing employment. Similarly, the number of in-migrants in need of social rented housing was a considerable exaggeration. Other evidence suggested a net figure of 10 as opposed to a gross figure of 300 per annum. The assumption that over 80% of potential households would require affordable housing could be a considerable exaggeration, and the proportion might be closer to 40%. The assumption that 60% of emerging households would require affordable housing implied that the established trends of rising incomes and preference for home ownership would be sharply reversed in the immediate future. It was more realistic to assume that 70% or more of new households would become owner occupiers.

3.9 In forecasting future trends, there was no place for the introduction of normative content (what should happen) rather than positive content (what had happened, what was happening, and what would happen). If a technical advisor introduced a normative element into the calculations that would fatally undermine the reliability of the forecast and pre-empt, without any justification, the area of responsibility of the elected member.

Affordable housing target

3.10 SAC had relied on Dr Fordham to justify the target of 40% for affordable housing. The inquiry provided the opportunity, perhaps for the first time in Scotland, to subject his evidence, and the reliance upon his approach by some planning authorities, to sustained

scrutiny. With this in mind, a number of reasons were put forward for treating all of Dr Fordham's evidence on policy H13 with extreme caution. These included: he had misinterpreted the remit of the Barker Review and the authoritative findings of that report especially as these related to the impact on house prices and affordability; he had acknowledged that he had no professional knowledge of the delivery of housing or land use planning in South Ayrshire; he did not have a town planning or related qualification; he failed to recognise the difference between the adoption of a local plan (which is a technical term of art critical to the whole development plan system), and the promotion by a planning authority of a particular affordable housing target; he was not prepared to produce the results of the questionnaire survey to the inquiry on the grounds that no one present would be competent to understand its analysis; and his evidence was undermined by the many contradictory answers given during his cross examination.

3.11 There was nothing in any guidance to suggest that custom and practice was a proper basis for fixing a target in a particular area. The 40% target, plucked from the air, was not supported by empirical evidence. The vast majority of councils in Scotland either had no targets at all or had achieved a level of less than 20% of houses. Dr Fordham's approach appeared to be based on the simplistic notion that because his housing study identified the need for affordable housing as being well over 100% of the total new build in the housing market area, any target figure could be justified. His advice to SAC was intended to secure the highest possible level of contribution from the housebuilders, on the basis that they, and/or the relevant landowners, were making a considerable profit already. In any event, his "target" was simply the starting point for negotiation. Neither Dr Fordham, nor indeed SAC, had expected the 40% figure to be achieved.

3.12 In addition to the above, and contrary to SPP3, SAC had given inadequate attention to the availability of funding for affordable housing. It was inevitable that a proportion of the affordable housing which SAC sought through policy H13 would not be built because of a lack of funding, and there was no realistic prospect of funding the number of affordable houses which had emerged from the housing study. The guideline and, indeed, common sense made clear that funding was a fundamental part of the formulation and implementation of an affordable housing policy capable of implementation. Over the past 4 years, HAG funding totalling around £16.2m had been made available for investment in affordable housing in South Ayrshire. This had enabled a total of 296 houses to be approved (not completed) which was equivalent to an annual average of 74 houses. That equated to grant subsidy of just under £55000 per affordable house. Imposing an inflated target for the output of affordable housing through policy H13 would lead to inevitable delays and uncertainty in the delivery of new general needs private sector housing. Burdened by unrealistic and unachievable expectations housebuilding would be hampered and the industry, the public, and the economy would all suffer.

3.13 SAC had misconstrued SPP3 when they decided that an affordable housing policy could not have a percentage target which varied across the housing market area. There was nothing in the guidance, nor in ASP, to prevent SAC directing a need for affordable housing which had been assessed within a housing market area as a whole, to individual parts of that area. The blanket target proposed would not be sufficiently sensitive to variations in the need for affordable housing within South Ayrshire. SAC had identified pressured areas for affordable housing in the local housing strategy, and SALP should have targeted future land allocations to meet these requirements. Both the FRLtd housing study and the SAC local housing strategy pointed to needs in Ayr and over supply in Troon and Girvan. Furthermore,

SAC had ignored SPP3 by not setting out how they would monitor and review progress in policy implementation. Without setting the number of affordable houses to be aimed at, monitoring could only record what had happened and it could not provide guidance on what should happen in the future.

3.14 More generally, policy H13 had failed to consider the impact on the private housing market in South Ayrshire, and the consequences of higher house and land prices which would result from its implementation. Taking up to 40% of the private land supply would result in house and land prices being higher than they would otherwise be. Housebuilders would be chasing less land; and there would be potential impediments to the provision of housing with consequent increases in costs. All this would have a direct impact on affordability. An allocation of additional land for affordable housing would mitigate the detrimental impacts of price increases. Further, policy H13 had failed to consider the contribution that would be made to affordable housing through sites already under the control of housing associations, and those further sites which might come through which might be granted planning permission for 100% of affordable housing. The policy did not set out how low cost home ownership would be delivered, and the associated SPG was fundamentally deficient in that regard.

Policy H13 and the SPG

3.15 Policy H13 implied that 40% of housing units should be affordable whereas SAC's position now appeared to be that it was 40% of the site's net developable area which should be allocated for affordable housing. The difficulties about calculating the appropriate net developable area introduced further uncertainty about how the policy would work. Policy H13 referred to thresholds, including a site capacity threshold of 15 units or more and, as an alternative, a site size exceeding 0.6ha. The first reference to units could not refer to site area; and the second referred to overall site area which SAC now suggested was the basis of the target. A target of 40% based on site area was equivalent to a target of over 58% based on number of houses. SAC's position was based on a misunderstanding about the way in which RSLs operated, and the higher densities at which they developed compared to general needs market housing. Experience in South Ayrshire from both the public and private sector perspectives suggested that a threshold of 40 houses was desirable for reasons of commercial viability and RSL management requirements. SAC had accepted that until negotiations with the relevant developer were completed, the assumption which should be applied was that 40% of the land area of the site would be non-effective, until specific funding had been allocated to enable the affordable housing element to become economically viable.

3.16 SAC's policy witness had acknowledged that Dr Fordham's references to custom and practice was based on the number of units; and it had not been demonstrated that a target of 40% applied to site area, rather than units, was justified by reference to any custom and practice anywhere in the United Kingdom. By relying over heavily on the flawed conclusions of the housing study, SAC had not retained adequate control over SALP's evolution and, consequently, it could be fairly concluded that they had failed in their responsibilities as the local planning authority.

3.17 On one interpretation SPG was, by note 1, incorporated into SALP. The prescriptive terminology of note 1 should be replaced with a reference to the fact that SPG would be considered as a material consideration in the determination of any planning applications. The date of introduction of the policy, as set out in note 2 should also be reconsidered. The notion

that adoption of the policy would lead inevitably to a successful renegotiation of the price of land was naïve and unworkable in practice. Policy H13 should not be applied to any site where an agreement was in place before the publication of a revised SPG.

3.18 Although it had been designed to sit alongside SALP, SPG was not a part of it. As non-statutory guidance, it could be altered without compliance with the formal procedures for the alteration of an adopted local plan. The SPG did not set out a clearly defined mechanism for the fulfilment of any requirement for affordable housing. There was no evidence on how an appropriate section 75 agreement might be drafted. There was no mention of viability in policy H13, and no detail on how a viability assessment should be carried out. SAC stated that this should be produced during pre-application discussions, but they had not understood how difficult this process would be and the delay that would inevitably occur. These, and related matters, such as the reversion of land to a developer if no development had commenced within 5 years, demonstrated that SAC had not thought through in sufficient detail how an appropriate affordable housing policy might properly be incorporated into an adopted local plan. Further, the SPG should reflect the fact that more than just the RSL tenure would have a role to play in the future provision of affordable housing. In particular, if low cost home ownership, whether public or private, was made available to those who are currently within the RSL or SAC sectors that could free up the accommodation for those in housing need.

3.19 The mechanism for commuted sums was inadequate and superficial. A commuted sum could be justified only where a site was suitable for affordable housing. Planning agreements had to relate to the development of the site in question; and the requirement to pay for a commuted sum on a site which was unsuitable for affordable housing would fail to meet the tests in SOED Circular 12/1996 relating to planning agreements. It was not open to RSLs to pay open market value for sites. In short, the whole basis of the commuted sum provision as proposed by SAC was fatally flawed.

3.20 In addition, SAC had not consulted adequately with the stakeholders, as required by SPP3. No party outside SAC saw the modified policy H13 that was approved in March 2004. The failure to consult with the industry ran contrary to the view of SE that in the provision of affordable housing, there was a need for new partnerships with local government, lenders, house builders and providers. It threatened to undermine confidence that SAC was committed to this type of approach; and it had raised a suspicion that SAC did not have any real interest in recognising the legitimate concerns of the housebuilding industry. Policy H13 was a “bolt on” delivered at the last minute; and there were aspects which would be very damaging to the delivery of both market and affordable housing.

Strategic guidance and other matters

3.21 In the absence of a numerical requirement for affordable housing in ASP, policy L2 provided a context for considering the need for affordable housing in South Ayrshire. It did not prohibit SAC from increasing its land supply above the overall requirement identified in ASP in order to take into account the identified need for affordable housing. ASP policy L6 provided that SAC must ensure the availability of sites for affordable and special needs housing in local plans. Although it was open to SAC to allocate sites for the provision of affordable housing only, it seemed that the elected members were not given the opportunity to decide whether or not that course of action would be appropriate.

3.22 While SPP3 envisaged that an affordable housing policy would follow on from a housing needs study encompassed within a local housing strategy, the Housing and Planning Services had not been able to ensure consistency between the development plan and the local housing strategy in identifying needs. The link between the local strategy and SALP had broken down. Having taken appropriate account of the local housing strategy's findings, SALP should have identified what shortage of affordable housing could realistically be provided over the plan period. On the basis of past building rates, and the likely funding for RSLs, a target of 100 houses per annum might be achievable. Applying that to CDASP's expected building rate for South Ayrshire would result in around 20% of the total emerging as affordable units. There was no evidence from a housing officer, who might have been able to explain the effects of SAC's proposals in SALP, their relationship to the local housing strategy, and the figure of 312 net shortfall produced to the inquiry in evidence by FRLtd.

Conclusions

3.23 The sequence of events leading to the approach to affordable housing had resulted in a disjointed response by SAC in SALP policy H13. The policy was not supported by the housing study undertaken by FRLtd. In the circumstances, policy H13 should be deleted, and any replacement should be properly justified. SPG should also be revised.

SUMMARY OF CASE FOR SAC

Preliminary matters

4.1 All the objectors either directly questioned the legality of policy H13 or, through the adoption of other objectors' arguments, associated themselves with that criticism. However, councils in Scotland and England had been operating affordable housing policies similar in style to policy H13 for a number of years without successful legal challenge. SAC referred to court cases and identified 2 English Court of Appeal decisions as being of particular importance: *Mitchell v Secretary of State for the Environment and Another* 1994 2PLR23, and *R (on the application of J A Pye (Oxford), Bellway Homes Ltd and the Housebuilders Federation) v Oxford City Council* (2003) JPL45.

The FRLtd housing study

4.2 FRLtd acknowledged that the work undertaken by Professor Bramley and colleagues was of interest, particularly in providing comparisons between different local authority areas. However, the findings were based on modelled data and not locally collected information. The only reliable source of data on the particulars of the housing market in South Ayrshire was the FRLtd housing study. The FRLtd method of assessing housing need differed from that of competing consultancy firms, and it had been the subject of numerous attacks by critics. However, the methodology was consistent with the DETR Guide to Good Practice (2000): the 18 stages of analysis had been followed; the differences were ones of minor detail; and these could be explained by reference to the FRLtd's superior experience in the field, and the further guidance being prepared for the DETR (currently in draft) to which the firm had made an input. The DETR guide (2000) contained about a dozen ideas pioneered by FRLtd. A similar methodology to that applied in the South Ayrshire Housing Study was used in East Dunbartonshire; and neither that, nor the resulting policy prescriptions, drew adverse criticism from the Reporters at that inquiry.

4.3 South Ayrshire had a population of some 112000 comprising around 50000 households of which some two thirds lived in Ayr, Prestwick, and Troon. Council rented housing accounted for some 20% of the total housing stock; and RSLs were only 2%. Private sector housing was more expensive than in Scotland as a whole; and the need for affordable housing in South Ayrshire was chronic. However, high and rising need for affordable housing was not uncommon in the United Kingdom. In the country as a whole, and South Ayrshire in particular, much of the difficulty was a consequence of the application of the right to buy policy. Even to maintain the current tenure split between private sector households and the public sector would require a substantial number of affordable houses to replace the number of right to buy take ups each year. The problem had been exacerbated by a substantial decline in capital funding for affordable housing; and, realistically, the need could only be met by providing social rented housing.

4.4 The housing study was based on a survey of 1244 households drawn at random from the Valuation Roll covering all tenure groups and stratified by 7 sub-areas. A hybrid approach had been adopted: 742 postal questionnaires were returned; and 502 personal interviews were completed. A postal survey was considerably less costly to administer; although some detail, such as personal finance, was more difficult to collect by this means. However, FRLtd had found that the results from a postal survey were as reliable as those obtained from face to face interviews. Interviews with 9 estate and letting agents revealed that in the private sector minimum house prices for second hand property in fair condition ranged from £29000 (1 bed) to £ 94000 (4 beds), while rentals ranged from £300 (1 bed) to £500 (4 beds). Average house prices for second hand property in fair condition ranged from £46000 (1 bed) to £123000 (4 beds), while rentals ranged from £350 (1 bed) to £600 (4 beds). For new build, prices were found to be £81500 (1 bed) to £160000 (3 beds): information for 4 bedroom new build houses was unavailable.

4.5 The survey estimated that average annual gross household income (excluding benefits) was below the Scottish average. Proper use was made of relevant secondary data to place the South Ayrshire results in context, but there were no sources of information that were as accurate, detailed and complete as the survey undertaken by FRLtd. In calculating income and savings, the survey might have overestimated, rather than underestimated, the number of wealthy households. By combining housing market data with household financial information, an estimate was made on affordability and, hence, those unable to access the private housing market. The affordability of potential households was assessed using the judgements of the respondents to the survey rather than those of the potential household itself.

4.6 The backlog of existing need was made up of: existing households (231), potential households (492), and the homeless (100). The backlog could be reduced progressively at a rate of 165 houses per annum over 5 years. Newly arising need of 811 households emerged from 4 sources: new household formation x proportion unable to buy or rent (579 x 60% = 346 per annum) + ex-institutional (19 per annum) + existing households falling into need (156 per annum) + in-migrants unable to afford market housing (75% of 1922 = 290 per annum). Taking the backlog of 165 together with the newly arising need of 811 gave a total affordable housing requirement of 976 houses. The assumptions used about household behaviour did not produce overestimates of need for affordable housing. In-migrants were calculated as a gross figure rather than a net figure of 10. The annual supply of affordable housing of 664 was made up of relets in SAC's stock (612) and RSLs (52). Taking a backlog

of basic need plus the newly arising need less the supply of affordable housing gave a net affordable housing requirement of 312 houses per annum. The objectors had been critical of these calculations but they had not attempted to quantify the need in a way consistent with the DETR Guide to Good Practice or in any other manner.

Affordable housing target

4.7 Dr Fordham addressed the issues of the target, threshold and justification for affordable housing in SALP. The housing study reported a need for affordable housing considerably greater than any realistic local plan policy could achieve given the likely rate of new building. However, that finding was not unusual for housing studies undertaken by FRLtd; and establishing the scale of the problem did not lead directly to a readily applicable solution. In the case of South Ayrshire, the allocation of affordable housing from new housing developments could only be accomplished through the setting of a percentage target. Given such difficulties as the emergence of windfalls, establishing the number of houses required was not a practical proposition. In practice, the choice of a percentage target had always been based upon custom and practice. Over the past decade or so, targets for affordable housing had been set in South East England and, thereafter, had spread as more northerly planning authorities caught up. Dr Fordham explained how local authorities in Scotland and Wales had followed trends set in England as they came to recognise the realities of their situations.

4.8 On the basis of the above, FRLtd suggested a target of 40% for South Ayrshire. In making this figure the target, SAC had regard to all relevant factors. In particular, they had accepted from FRLtd that it was custom and practice not only that a 40% target was reasonable but also that there were examples in both Scotland and England of its application by other local planning authorities. Seeking a target contribution such as this should not be confused with requiring a quota which must be met on every occasion.

4.9 The findings reported by FRLtd made it clear that any target could be justified, and that the 40% target adopted would only meet a small fraction of the problem identified. The target was flexible and the exact contribution should be determined at the planning application stage. No credible evidence had been produced by the objectors to support the view that this approach would involve insuperable difficulties in practice. Developers and landowners would complain about the imposition of the target; and landowners would get less money than before for their sites. However, Dr Fordham believed that they would “do quite nicely”, even after the affordable contribution had been made. SAC accepted FRLtd’s findings. They also indicated that they intended not only to negotiate but also to ensure flexibility in the light of particular circumstances; and they would ensure that the developer would retain an element of profit. Where the contribution target sought by SAC was disputed, a development viability statement would be required. Contributions had been negotiated in the period since the approval of SALP in May 2002, and land had been given over at a proportion of approximately 10% of the site area.

4.10 The amount of HAG funding, even as an approximation, was not known for more than a few years ahead and, consequently, it should play no part in the setting of the target for affordable housing. About 70% of RSL funding in South Ayrshire comes from Communities Scotland; and their investment in affordable housing for 2004/05 was predicted to be £4.4m. Because there were likely to be increases in that annual amount in the future, there was every prospect of the land coming forward, through the application of policy H13, being developed

by RSLs for affordable housing during the SALP period. Subsequent research by FRLtd, reported in September 2004, had confirmed that non-social rented affordable housing (intermediate housing) would not be a realistic alternative to provision by RSLs.

4.11 ASP and SALP were entirely compatible with SPP3. In particular, SALP had addressed the shortage of land for affordable housing in the relevant housing market area where the need had been identified. SPP3 was issued in February 2003 and had replaced NPPG3. The former stated that the requirement for affordable housing should be met within the housing market area where the need had been identified; and the latter stated that a justification for the provision of affordable housing should be made in relation to individual settlements or small local areas within settlements. SAC had interpreted the change to mean that it would be contrary to SE guidance to provide contribution targets which varied within the housing market area.

4.12 SAC acknowledged that the housing study identified varying levels of need arising within the 7 sub-areas employed in the housing study. However, varying contribution targets to reflect these could not be considered because the methodology underpinning the needs assessment was made on the assumption that need arising within the housing market area could be met anywhere in the same area; and the sub-areas were neither housing market areas nor sub-housing market areas as defined in ASP. FRLtd indicated that it was normal for the assessment of housing need to be carried out for sub-areas within the housing market area, as well as the area as a whole. The former calculations were designed to assist the local housing strategy, not the development plan. For planning purposes, they also believed that the relevant target should be stated for the housing market area as a whole.

4.13 The number of houses coming forward through the policy would represent only about 3% of total sales of market housing in any year. No evidence had been produced to support the argument that house prices would rise. SAC had calculated the number of houses that would be produced by applying different threshold targets and percentage targets to the supply information available to them in 2003. If all sites producing over 15 houses provided 40% affordable housing, the total number of affordable houses over the period to 2012 would be 546 (around 60 houses per annum). That was about 20% of the 331 houses per annum needed to meet ASP's requirement. However, given SAC's intended approach, the actual contribution was likely to be substantially less. If 30% was achieved then 426 houses would be produced to 2012; those 47 houses per annum were under 15% of the houses required to meet ASP's requirement. The actual output of affordable houses could not be known in advance, not just because it was a percentage target, but because the state of the housing market governed the rate at which sites of various sizes came forward for development.

4.14 SAC indicated that although the policy in SALP was prepared in advance of the publication of PAN74, it was consistent with the advice contained in it. The research findings of Professor Bramley, which were referred to in the PAN, showed that South Ayrshire had a comparatively high level of need for affordable housing in Scotland. When this was taken together with the evidence before the inquiry of a substantial net need, it was appropriate that the percentage target of 40% sought by SAC, should be higher than the national benchmark of 25%. Bearing in mind the experience of the application of policy H13 since March 2004, SAC was undertaking a monitoring and review exercise; and the advice contained in the PAN would form an integral part of that review.

Policy H13 and SPG

4.15 There was no dispute that there was a need for affordable housing in South Ayrshire, and the substantial net need justified the general target in the policy. Policy H13, taken together with the associated SPG, had sought to address what SAC saw as the principle constraint to the provision of affordable housing in South Ayrshire: the difficulty facing RSLs in competing in the open market for land. Policy H13 had similar wording to other policies of this type in that it set out the target being sought, the type of development that the policy would apply to, and pointed to the SPG as the place to find the detailed information on how the policy would be implemented.

4.16 SAC confirmed that the target would apply to net developable land rather than houses but, in their view, this would have little, if any, effect. The members of their Planning Committee were well aware that the policy was referring to land not houses; and the unsuccessful amendment referred to houses rather than land. SPG made it clear that the target contribution applied to the net developable area of the proposed site. The density of affordable house was intended to be the same as market houses. It was fairer to apply a percentage target across the housing market area rather than identify particular sites as suitable only for affordable housing. That approach would run contrary to the twin objectives of mixed communities and a mix of development types within the housing market area. There was no land bank of affordable housing currently available for RSLs. The size of the site to which the policy applied was reached after discussion with Communities Scotland and the relevant RSLs. SAC were advised that RSLs would be unwilling to take on stock of less than 6 units due to fragmentation of management, overheads and economies of scale; and this threshold was not uncommon in other plans in Scotland.

4.17 Note 2 to policy H13 provided that the policy applied to all housing developments that did not have an extant detailed or outline planning permission on 11 May 2004. The application of the target could not be considered to be retrospective because SAC had signalled their intention to seek a contribution towards the need for affordable housing in the provisions of CDSALP. Since then land prices had continued to rise. In the rare instances that a developer was already tied into a contract which affected the ability to provide the target figure for affordable housing and develop the site, SAC would consider that along with the evidence on viability. The flexibility inherent in the policy enabled a lesser contribution to be sought.

4.18 While it was acknowledged that SPG was not a part of SALP, given the inter-relationship between it and the policy, comments on it were invited from the Reporters. SPP1 envisaged that SPGs would be useful, where the level of detail set out was inappropriate for a development plan. This approach to detailed guidance in relation to affordable housing policies was the norm in Scotland. Flexibility was written into SPG in relation to the targets both with regard to contribution and type of housing. On viability statements, it was for the developer to decide on the appropriate level of information to be submitted. SAC would seek advice when required, and had taken account of the District Valuer's expert opinion on the viability statements produced so far. Policy H13 would assist in the creation of mixed, sustainable communities in South Ayrshire. FRLtd's work on the limitations of providing affordable housing other than social rented, had led to SPG detailing the affordability thresholds that applied, and which any form of affordable housing must satisfy. However, this did not mean that SAC ruled out other types of affordable housing, including low cost home ownership without subsidy. It was possible to design a scheme

which provided affordable housing and mainstream owner occupied housing, no matter at which part of the price spectrum the latter was pitched.

4.19 The preferred process for the delivery of affordable housing was set out in SPG. A partnership process for on-site provision had the advantage that the affordable housing could be integrated into the sites to the satisfaction of all parties. Commuted sums would be allowed in exceptional circumstances. They would be paid into a fund managed by SAC and each contribution would be accounted for separately. Any money not allocated to a specific affordable housing project after 5 years would be returned to the developer.

4.20 In accordance with SPP3, SALP signalled what was expected from prospective developers and policy H13 and SPG set out how the housebuilding industry should make a contribution to the supply of affordable housing. The policy provided clarification for developers so that the requirements of types of houses could be factored into the price that a developer would pay for land. Consistent with the advice contained in PAN74, matters of supplementary detail were contained in SPG. In devising the policy approach and drafting the SPG, SAC had consulted with housing colleagues, Communities Scotland, RSLs, and Homes for Scotland. In addition, there had been considerable discussion with other local authorities; and experience had been gained from the operation of SALP's policy since May 2002.

Strategic guidance and other matters

4.21 ASP set out its assessment of the housing requirements, and made no distinction between public and private sector requirements. That was a matter for individual councils to deal with. In accordance with ASP policy L2, the assessment of supply and demand had been carried out for the housing market area as a whole. In compliance with ASP, the provision of affordable housing must be brought forward within the overall strategic context for housing land releases, and not over and above that. Policy L6 must be read in the context of policies L1-L5 and the relevant text. SAC had recognised that the housing market was not responding adequately to the need for affordable housing; and the requirement was addressed through policy H13. Policy H13 complied in full with the advice in PAN49. Locations for affordable housing were set out in SALP policies H2A, H2B, H3A and H4. CDASP continued to identify the provision of affordable housing as an integral consideration in the provision of housing in general; and it recognised that where property values were high the housebuilding industry might be able to make a contribution.

4.22 The local housing strategy set out the strategic framework for the development of the housing market in the period 2003-2008. It identified South Ayrshire as a pressured area with the need for affordable housing far outweighing the likely supply. Right to buy had resulted in a net stock loss of 42%; new build through HAG funding had not been sufficient to make up the loss; and new build in the private sector was aiming at higher income households. The local housing strategy set out an objective of increasing the amount of affordable rented housing by 200 houses per annum by RSLs. SAC's Housing and Planning Services had a significant input into the preparation of both the housing strategy and SALP. The targets identified in the strategy were based on housing land supply information supplied by the Planning Service. The update of the strategy scheduled for 2005 could take account of FRLtd's work. The housing strategy identified a number of actions to help tackle affordable housing issues. The linkages between the strategy and SALP were apparent through the text,

policies and objectives of both documents including, in particular, the terms of policy H13 and the associated SPG.

Conclusions

4.23 The objectors had not advanced arguments of sufficient weight to justify any alteration to SALP. There was, therefore, no basis on which to uphold their objections. Policy H13 and SPG were practical and reasonable, and they were consistent with national and strategic policy and the associated guidance.

CONCLUSIONS

Preliminary matter

5.1 There is one preliminary matter which concerns the claim that SAC are acting *ultra vires* in their promotion of policy H13. SPP3 indicates that the planning system has a role to play in the provision of affordable housing through the development plan, and PAN74 provides advice on how the planning system can support SE's commitment to increase the supply of affordable housing in Scotland. ASP also promotes the provision of affordable housing through policy L6, and we do not consider that this policy, or the supporting text, restricts the way in which provision can be made. While matters of law are ultimately for the courts to determine, within the context of the above, and taking into account the court cases referred to by SAC, we are satisfied that it is reasonable for SALP to address affordable housing issues and to include a policy of appropriate style seeking its provision, subject to that policy being clear and properly justified. We note that there are other adopted local plans in Scotland with policies which seek the provision of affordable housing through this style of policy.

The FRLtd housing study

5.2 SE's Review of Affordable Housing in Scotland, carried out in the light of the Barker Report, found a problem with the provision of affordable housing particularly in some housing market areas that are experiencing above average growth in households. Within this context, Professor Bramley's work provides a useful perspective from which to view the problem but the modelling undertaken was not, and without modification was not intended to be, a substitute for a housing needs assessment dedicated to addressing the particular circumstances in South Ayrshire.

5.3 At the inquiry, the discussion focussed on: the extent of the affordable housing problem for which provision should be made; and the proper role of the planning system in securing the appropriate policy response. SAC contended that FRLtd's housing study has established the need for affordable housing in South Ayrshire. We understand that FRLtd's advice to the English Inspectorate was that: "It should not take more than an hour to obtain and assess the key results of a HNS" (i.e. a housing needs assessment). We disagree, and have found that the in-depth examination and scrutiny of the FRLtd housing study at the inquiry essential to a proper consideration of whether it follows best practice and amounts to a robust assessment of the need for affordable housing.

5.4 It was generally agreed at the inquiry that the DETR advice issued in 2002 is authoritative. In the light of the evidence presented, we have accepted the view of the parties

that this guidance was the best advice yet available on how a housing needs assessment in Scotland should be carried out. From that starting point, we have judged the housing study against its content and paid attention to the 4 broad tests identified. This results from a number of concerns, of varying degrees of significance, about the approach adopted. We have no difficulty in agreeing that the work carried out by FRLtd fits readily into the general framework and approach advocated by the DETR Guide. However, we note at the outset that FRLtd's understanding of what amounts to affordable housing appears to be in conflict not only with the definition adopted by SE but also with that set out by DETR, when FRLtd stated that: "The definition of affordable housing itself is damaged almost beyond repair by the unreasoned insistence in English and Scottish Guidance that low-cost market housing should be included." Our overall finding is that we are unable to endorse the housing study as a robust housing needs assessment for South Ayrshire.

5.5 We have major concerns linked to the survey work and validation (chapter 3), and the assessment of the backlog of existing need (chapter 6) and newly arising need (chapter 7). On the survey work, the analysis undertaken by FRLtd was based on a hybrid approach of 502 personal interviews being completed and a further 742 postal questionnaires being returned. The DETR Good Practice Guide clearly indicates that a typical housing needs survey should involve face to face interviews with a sample of households (usually between 1,000 and 2,000) drawn from all tenures across the local authority, which may be supplemented by a postal questionnaire with a more limited range of questions but sent to a much larger sample (our emphasis). Given its relatively small scale and the large number of postal questionnaires, we find it surprising that FRLtd contend that their survey is "sufficient to allow reliable analysis of housing need in accordance with (DETR) guidance." At the inquiry, FRLtd dismissed the concerns of the objectors in this regard, stating: "...the Guide's authors...have no direct experience of carrying out such HNS...It is perfectly possible to carry out a reliable HNS using a postal only approach." We recognise that field work typically amounts to the largest element of cost in carrying out a housing needs survey; and we can see the merit in attempting to keep survey costs to a minimum. However, we are particularly concerned at the low level (40%) of questionnaires administered by personal interview and the larger proportion of postal questionnaires. As a general principle, we do not believe that best practice should be compromised simply to save costs. We are surprised by FRLtd's contention that postal questionnaires provide information which is no less reliable than that obtained from face to face interviews administered by them. Until that particular proposition as it applies to South Ayrshire and, indeed, its general application has been the subject of peer group review in the academic, technical and professional press, we are in no doubt that SAC should prefer the established position as outlined in the DETR guide.

5.6 In addition, while FRLtd claim to have taken steps to overcome the risk of bias, we understand that the response rate to the postal questionnaire was only around 25%. The higher the level of non-response, the greater the risk that bias will be present. At the low level of response found here, we agree with the objectors that there is no escape from the possibility that the heavy reliance on postal responses has introduced an element of non-response bias in 60% of the sample of cases.

5.7 Regarding the validation of the survey work, we agree with FRLtd's view stated to the Inspectorate that: "...it is important not to accept the word of expert witnesses merely because of their wide experience in the field. It is not appropriate when considering social survey data such as HNS." Accordingly we were disappointed that FRLtd refused to accede to the objectors' request to provide for scrutiny the data on which their calculations have been based. In these

circumstances, unique in our experience, we are unable to help SAC with a view on whether FRLtd's approach to data analysis and validation has been adequate to justify the reliance they have placed on FRLtd's work. Doubts have been raised in our minds, and we suggest that SAC should examine for themselves the data relied upon.

5.8 The greatest concern with the backlog of existing need was the basis for calculating potential households. These are a subset of concealed households living with a host household and requiring their own accommodation. One of the most difficult areas is establishing the future intentions, aspirations and financial circumstances of these households. The unit of response in the housing needs survey was the household. Questions in the face to face interview (G11) and postal questionnaire (F11) asked the respondent ie head of household (not the head or other member of the potential household): "In your opinion, (our emphasis) will they be able to afford suitable private sector housing in the SAC area (this can either be rented or bought) excluding the use of housing benefit." There must be doubt about the ability of the respondent to answer this question on behalf of the potential household. The question asked requires a judgement about such variables as: the aspirations of other people, their future income levels and levels of house prices and, relating to these, affordability. While DETR guidance states that "one way round this problem is to substitute a subjective judgement about future housing prospects in place of a formal affordability test", it goes on to caution that "it is not possible to recommend this as a robust sole basis for assessing affordability in this case. It is recommended that the primary basis for assessing the income and household type profile of new households is the profile of actual new households formed over the period preceding the survey." That FRLtd elected not to follow this advice was their choice, and this deviation from best practice in an area crucial to the calculation of housing need is neither explained nor justified by their over dependence on data collected by means of postal questionnaire. We believe that there will be a persistent tendency for the householder responding to the questionnaire to understate the capacity of potential households to afford suitable housing and, accordingly, to overstate the need for the provision of affordable housing.

5.9 In relation to newly arising need, we have concerns over the calculation for new household formation, existing households falling into need, and in migrant households unable to afford market housing. The calculation of new household formation relied heavily on the results taken from questions G11 and F11 and it must be open to question whether these are indicative of the behaviour of future households. The draft DETR guidance (undated) states that: "An approach that makes use of survey data... should be based upon past trends rather than making assumptions about the future intentions of households likely to form in the future." In addition, all the evidence suggests that there is a predominant preference for owner occupation amongst all sections of the community. The affordability of newly forming households is very difficult to assess because typically the income levels of young people rise fairly fast, and partnerships form –"doubling up"– which affect total household savings and income and hence the ability to raise a mortgage or afford private rented property. For all these reasons, we believe that the calculation of the affordability of newly forming households should be based on the incomes recorded of those who have actually formed in the recent past (in line with the DETR guidance [2000]). In our view, the reliance on the opinion of the head of household within which the newly formed household was previously accommodated is likely to lead to a depressed view of affordability and an exaggerated estimate of newly forming households in need of affordable housing.

5.10 Turning to households falling into need, we find that the number should be net of those who, as a result of an improvement in their circumstances have climbed out of need. However, we are unable to find in the housing study, or the further oral evidence, that FRLtd

recognised that fact. We have a similar problem with the calculation of the number of in migrant households. We agree with the objectors, and the early draft of the undated DETR guidance, that this should be calculated as a number net of out migrants of similar characteristics. FRLtd apparently adopted a gross figure without making any allowance for out migration. We accept that the net figure is a difficult calculation, and that it may be open to relatively wide margins of error. Nonetheless, the draft DETR guidance is particularly helpful in this regard by setting out how the problem might be handled and the range of data sources which could be drawn upon. Apparently no use of it has been made by FRLtd even though it was they who brought this material to our attention. These factors are likely to have resulted in a further exaggeration of need.

5.11 Our next significant set of concerns relate to the local housing market study (chapter 4). We recognise that a housing market area is a geographical area which is relatively self-contained in terms of housing demand. Nevertheless, research undertaken for Communities Scotland confirms that within a housing market area the supply of housing is not homogeneous. It is differentiated not only by the type and tenure on offer but also by its general location and particular siting. It follows that within any housing market area, there will be a series of interlinked markets for housing for sale and for rent each characterised by differing intensities of demand for the various types of housing which are available. Consequently, house prices, even for houses of the same type and tenure, will vary throughout a housing market area, and this will affect their affordability. While we accept that it is helpful to calculate the overall need for affordable housing for a housing market area as a whole, we are in no doubt that the intensity of need for this type of housing may differ within such an area. In the light of this analysis, it appears to us that FRLtd's local housing market study was at best superficial.

5.12 FRLtd chose to rely solely on evidence gathered from 9 estate agents for house prices. We accept that this approach has a number of advantages including limiting the costs incurred. They conducted a short telephone interview in which the views of a single respondent were sought on a small number of questions. The questioning took "a very simple form" on the grounds that "people often lose interest when asked a series of detailed questions." For this vital package of data, we are surprised that FRLtd did not at least conduct face to face interviews with a panel of respondents in each business since this is widely accepted as a more reliable approach than relying on a single opinion especially when taken at a distance. It is also disappointing that no information at all was provided about the way in which the respondents had formed their opinions, including the number of transactions involved, the period over which they took place, the locations of the transactions, the particulars of the properties involved, or whether the prices gathered were those advertised or achieved. We also consider that an understanding of the house market must be based on movements of house prices over time relative to one another and other forms of tenure, including social rented. In the absence of any of this important information, we are driven to the conclusion that what was gathered was fragmentary, anecdotal, inevitably subject to bias and, accordingly, a poor basis on which to found a critical aspect of the test of affordability. There was no explanation about why FRLtd rejected the use of other possible sources of information, including the reliable Register of Sasines. We have similar concerns about the manner in which levels in the private rental market have been calculated. In the light of the information produced to another session of the inquiry by a housebuilder, we note in passing our surprise that FRLtd record that there was no information at all available to them on new build prices for 4 bedroom properties.

5.13 Taking the above together with what little is said in the study about context and key issues (chapter 2), we find that there has been a failure to properly integrate FRLtd's understanding of housing need into a wider view of how the market in South Ayrshire operates. This is of particular importance bearing in mind FRLtd's strongly argued conviction that policy prescriptions which they have promoted elsewhere are readily applicable to the particulars of the circumstance in South Ayrshire.

5.14 We have further significant concerns on the survey relating to financial information and affordability (chapter 5) and, in particular, the question asked in the questionnaire (section I) on household savings. Reliance was placed on this question for the test of affordability, but we agree with the objectors that the question is poorly framed and open to misinterpretation. Clearly, as FRLtd recognised, the collection of data on ability to pay is difficult and any question posed must be clear and unambiguous. Taking the shortcomings in the question together with the extent to which reliance was placed on the postal questionnaire and our reservations about the housing market study, we believe that the assessment of affordability should be revisited in the light of local knowledge before being accepted by SAC as being of an appropriate standard to underpin a robust housing needs assessment.

5.15 On the supply of affordable housing (chapter 8), we are in no doubt that relets of existing social housing are the most important source of supply of affordable housing in South Ayrshire. FRLtd state that they relied on figures provided by SAC for their analysis of past housing supply of local authority housing. The draft guidance states that: "properties that come up for relet to a new household in need are the only ones that should be accounted..." Once again we can understand that the calculation may be difficult. However, we were rather disconcerted that it should have been necessary for FRLtd to come to the inquiry with estimates of the supply of affordable housing considerably different from those reported to SAC in February 2004. These revisions had a considerable impact on the total numbers assessed to be in need for affordable housing. SAC will wish to be reassured that the figures called for from them by FRLtd are the right ones, and that no further revisions are required.

5.16 The backlog of existing need, newly arising need and the supply of affordable houses all feed into the basic needs assessment model (chapter 9). The table below (page 3.20) sets out our understanding of FRLtd's final position, along with some possible alternatives variously stated by the objectors. The table shows that FRLtd calculate a net shortfall of 312 affordable houses per annum. For the reasons outlined above, we believe that FRLtd's estimate of affordable housing has to be treated with great care. On the other hand, we also do not accept the net surplus suggested by the objectors' alternatives. Nevertheless, their figures demonstrate that the net shortfall in affordable housing is sensitive to changes in the assumptions adopted in the calculations. Because of FRLtd's reliance solely on single forecasts throughout their evidence, we are not satisfied that they have taken this difficulty adequately into account in reaching their conclusions.

<i>Component</i>	<i>FRLtd Position</i>	<i>Objectors' Position</i>
<i>1a. Backlog :Existing Households</i>	<i>231</i>	<i>Accepted</i>
<i>1b. Backlog: Homeless Households</i>	<i>100</i>	<i>Accepted</i>
<i>1c. Backlog: Potential Households</i>	<i>492</i> <i>(unaffordable threshold 80%)</i>	<i>250</i> <i>(unaffordable threshold 40%)</i>
<i>5 year backlog of existing need</i>	<i>165 per annum</i>	<i>116 per annum</i>
<i>2a. New Households(on the assumption of the 30% "doubling up")</i>	<i>346 per annum</i> <i>(228 per annum)</i>	<i>160 per annum</i> <i>(115 per annum)</i>
<i>2b. Households falling into need</i>	<i>156 per annum</i>	<i>40 per annum</i>
<i>2c. New Need: In Migrants</i>	<i>290 per annum</i>	<i>10 per annum</i>
<i>2d Institutional Households</i>	<i>19 per annum</i>	<i>Accepted</i>
<i>Gross affordable requirement</i>	<i>976 per annum</i>	<i>345 per annum</i>
<i>3. Supply Re-Lets (Council/RSL)</i>	<i>664 per annum</i> <i>(612/52) per annum</i>	<i>713 per annum</i> <i>(661/52)</i>
<i>Net shortfall(surplus)</i>	<i>312 per annum</i>	<i>(368 per annum)</i>

Moving on from that, we agree with the objectors that FRLtd have strayed too far into the area of policy making. A robust housing needs assessment is a technical exercise focussed on data gathering and analysis and the making of positive findings. We also are in no doubt that normative judgements about what consultants think ought to be the case have no place in a robust housing needs assessment. Best practice requires that offering advice on the range of policy prescriptions open to elected members in their decision making should be the exclusive preserve of their officials following mature consideration of the implications and having consulted with other stakeholders. Otherwise, as the objectors have pointed out, an authority runs the risk of losing control of the plan making process, in this case as it relates to affordable housing.

5.17 Regarding the nature of the affordable housing requirement (chapter 10), FRLtd conclude that: "...both low-cost market housing and shared ownership (at current prices) cannot meet any of the housing need identified. Only social rented housing will be of any use." If we are correct that there are flaws in the FRLtd approach to affordability then, for that reason alone, their conclusion should be revisited by SAC. Evidence for the objectors pointed out that most of those excluded from the private market are not always looking to the social sector to meet their needs. They aspire to other forms of tenure and often can afford more than the relatively low rents for social housing. This group forms the basis of the intermediate market which SE is committed to seeking out and providing support for. We recognise that the size of the potential intermediate market is likely to be heavily dependent on relative house prices and private rents, and that demand may be slow to emerge in advance of an attractive menu of offers and credible evidence of their acceptability to a range of occupiers. We can also readily accept that, in the short run, the major but not necessarily sole source of funding for affordable housing will have at its heart the HAG grant arrangements. Nevertheless, we find it hard to endorse FRLtd's finding that social renting is the only tenure which will be of use in meeting the need for affordable housing. In this context, we note that SAC confirmed at the inquiry that they intend to explore other avenues of sub-market housing.

5.18 More generally, FRLtd acknowledge that their housing study is no more than "a „snapshot“ survey that assesses housing need at a particular point in time." We prefer the advice that a

robust housing needs assessment should provide a long term view which recognises that the housing market operates as a dynamic system. The size and nature of stocks and the flows between tenures – private rented, social rented, intermediate and owner occupation – are key drivers within the housing system. In this context, we are attracted to an approach described by the objectors as a “ladder” of private renting and/or, intermediate housing, leading to owner occupation, which households climb on their way to the house and to the location to which they aspire. The ability to climb the ladder, and the speed achieved, is based on the affordability of property relative to incomes: only if households cannot afford owner occupation will the movement between tenures be halted. In all of this, and despite the discussion on general types of market housing (chapter 11), we are concerned that FRLtd’s housing study has paid insufficient attention to the dynamics of the owner occupied market, the private rented sector and the emerging intermediate markets. The principal focus has been on the social rented sector almost to the exclusion of other forms of tenure and their role in the housing system of which affordable housing is an integral part, but only a part.

5.19 In addition to all of the above, PAN74 makes it clear that where a local authority intends to support delivery of affordable housing through planning policy the estimate of need should, as far as possible, be demonstrably consistent with agreed overall housing requirements and household projections for the area. No attempt has been made in the FRLtd housing study to demonstrate any consistency between these estimates. Indeed, the need for consistency is apparently disputed by FRLtd whose stated view to the Inspectorate was that “the annual need for new affordable housing...may even exceed the total allocation of housing to the local authority (and this) is not surprising as there is no connection between the “bottom up” estimate of need and the “top down” allocation of housing to the area.” SAC emphasised that the housing land supply figures in ASP include requirements for affordable housing. In applying the data produced by their survey for South Ayrshire at the inquiry, FRLtd’s modified calculations produced a need for affordable housing well over 100% of ASP’s total allocation of housing land. We recognise the different approaches involved in estimating the needs for affordable housing and for the housing requirement. However, if it is accepted that the need for new affordable housing is, by itself, above the total housing land supply requirement, then ASP’s housing land supply requirement must be too small. We consider that the more likely alternative is that FRLtd have over estimated need; and this remains our conclusion even when we take into account CDASP’s preferred option and our position on the 5 year land housing supply (chapter 3.1). As a matter of good practice, it is clear to us that even though the housing study pre-dates PAN74, the housing study should have addressed these discrepancies, and this is a significant omission.

5.20 When we review our findings on the FRLtd housing study and consider its performance against the 4 broad tests identified in the DETR guidance, we find: that insufficient attention has been paid to the details of the way in which the housing system in Ayrshire works; that the methodology adopted in the household survey differs in numerous particulars from the good practice recommended by DETR in both its published form and the further guidance in draft; that single forecasts were relied upon without explicit recognition of the areas of uncertainty involved, and without appropriate sensitivity checks or triangulation; and that need has been estimated in isolation from other projections, including those of population, households and housing land which underpin ASP and CDASP and link through to the allocation of housing land in SALP and the role which the planning system can play in the provision of affordable housing. In addition to these factors, it appears to us that on receipt of the housing study in February 2004, there was insufficient time for SAC to properly consult with relevant stakeholders, and to give mature consideration to the study’s

findings and its implications for policy. In these circumstances, we can readily see why, to the objectors, policy H13 gives the appearance of a “bolt-on” rather hurriedly put into place, without proper consultation.

5.21 Drawing all the above elements together, we are unable to endorse the housing study as a robust housing needs assessment. As FRLtd conceded at the inquiry, the outputs from the study should be treated with caution. We see the housing study only as a staging post on the route to a robust assessment of the need for affordable housing in South Ayrshire.

Affordable housing target

5.22 PAN74 is explicit that councils should derive their initial target in terms of numbers and percentages. This approach is disputed by FRLtd who stated that: “the normal approach to the question of how much of any new housing should be affordable is to set a percentage target...this is the only rational approach.” They also stated that: “attempts to do it using numbers have generally failed, due to the arrival of windfalls etc...there is no analytical basis for setting site specific targets in most districts...hence a general target is the normal approach...the only basis for setting a target is custom and practice”. We have no difficulty in recommending to SAC, that contrary to FRLtd, they should endeavour as soon as possible to establish a target for affordable housing in terms of numbers as well as a percentage. In this way the links with the local housing strategy, ASP, CDASP and other related aspects of SALP can be made explicit; and, no less important, all relevant parties will have greater certainty about what is expected of them in securing SALP’s implementation. This is a rational, evidence based approach towards policy prescription; and it is the one advised by SE and by the DETR guide. Related to this, we cannot find any justification in either the terms of SPP3 or the arguments presented by FRLtd for a blanket target and a prohibition on site specific expectations to be incorporated within the affordable housing policy. Nor is there any reason why SAC should not allocate particular sites in their entirety for affordable housing. We suggest that it is for SAC to use their local knowledge to decide, in due course, the approach to these matters which is most appropriate to their particular circumstances.

5.23 Accepting for the moment that there is no option open to SAC other than custom and practice on which to base their policy, we agree with FRLtd that it is first necessary to establish what is custom and practice in the rest of the United Kingdom and, following on from that, to ascertain the current status of affordable housing targets in Scotland. Unfortunately, there was no persuasive evidence about the nature and geographical distribution of custom and practice in England and Wales in order to substantiate FRLtd’s strongly made assertion that affordable targets which originated in South East England have now “radiated throughout Britain.” We share the objectors’ view that policies devised for the circumstances of say the London Boroughs or Oxford are unlikely to be transplanted into the body of the Scottish planning system without fear of rejection. Scrutiny at the inquiry revealed that the survey conducted by FRLtd to establish the position on which they have relied in providing advice to SAC, is flawed in numerous respects. These included the date of adoption of some local plans, the stage in the planning process reached in some emerging plans and, critically, the targets stated as being pursued. As examples, we note that for CALPS (referred to by FRLtd as Aberdeenshire) and East Dunbartonshire, FRLtd were economical in their references not only to the text of the appointed Reporters’ views to these councils, but also with the subsequent policy response by the councils themselves. When taken together, all these flaws undermine the position adopted by FRLtd. We find that there

is no substance to the assertion by FRLtd that a 40% target for affordable housing in South Ayrshire can be justified by custom and practice set elsewhere.

5.24 There is no dispute that left to itself the market will be unable to provide for all those in need of affordable housing in South Ayrshire. In light of the failings of the housing study and the lack of a justification for a target based on custom and practice, we consider that SAC could usefully apply the benchmark of 25% advised by SE in PAN74 as an interim target. However, this should be the subject of review. A target figure which is set too low will lead to more in the way of social problems, poorer educational attainment, poorer health outcomes, and greater frictions in the labour market as a consequence of inadequate and/or insufficient affordable housing than would otherwise be the case. On the other hand, a figure which is set above what can realistically be delivered in terms of grant funding and related matters will remove land from the supply available for market housing, all to the detriment of the working of the housing system as a whole. In addition, if the figure proves unachievable, it could make consistent decision making much more difficult. As far as the impact of a target of affordable housing on the supply of housing land and house prices is concerned, the Barker Report confirms that house prices in any area are set primarily by the markets in second hand homes. Consequently, any increase in new house prices will have little impact on affordability. The main disadvantage in an over allocation of land for affordable housing will stem from the inevitable delays and uncertainties it will involve at site level. There is also the prospect that under their current proposals, SAC could ultimately have to return some land to the developer. These factors will all act as frictions in the delivery of the houses planned for in the local housing strategy and in the development plan.

5.25 If it is accepted that the recent trend in HAG funding has allowed an average of between 70 and 80 new build RSL properties then, given the recently increased funding and Ministerial commitment, we consider that the future challenge for South Ayrshire might be set at around 90 houses per annum. The latest draft 2004 land audit expects a build out of 1218 houses for a realistic 3 year period from 2005/6-2007/8 (an average of about 400 per annum). This figure relates well to a target of 25% of affordable houses from all new build, when a threshold of 15 houses is applied. The same percentage target figure and the objectors' preferred threshold of 40 houses would deliver a less satisfactory 73 houses per annum. In order to complete the exercise, we calculate that applying a target of 40% would deliver 144 houses and 117 houses per annum with thresholds of 15 and 40 houses respectively. There was no evidence to suggest that 144 houses per annum could be achieved within the present funding framework. While we accept that this is not the case for a figure of 117 houses per annum, a threshold of 40 houses would favour development only in certain larger locations thereby removing an element of choice. In the lifetime of SALP, we accept that HAG funding is likely to remain the major source of funds for affordable housing. However, if SE policy is successful, other sources of funding may assume greater importance in the medium to long term. Our preference for policy H13 is for a target of 25% and a threshold of 15 houses because that is readily achievable in terms of current funding, and it has choice built in. We place little weight on table 9.10 of the housing study because it considers the potential affordable housing yield over a long time scale and, at that distance, the view can only be in outline. We have not been able to complete the above exercise by applying a site size threshold because the necessary information for that task was not available to us.

Policy H13 and the SPG

5.26 The fundamental principles of affordable housing policy should be contained within the body of policy H13; and it ought to contain sufficient detail that there is no doubt about what would be in accordance with the development plan. We have already indicated that the target of 40% affordable housing is not firmly embedded in the evidence base of a robust housing needs assessment. It is not clear from the wording of the policy whether the 40% target is to be related to the net developable area of the site, as SAC intend, or to the housing units referred to by the housing study. In this context, we note that PAN74 offers its advice on the nature of the housing contribution in terms of housing units; and we are satisfied that the former is a considerably more difficult calculation to make than the latter when the financial viability of a scheme is being assessed and the physical aspects of the development planned for.

5.27 SPP3 allows planning authorities to meet the need for affordable housing within the housing market area as a whole. However, there is no requirement to have a single blanket target applied across the housing market area; and it does not place an embargo on councils from seeking to meet the need where it arises. It is for SAC to decide whether the target is to be met from all sites or by site specific targets which reflect variations in need across South Ayrshire. A demonstration of greater or lesser intensity of need in the general location of a site allocated for housing might amount to exceptional circumstances to be taken into account as a material consideration when considering the appropriate target for affordable housing when a proposal for housing development reaches the application stage.

5.28 On note 1, we are in no doubt that SPG is an appropriate vehicle in which to bring forward the details concerning the application of the policy on affordable housing, and we agree that such matters would be at a level of detail inappropriate for the development plan itself. SPG is not part of SALP and the manner in which SAC apply policy H13 could be modified without any of the formal requirements of an alteration to a local plan. However, SAC are committed to a partnership approach to these matters and, as PAN74 makes clear, any modification should be made only after full consultation with all relevant stakeholders. Regarding note 2, in order that there can be no doubt that the terms of policy H13 are not retrospective in their application, we recommend that it should apply to housing developments which do not have an extant detailed or outline planning permission on the date of the adoption of SALP.

5.29 Policy H13, when read together with the associated SPG, should provide a sufficient framework policy so that developers and others know how their application will be treated in accordance with the development plan. The non-statutory guidance in SPG is not technically before us. However, all parties appearing at the inquiry recognised the close association between policy H13 and SPG, and our comments on SPG were therefore requested by SAC. We have considered carefully how these might best be framed. We suggest that SAC retain the overall structure of the SPG as it was placed before the inquiry. However, it should be redrafted to be advisory in tone rather than prescriptive. We see no reason why the text of the redraft should not follow very closely the newly issued advice provided in PAN74 with such modifications as SAC deem necessary to meet local circumstances. With all this in mind, and in an effort to assist SAC in taking the first step along this road we have provided, as annexe 1 to this chapter, the bare bones of a draft SPG. SAC may care to consider this and, after suitable amplification and amendment, take the result out to consultation with all the relevant parties.

Strategic guidance and other matters

5.30 ASP's development strategy outlines an approach for the creation of sustainable and balanced communities. Within the overall strategic housing land context set out in ASP policies L1-L5 and the associated text, policy L6 requires that proposals for affordable and special needs housing be brought forward as part of local plan preparation. SALP provides that the provision of affordable housing be integral to the development of new housing sites including those identified through policies H2A, H2B, and H3A. These identify individual site requirements which developers can incorporate into their financial appraisal of the viability of proposals. We find that in seeking to conform to policy L6, it was open to SAC to allocate sites solely for affordable and special needs housing; and it is open to them to use CPO powers to secure sites for that purpose. However, on the advice of their officers, they have not chosen to go down either of these routes. Instead, their preference is to allocate a proportion of sites identified for market housing for affordable housing. This choice is compatible with a preference for creating sustainable and balanced communities and the terms of policy L6. At first reading, policy H13 may appear generally to comply with policy L6. However, when the many failings in the work supporting it are taken into account, we are inescapably driven to the conclusion that it does not conform to the general thrust or underlying intent of ASP, including policy L6. For the same reasons, we are also not satisfied that in formulating this policy, general conformity has been achieved with CDASP. Neither do we consider that the policy complies fully with SPP3, nor that it properly takes into account the advice in PAN49 and PAN74.

5.31 As required, SAC has approved a local housing strategy for South Ayrshire which covers the period 2003-2008. It covers all tenures and has been prepared in consultation with stakeholders. It sets out the scale of affordable housing and the numbers and types of lower cost housing units required. It states that the social rented sector is under considerable pressure, and that it is failing to meet the identified needs. We agree that generally the links between the local housing strategy and SALP can be traced through the text, and objectives of both documents. However, when we look at the details of policy H13, and the work which purports to underpin it, these links become opaque. We note that the local housing strategy is under continuing review and this important deficiency can be remedied as one considerable benefit emerging from the efforts of the in house working group which we recommend should be set up to review the findings of the FRLtd housing study and related matters.

Conclusions

5.32 Overall, we cannot endorse the housing study or the terms of policy H13, including the percentage target figure set for affordable housing of 40% from all new housing developments. The policy does not comply fully with the terms of national or strategic guidance, and it does not take into proper account the most recent advice from SE on good practice. We recognise SAC's firm commitment to use the planning system to support affordable housing provision, and we consider that this should be reflected in SALP at the earliest opportunity. To this end we suggest that the need for affordable housing should be looked at anew by an in house group of officials drawn from the planning and the housing services, and they should be supported by fully independent external expertise. While it is for SAC as planning authority and as housing authority to decide the agenda of the proposed group, PAN74 sets out a summary of steps to support the delivery of affordable housing

through planning policy, and it may be that SAC will wish to follow this advice in setting up the programme of work.

5.33 Any affordable housing policy must be justified by a robust housing needs assessment. For the avoidance of doubt, despite our considerable reservations, we do not consider that the raw material gathered in the course of the housing study must be discarded. We have found that it is the first step on the route to a robust housing needs assessment. In moving forward, we suggest that the manner in which that material has been analysed and used should be thoroughly reviewed in the light of the concerns expressed by stakeholders at the inquiry and our own findings on these matters. That exercise should be followed by a measured reconsideration by SAC of the implications for policy H13, the associated SPG, and all related policy matters. In the event that a robust housing needs assessment and the further steps advised by PAN74 cannot be completed before the adoption of SALP, SAC should consider the introduction of an interim policy.

5.34 We have taken account of all the other matters, including the Pressured Areas Proposal and the terms of the Barker Report, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATIONS

6.1 Accordingly, we recommend:

- (i) that policy H13 be deleted, that the FRLtd housing study be reviewed, and that the consequent policy implications be assessed, all along the lines outlined above;
- (ii) that, in the continuing absence of a robust housing needs assessment, an interim policy H13 be inserted, as follows:

Policy H13 (interim)

All new housing sites will be expected to contribute a proportion of affordable housing. The benchmark figure is that each site with a total site capacity of 15 houses or more, or a site size equal to or exceeding 0.6ha, should contribute 25% of the total number of units as affordable housing.

Note 1: A Supplementary Planning Guideline „New Housing Developments and Affordable Housing“ accompanies Policy H13, and provides guidance on how SAC as planning authority will implement the policy.

Note 2: Policy H13 applies to all housing developments that do not have planning permission at the date of the adoption of SALP; and

- (iii) that the text in SALP associated with policy H13 be revised, as appropriate, to reflect either the findings of the housing needs assessment consequent on the reviewed housing study and any revised policy, or the terms of the interim policy recommended above.

Annexe 1: New Housing Developments and Affordable Housing: A Guide for Developers

1. Introduction

1.1 For the purposes of this guideline, affordable housing is broadly defined as housing of a reasonable quality that is affordable to people on modest incomes. SAC recognise that, working closely with the housing interests within the authority, the planning system can play an important supporting role in the provision of affordable housing. With this in mind, policy H13 of SALP requires affordable housing to be provided as part of new housing development.

1.2 This SPG provides some background to the policy, and advice on how it will be implemented by SAC as planning authority. It has been prepared following full consultation with relevant parties including Homes for Scotland and Communities Scotland. The aim is to develop a shared understanding of the policy, its implications and how it will be applied.

1.3 The SPG is compatible with, and intended to be read alongside, the relevant passages of SPP3: Planning for Housing (February 2003) and PAN74: Affordable Housing (March 2005).

1.4 For the avoidance of doubt, only policy H13 forms part of the development plan. It is supplemented by the non-statutory guidance set out in SPG which will be taken into account in the determination of all applications for planning permission for residential development. SAC will keep the requirement for affordable housing under review. They will monitor progress with provision and, as appropriate, the scope for increasing supply through the planning system and other means. In the light of their findings, SAC may from time to time reconsider the content of this SPG and, following no less rigorous consultation than was undertaken for the issue of this SPG, publish a revised version.

2. Policy context

2.1 In accordance with the Housing (Scotland) Act 2001 SAC have approved a local housing strategy for South Ayrshire which covers the period 2003-2008. It covers all tenures and has been prepared in consultation with stakeholders. It states that the social rented sector is under considerable pressure and is failing to meet the identified needs. This conclusion has informed the overall assessment of land requirements in the adopted SALP.

2.2 SPP3 “Planning for Housing” confirms that the planning system can assist with addressing affordable housing shortages through development plan policies that seek a contribution to the supply of affordable housing from private housing building. It requires that the development plan give clarity on the expected scale of provision and the locations in which this will be sought.

2.3 The Ayrshire Development Strategy, as set out in the approved ASP (January 2000), has outlined an approach for the creation of sustainable and balanced communities. The SAC area has been identified as a housing market area which is relatively self-contained. Within the overall strategic context for housing land release its Policy L6 states that proposals for

affordable and special needs housing should be brought forward as part of local plan preparation.

2.4 In accordance with that, and within the overall housing requirement, the adopted SALP provides that the provision of affordable housing be integral to the development of new housing sites including those identified through its policies H2A, H2B, and H3A. These identify individual site requirements which developers can incorporate into their financial appraisal of the viability of proposals.

2.5 At present, SAC have no plans either to allocate land specifically for affordable housing or to make use of their powers of compulsory purchase for this purpose.

3. Meeting the need for affordable housing in South Ayrshire

3.1 Independent research has demonstrated that South Ayrshire has a higher level of need for affordable housing than many other areas of Scotland. South Ayrshire has a vibrant housing market, illustrated by considerable developer interest, and it is not expected that this will limit the scope for achieving the required level of affordable housing through the development plan and other associated measures. SAC will work with developers in order to fulfil the potential of the industry to contribute to the overall requirement for affordable housing through the delivery of a mix of housing types and sizes on sites which have the benefit of planning permission.

3.2 SAC also recognise the particular role of Communities Scotland and the contribution to be made by RSLs in securing new build affordable housing on sites which may be specifically allocated for that purpose or as a part of sites under development for market housing.

3.3 SAC recognise that it is in the interests of all concerned to strive for a climate of certainty and confidence in meeting the requirement for affordable housing. Within that imperative, SAC are convinced of the need for all parties engaged at all stages in the process of provision to work in partnership if the requirement is to be met timeously, efficiently and effectively. For their part, SAC are committed to working in partnership; and it expects a similar commitment from the other parties including land owners, developers and RSLs.

4. Policy H13 and the status of SPG

4.1 Policy H13 sets out the affordable housing contribution which will normally be required as part of a proposal for housing development. The requirement has been set after due regard to the national benchmark and all of the evidence available to SAC on the distinctive characteristics of the South Ayrshire Housing Market Area.

4.2 SAC are sensitive to the different levels of need in different parts of its area. With this in mind, they have reviewed the location of the sites identified through SALP policies H2A, H2B, and H3A. They have decided that, in all the circumstances and as far as these are concerned, it would be appropriate to apply the same requirement for affordable housing to sites throughout the housing market area.

Policy H13 (interim)

All new housing sites will be expected to contribute a proportion of affordable housing. The benchmark figure is that each site with a total site capacity of 15 houses or more, or a site size equal to or exceeding 0.6ha should contribute 25% of the total number of units as affordable housing.

Note 1: An SPG ‘New Housing Developments and Affordable Housing’ accompanies policy H13, and provides guidance on how SAC as planning authority will implement the policy.

Note 2: Policy H13 applies to all housing developments that do not have the benefit of planning permission at the date of the adoption of SALP.

4.3 The affordable housing contribution of 25% will be a requirement from all housing proposals where the development comprises 15 or more houses and/or where the site size is equal to or exceeds 0.6ha. The policy applies to sites identified in the adopted SALP, windfall sites that may emerge, and to any other site, including those in the established housing land supply, which do not have planning permission on the date which SALP is adopted. Only where it can be demonstrated to the satisfaction of SAC that consent has been implemented, or is otherwise valid, will the requirement be waived.

4.4 In calculating the amount of contribution required the overall capacity of the proposal site will be considered. Accordingly, if a large site is being developed in phases of less than 15 houses or less than 0.6ha, the requirement for affordable housing will still apply. In the latter case the required contribution will be calculated with reference to the net developable area of the site.

5. The affordable housing contribution

5.1 The contribution of 25% affordable housing from any proposal will be required unless there are exceptional costs or other circumstances which threaten the viability of the proposed development. Where a lower percentage on a particular site is sought as an exception to the policy it is for the developer to provide a reasoned justification to the satisfaction of SAC.

5.2 If developers have concerns about the contribution of 25% at a particular site they are urged to make early contact with SAC to initiate discussions on the amount and form of the contribution as well as any other aspects of a proposed planning application and the delivery of the affordable housing element which would benefit from pre-application discussion and/or negotiation. These matters may include the content of section 75 agreements and/or the terms of planning conditions.

5.3 In cases where agreement cannot be reached between the parties during pre-application discussions a development viability statement will be required from the applicant the content of which will remain confidential between the applicant and named officials within SAC. The form and content of that statement are matters for the applicant.

6.0 Delivering Affordable Housing in Partnership

6.1 It is for the applicant to take into account the requirements of policy H13 in the financial appraisal of a site and to indicate as a part of any planning application how the affordable housing element will be delivered.

6.2 Where planning permission is granted, other than in exceptional circumstances, the provision of land for affordable housing will be the subject of a suitably worded planning condition. In addition, a section 75 agreement, or an occupancy condition, may be necessary to ensure the retention of the units as affordable housing.

6.3 As far as design and layout are concerned, the affordable housing must be an integral part of the overall development. In particular, it should be visually and functionally integrated with the market housing, and have good linkages with local services and public transport. As far as possible the affordable housing should be indistinguishable from the general mix of other houses on the site in terms of quality and detail.

6.4 Where an RSL will service the homes, the policy of integration will be balanced with the management costs necessarily incurred. SAC accept that 6 is the minimum number of units that it would be practicable for an RSL to manage on one site.

6.5 SAC recognise the importance of mixed sustainable communities with a range of house types and tenures including: social rented, shared ownership, shared equity, discounted low cost sale, and housing without subsidy (where that meets the needs of, and is affordable to, groups of households identified through the housing needs assessment). All of these forms of tenure may have a part to play in meeting the need for affordable housing in South Ayrshire. In a difficult financial climate, they may have a particular role when, for the site under consideration, the provision of subsidy from Communities Scotland is not available.

6.6 Bearing in mind the characteristics of the housing market area, and notwithstanding the contribution which may be forthcoming from other forms of tenure, SAC consider that in most cases social rented tenure will provide the most effective means of meeting housing need in South Ayrshire. Accordingly, on-site provision of affordable housing for rent, developed by an RSL and locally managed is SAC's preference.

6.7 SAC will seek to be flexible in negotiating developer contributions and take all relevant circumstances into consideration. Within this context, normally the contribution required by SAC will be the provision of a serviced portion of the site ready for development for housing units by, or for, an RSL. It should be transferred at a value relating to its end use for affordable housing rather than for market housing. In the event of failure to reach agreement, it is SAC's preference that the District Valuer be appointed to determine the appropriate price.

6.8 Land transferred to an RSL or to SAC will revert to the developer if development has not begun on the affordable housing portion, or no funding is secured to implement development after 5 years from the date of the permission that has been implemented, or one year following completion of the wider development, whichever is the later date.

7.0 Commuted Payments and Off-site Provision

7.1 In exceptional circumstances, where it is established that on site provision is not practicable, developers may offer to provide either land or homes on another site within their ownership. Alternatively, a commuted sum in lieu of on site provision may be accepted. The instances where these alternatives may be acceptable include:

- (i) Where a proposal site is equal to, or greater than, 0.6ha, but the proposal is for less than 15 houses, and the density of the proposed development has been determined by factors outwith the control of the developer (e.g. structural landscaping requirements, built heritage considerations).
- (ii) Where the absence of RSL funding undermines the financial viability of the wider scheme (e.g. in relation to flatted development).
- (iii) Where SAC are satisfied that a development viability statement demonstrates that a contribution of less than 25% is appropriate and the resulting contribution would provide less than 6 affordable units.

7.2 A commuted payment will be related to the cost of providing an alternative provision i.e. the end use as affordable housing. All commuted payments will be agreed through a section 75 legal agreement, and will be payable before work begins on site. SAC have a model available which may be helpful as a starting point in reaching an agreement.

7.3 All commuted payments will be paid into separate accounts within a fund, managed by the Director of Social Work, Housing and Health, dedicated to the facilitation of the provision of new affordable housing within the South Ayrshire Housing Market Area. Any money not allocated to a specific development project after 5 years will be returned to the developer.

8.0 Retention of Affordable Homes

8.1 Planning conditions or a section 75 agreement may be used to ensure that affordable housing is occupied only by households falling into those categories of need defined by the council through its local housing strategy.

3.3 GREEN BELT

Representation nos:

369, 427, 474, 475, 451 and 490

Objectors appearing at Inquiry:

M&M
CG Property
(+ written submissions)

Objecting to:

Proposals Map

1. BACKGROUND

1.1 The extent of the existing green belt is outlined in the North Kyle Local Plan (adopted in 1985), the Ayr/Prestwick Local Plan (1989), and the East Kyle Local Plan (1990). The green belt largely lies between Prestwick and Troon, around Prestwick Airport, and to the east of Prestwick and Ayr, stretching down as far as Mainholm. It includes a significant area to the east of, and bordering on, the A77. The local plans indicate that the green belt was established for 2 reasons: to preserve and enhance the amenity associated with Prestwick Airport; and, in the interests of public safety, to keep clear of new development the immediate environs and the airport approaches. Additionally, there were aircraft noise considerations. Prior to this, the green belt had first been declared in the town maps of Prestwick/Monkton (1966) and Troon/Loans (1967), and it had also been established in the 1979 Strathclyde Structure Plan. In essence, the approach to the green belt built on the aim identified for it in the 1946 Clyde Valley Regional Plan: “the general impression in reaching the airport from air, sea or land should be one of dignified and efficient approach and spacious and attractive layout, ample for all its great purpose.”

1.2 By the time of the 1990 Strathclyde Structure Plan Update, it was considered that the circumstances surrounding the green belt had changed. This was based on the perceived diminished role of Prestwick Airport, radical changes in Government policy on agricultural land, and development pressures, especially for housing. It was also recognised that the green belt and the adjoining areas of countryside were assuming wider green belt functions by maintaining the identity of Prestwick and Troon and preventing their coalescence, maintaining the landscape setting of the towns and villages of North Kyle & Carrick District, providing recreational opportunities, and protecting good quality agricultural land. The Update indicated that an expanded green belt would allow other tracts of prime agricultural land around Ayr to be protected. In addition, the area to the south of Ayr had been recognised as environmentally sensitive by SofSS, and a green belt designation would allow for its protection. It was noted that green belt between Ayr and Coylton would ensure that the environment of those developments with a specific locational need, such as the Cockhill high amenity industrial site and the new hospital, was safeguarded. The Update concluded that there was a clear argument for creating a continuous green belt around Ayr/Prestwick/Troon, incorporating the existing one, and it included a policy which proposed a green belt (policy GB1) and indicated it on the key diagram.

1.3 On the basis of the Consultative Draft Strathclyde Structure Plan Update, Kyle and Carrick District Council undertook a review of the green belt in 1990. The review

highlighted that green belts are one of the most widely understood British planning concepts, and that they have commanded widespread acceptance. Within that general context, the review sought to modify, primarily by extending, the continuous green belt proposed in the Update. It also contained objectives which, in addition to those relating to Prestwick Airport, referred to maintaining the identity of the principal settlements and preventing their coalescence, maintaining the landscape setting of these settlements, and providing countryside for recreational purposes. The review attempted to take forward the idea of a continuous green belt, but this approach was not subsequently progressed into detailed green belt boundaries in a local plan.

1.4 The 1995 Strathclyde Structure Plan (approved in 1997) continued the policy of promoting a continuous green belt around Ayr, Prestwick and Troon. It highlighted that the green belt played a key role in complementing the process of urban renewal, and that there was therefore a need to maintain a stable green belt, with boundaries which could be sustained in the longer term. It also indicated that any planned land releases should be guided by the need to preserve the environment, optimise accessibility to transportation networks and community facilities, and minimise infrastructure costs where possible. The plan identified 6 broad purposes for the green belt. It suggested that development should not be encouraged in sensitive areas such as south of Ayr and between Prestwick, Monkton and Troon and, in proposing additional greenfield housing locations, indicated that difficult choices in Ayr/Prestwick needed to be addressed. The continuous green belt then proposed was again not carried forward into any local plans.

1.5 Following local government reorganisation in 1996, the 3 Ayrshire councils requested ASP&TC to replace the Strathclyde Structure Plan as quickly as possible. The 1998 CDASP (published in 1999) explained the background to the development of a green belt in South Ayrshire and the increasing number of purposes that it served. It concluded that the principle of protection by green belt in the area of Ayr, Prestwick and Troon was still warranted, and that it was important that the local plan considered the area's landscape character as well as putting forward pro-active policies to upgrade the green belt. CDASP therefore proposed that local plans identify a green belt at the settlements of Ayr, Prestwick and Troon, and bring forward policies for its enhancement and management. The suggested policy was prepared on the basis that it should give SAC the maximum flexibility in bringing forward detailed proposals for the green belt. The green belt was implied through the use of 7 arrows rather than tone on the key diagram. The policy's wording was also altered from a green belt "around" the Conurbation and Ayr/Prestwick/Troon in the Strathclyde Structure Plan to a green belt "at" Ayr, Prestwick and Troon in the 1998 CDASP.

1.6 In recognition of the green belt's importance, its historical context and expanded role, the 1998 CDSALP undertook a comprehensive review of the designated area's boundaries, with the aim of ensuring that the land included was only of the highest landscape and environmental quality, as well as those areas sensitive to development pressure. CDSALP was the first local plan which sought to define a green belt to meet the greater number of purposes which had been identified for it at the strategic level. The area which SAC surveyed for inclusion in the green belt was based on that indicated in the Strathclyde Structure Plan and the 1990 green belt review, and it was divided into 53/54 parcels for the purposes of the assessment. A working draft assessment of urban capacity was also carried out, which concluded that there was only 53ha of vacant or derelict land in South Ayrshire, with varying degrees of suitability and availability for development.

1.7 In the review process, regard was given to the underlying principle that a green belt should provide stability and endurance, and that this could be achieved only where there was a balance between the containment and growth of urban development in the longer term. The review process included 3 separate surveys – a desk based recording of designations to take account of environmental sensitivity, access to the countryside, evidence of urban sprawl and coalescence, and areas of disused countryside; a field analysis based upon a quantitative rating of land use, physical characteristics, and defensibility, and consideration of the relative merits and vulnerability of the parcels; and a field analysis based upon an assessment against the purposes of the green belt, as defined in the 1998 CDASP, and consideration of the relative contribution of the parcels. The survey work appears to have been undertaken in 1997/98. The information gathered from the field analyses was manipulated in an attempt to establish the extent of the merit, vulnerability and contribution of each parcel. From this, the relative sensitivity of the parcels was established on a scale from high sensitive to low sensitive. Adjustments were then made to identify green belt boundaries so that they were, wherever possible, discernable on the ground and continuous. Although the surveys’ findings were shown on digitally created maps prepared specifically for the inquiry, the actual parcels surveyed are shown on CD21(i). SAC’s approach resulted in a green belt in 3 distinct sections to the north, east and south of Ayr, Prestwick and Troon as outlined on the Proposal Maps. SNH raised concerns in their consultation response to this proposal.

1.8 ASP (approved in 2000) reflected the broader role that was now seen as appropriate for the green belt. It pointed out that the pressures on the countryside are of a different magnitude at Ayr, Prestwick and Troon to those in the rest of Ayrshire, and it continued to indicate that the local plan should consider landscape character. Policy ADS6 promoted a green belt at Ayr, Prestwick and Troon. It also highlights SALP’s role in bringing forward policies for its identification, protection, management and development. However, the purposes of the green belt were no longer in the text. Instead, in the glossary of ASP the green belt was defined as an area of countryside where strict planning controls apply in order to: control the growth of built-up areas and complement the process of urban renewal; prevent neighbouring towns from merging; preserve the special character of towns, including their landscape setting; protect agricultural land from development and create stability for its productive use; preserve landscape character and provide the necessary stability for its enhancement; and provide for the enjoyment of the countryside. While these 6 roles generally reflect those purposes which had been identified for the green belt in the 1995 Strathclyde Structure Plan, another role has been added which is to protect the land around Glasgow Prestwick International Airport. Policy ADS6 also requires SAC to identify 2 further broad policy areas for the countryside – a Rural Protection Area and a Rural Diversification Area.

1.9 ASP’s green belt definition broadly acknowledges the 3 green belt principles set out in SDD Circular 24/1985 (chapter 2.1 above), which relate to maintaining the identity of towns, providing countryside for recreation or institutional purposes, and maintaining the landscape setting of towns. The circular also indicates that great importance should be attached to the need to establish confidence in the permanence of green belts. The green belt is underpinned by policy G4, which introduces an overall presumption against the spread of built-up areas and the encroachment of development into the green belt.

1.10 Following ASP’s approval, SAC reappraised the proposed green belt, including the process used, and they concluded that the 3 sectors identified in CDSALP should be supported. Discussions were held with the Structure Plan and Transportation Team in order

to ensure that structure plan issues had been properly addressed. The Structure Plan and Transportation Team concluded that SALP complied with ASP and, accordingly, neither East Ayrshire Council nor North Ayrshire Council raised any objection to the proposals. In bringing forward SALP, changes have been made to the green belt boundary. Primarily these relate to the strategic housing releases proposed at NET and SEA, and a minor change at Annbank. In March 2004, SEA was deleted as a housing site, and SAC proposed that it be included as green belt. In July 2004, following further representations, SAC changed SEA's designation to Rural Protection Area. In addition, a change to the supporting text for the green belt policy was proposed in March 2004 which explained that in basing the green belt area on land of the highest landscape and environmental quality, especial consideration had been given to maintaining the setting of settlements. SNH did not refer to green belt matters in their consultation response to SALP.

1.11 In relation to the urban edge, the 2004 CDASP explains that the quality of the environmental setting of communities is increasingly recognised as being important to the economy's future growth, but that development can lead to unacceptable change if it is not carefully managed. As CDASP moves towards 2025 and identifies areas for potential expansion, greater emphasis requires to be placed on the landscape setting of communities and to identify areas where expansion should be resisted. CDASP recognises that in some areas, the landscape setting of communities has already been strengthened through the use of green belt policy. It proposes that strategic and coherent landscape protection criteria be developed, with 4 main purposes: to maintain the identity of towns by establishing a clear definition of their physical boundary; to provide countryside for recreational use at the urban edge; to maintain the landscape setting of towns; and to develop habitat networks linking the community to its immediate countryside. More pro-active and integrated action would be necessary. One of the areas identified as appearing most appropriate for this approach is the urban edge of Ayr, Prestwick and Troon. CDASP asks what should be the extent and type of landscape designation necessary to protect the urban edge from inappropriate development.

1.12 Prior to the commencement of the inquiry, SE published a review of green belt policy in Scotland. The research indicates that, while its functions have manifestly changed, as have generally accepted notions of desirable urban form, the green belt clearly represents a concept that is perceived as important by the public and found valuable by planners in their efforts to shape and manage urban growth. Green belts were not seen as an end in themselves, but as a tool of strategic long term settlement planning. Out of the 3 possible policy packages identified, the researchers favoured the selective strengthening of the green belt through the introduction of a 2 tier system. They also felt that incremental improvements to the existing green belt mechanism could be a valuable and viable way forward. They identified that newer functions, beyond those in SDD Circular 24/1985, had come to play a stronger part in the green belt, and highlighted concerns about "town cramming" and "leap frogging". Following this, the Communities Minister indicated that a 2 tier green belt system was not necessarily the best way forward, but that there was a real need to refresh green belt policy. SE would therefore begin the process of preparing a new SPP on green belts.

1.13 This inquiry session on strategic green belt matters sat initially between 31 August and 14 September 2004. Following subsequent submissions by the Structure Plan and Transportation Team about their approach to the green belt in ASP, and further exchanges between parties, we came to the view that it was appropriate to reopen this session of the inquiry in order for the Structure Plan and Transportation Manager to attend and clarify his views. This reopened session took place on 15 March 2005.

2. POLICIES SUBJECT OF THE OBJECTION(S)

2.1 In essence, the objections relate to the way in which SAC have defined the green belt in the vicinity of Ayr, Prestwick and Troon, including the extent to which it accurately reflects green belt purposes. The merits of whether individual sites should be retained in the green belt are considered in the site specific chapters, which will be dealt with in other parts of the report. This chapter is primarily concerned with the more general green belt issues raised.

2.2 In SALP, the green belt is covered by strategic policy STRAT2, and it states that:

..development in the green belt (including a change of use or intensification of use), or potentially having an adverse impact on the green belt, will only be acceptable when it is justified in terms of:...

The policy then specifies development that could be acceptable. Those countryside areas in the vicinity of Ayr, Prestwick and Troon not allocated as green belt are designated as a Rural Protection Area under strategic policy STRAT3. This policy is less restrictive than strategic policy STRAT2, and it states that:

..development within the Rural Protection Area (including a change of use or an intensification of use) will require to be justified, to the satisfaction of SAC in terms of being...

The policy then also continues to list development that could be acceptable in this area.

3. SUMMARY OF CASE FOR THE OBJECTORS

3.1 Sections 17(3) and 10(5)(b) of the 1997 T&CPA required SAC to give detailed consideration to both ASP and CDASP. Given that CDASP was likely to be approved prior to SALP's adoption, it was particularly essential that SAC had proper regard to it. Even if SALP's adoption pre-dated CDASP's approval, it must still "generally conform."

Strategic matters

3.2 ASP explained the background to the current green belt, pointing out that it had existed around Ayr and Prestwick, before being extended to cover most of Troon, and that its role had now widened, affording protection for landscape, amenity and the prevention of neighbouring towns merging. The emphasis in ASP was on the continuing importance of the existing green belt around Ayr and Prestwick and most of Troon; and there was no reference, explicit or implicit, to a need to review, adjust, reduce, or remove the existing green belt. The reference to the green belt was consistently in the singular. ASP's terms were consistent with the 1990 Strathclyde Structure Plan Update, which had concluded that there was a clear argument for creating a continuous green belt around Ayr, Prestwick and Troon. The phrase a green belt around Ayr, Prestwick and Troon was not used in ASP because the sea (the blue belt) formed the western boundary of the built-up area, and it would therefore have been inappropriate.

3.3 There was no evidence in ASP of any change in policy direction that would indicate support for the fundamental change in green belt coverage which was now proposed. If ASP had intended that the existing green belt be reviewed and changed, then it would have said so.

Great weight should be attached to ASP where it stated that protection by green belt was still warranted. The 7 arrows identifying the green belt in the key diagram, surrounded the built-up area, and neither supported nor suggested the use of sections. They were simply diagrammatic devices. Nor was there support for an intention to remove the green belt between, and north east of, Prestwick and Troon. Some of the arrows in the key diagram clearly indicated a green belt in that area. ASP did not refer to green sections because there was no information on which to base that type of approach. It also did not refer to allowing maximum flexibility in the approach adopted to the green belt when it could have done and, in any event, such flexibility would be constrained by the terms of SDD Circular 24/1985. Indeed, it made no reference to a reduced area or to a diminished need for green belt protection. ASP's approach reflected that of the 1995 Strathclyde Structure Plan.

3.4 The view that it was for ASP to identify the principle of a green belt and for SALP to identify its location, extent and type had been taken in retrospect, in an attempt to resolve the conflict between the 2 plans. Government policy did not support the notion of delegating responsibility for either the location or review of the green belt to SALP; these were matters for ASP without question or ambiguity.

3.5 The definition of green belt in ASP's glossary confirmed the usual green belt purposes, as well as including an additional one relating to Prestwick Airport. However, SALP had removed land around the airport from the green belt. While attempts had been made to justify the green belt in SALP against ASP's key diagram, no attempts had been made to justify it against the clear and express wording of the glossary.

3.6 CDASP made no reference to a green belt around Ayr/Prestwick or Troon, or to green wedges. If it turned out that there was no requirement for a green belt in the finally approved ASP, that would be consistent with its current position; and it would mean that SALP could not be adopted because it would not conform to CDASP on this central issue.

The green belt methodology

3.7 There was insufficient information from SAC to allow the methodology used in reviewing the green belt, to be understood or audited. While the area studied for potential green belt designation was appropriate, the choice of parcels as a starting point was a serious flaw because they potentially raised unnecessary problems and served little purpose. It would have been better to adopt the more conventional overlay approach which would have allowed 5 of ASP's green belt purposes to be mapped separately and the findings brought together using the sieve map technique. The starting point would have been the existing green belt, the Strathclyde Structure Plan Update and the Prestwick Airport Green Belt Review. Areas serving more than one green belt purpose would be easy to identify as green belt, but other areas serving only one significant purpose, such as landscape setting, could also justify a green belt designation.

3.8 Although SAC had promoted the notion that they undertook a series of detailed, scientifically based analyses which had revealed the areas in greatest need of green belt status, CG Property (the owners of Monktonhill Farm) believed that SAC had failed to complete any of the 3 surveys correctly. In particular, SAC had failed to assess the relevant issues as defined by ASP, they had allowed for numerous examples of double or triple counting of issues, they had copied answers from one survey to another, they did not notice that those undertaking the surveys were making different judgements than those allowed by

the statistical method, and they ignored sites that had high value results that were not suitably located. The surveys were erroneous and out-of-date, and they were riddled with inaccuracies, errors, omissions, and failures.

3.9 On the desk based survey, no key was provided for the map produced for the inquiry, and it was impossible to properly discuss and assess its function, content or contribution. The exercise appeared to have concentrated on mapping various environmental designations, few of which were relevant to ASP's green belt purposes. Regarding the field analysis based on quantitative ratings, the merit and vulnerability of the parcels surveyed should have been dealt with as 2 wholly different issues, rather than evaluated using exactly the same data. In any event, this categorisation introduced unnecessary complexity, the effects of which were compounded by the arbitrary nature of the scoring and weighting systems. Furthermore, no detailed reappraisal of the parcels had been undertaken since 1998. The review of the survey undertaken between CDSALP and SALP had concentrated on the method rather than the results, and it must have been cursory, otherwise some of the mistakes made would have been picked up. On the field analysis based on green belt principles, SAC had largely ignored 3 of ASP's purposes. It was impossible to know if these purposes had been picked up in the desk based survey and, if they had been, the independence of the surveys would have been undermined. SAC had also misunderstood some purposes, including coalescence. The 2 field analyses carried out were superficial and subjective in nature, and there were questions over adopting a "relative" based approach. In particular, there were questions over the assessment of relative sensitivity. It was simply not just, equitable or reasonable for SAC to allow a key policy to be founded on such a weak basis.

3.10 SAC's decision to adopt green sections (or wedges) was taken before any detailed site survey work was undertaken by the junior official to whom it was entrusted in early 1997. Making particular reference to the example of the objection site at Greenan, M&M considered that SAC's approach was fundamentally flawed, and of limited relevance. CG Property were of a similar view for the area around Monkton. It was clear that the results of the green belt surveys did not carry significant weight in deciding whether a site was required for strategic housing purposes.

The SALP green belt

3.11 SALP had little, if any, regard to the basic principles contained in SDD Circular 24/1985, including: the need to achieve a balance between containment and urban growth on a long term basis; the need to preserve the existing green belt; the need to identify land on the green belt's inner boundaries; the scope for the development of infill sites; and the scope for the development of land that had no inherent use for agriculture. In addition, there were requirements in the Circular to secure the continuity of green belt boundaries and to establish confidence in their permanence. SALP had failed to consider proposed boundaries in detail and to evaluate their likely long term defensibility.

3.12 There was a failure to mention in SALP that the existing green belt, which was confirmed as fulfilling green belt purposes, was to be de-designated almost in its entirety, without adequate explanation or justification. SAC had not reviewed the designated area's boundaries in order to ensure that the land included was only that of the highest landscape and environmental quality, as well as those areas which were most sensitive to development pressure, as they claimed. In any event, even if that assessment had been carried out, it would not conform to the relevant terms of ASP. ASP would have mentioned such a radical

change to the green belt as that now proposed. Instead of SALP reflecting the green belt's general location as defined by ASP's key diagram, it proposed minimal, disjointed and irrational slivers of green belt. Such an approach had no precedent, including at Falkirk, where a continuous green belt was in place in those areas subject to development pressures. There was some logic to having green belt wedges intruding into a settlement and following main arterial routes, but that was not what was proposed here.

3.13 SAC's approach did not result in a green belt in 3 distinct sections. The proposed green belt south of Ayr was actually in 2 sections held together by a few metres of the A719. Although the policy framework might be strong, any area of green belt with such weak boundaries was unlikely to endure or be defensible, even in the short term. There would inevitably be increased pressure for development in the areas between the sections of green belt, and the coastal location would increase this pressure. In order to be sustainable in the long term, the green belt's inner boundaries would require to lie along strong natural or manmade features forming a physical or visual boundary, or a combination of both, and they should be sufficiently effective to constrain future urban growth. The outer boundaries should also follow identifiable landscape features and should define a meaningful width of green belt. A continuous green belt would have been expected, given that one of its purposes was the preservation of Ayr's landscape setting. There was rising land along almost all of Ayr's landward edges, and this played a role in the town's landscape setting to varying degrees. Of even greater significance was the location of the A77 along almost Ayr's entire eastern side. Views from this road were critical to the perception of the town's character and its landscape setting. Green belt would also have been expected at the Heads of Ayr, the northern slopes of the Brown Carrick Hills, land by Spring Garden Cottage, Ayr Hospital and Cockhill, Coylton, and Minishant. Conversely, the green belt boundary was drawn too tightly to the north and west of Monkton, and to the east of Ayr, where the land adjoining the settlement had the most development potential because it had been assessed as having the least green belt value. There was little confidence that SALP had provided a balanced and stable framework to direct future settlement expansion.

3.14 While many of the detailed site surveys undertaken by SAC were clearly incomplete, inaccurate or contradictory, they had revealed that there should be an almost continuous green belt around the built-up area of Ayr, Prestwick and Troon, which would be consistent with ASP. However, large areas of ground which had been identified as either sensitive or highly sensitive were to be excluded from the green belt, and large areas of ground which were shown as non-sensitive were to be included. SAC's decision to depart from the terms of ASP and national advice was inadequately explained. The reasons given in SALP did not make sense because it was combining the parcels identified as sensitive with those making a contribution that resulted in a continuous green belt. None of the 3 surveys undertaken by SAC had specifically looked at boundaries, and it was impossible to understand the logic behind those proposed. All of this indicated that SAC had shown a lack of objectivity, openness and transparency, and that they had behaved inconsistently.

3.15 It was difficult to understand SAC's position on green belt issues, and the evidence was that their method had been unique or unusual. The protection of landscape and environmental quality were not green belt purposes and required their own separate environmental policies in SALP (eg policies ENV1, ENV2 and ENV8). No explanation was given as to why they had been introduced into SALP. "Quality" was a different concept from "character", and landscape character was the preferred objective method for considering landscapes, in order to avoid the subjective nature of assessing quality. It was therefore not

surprising that the accompanying text in ASP referred to the need to consider the green belt's character.

3.16 The 2 court cases referred to by SAC in relation to ASP's glossary were not particularly relevant because they concerned the determination of planning applications rather than factors to be taken into account during SALP's preparation or adoption. Nevertheless, in light of SAC's final position on the glossary, their evidence suggesting that prime agricultural land could be taken into account in formulating the green belt, should be disregarded.

3.17 The objectors did not consider that SE's review of green belt policy helped SAC's case. The study was a research document and not a policy position. It also recognised that each case for a green belt was different and that all options should be assessed before a final decision was reached. The review should attract very limited weight.

Conclusion

3.18 The green belt section of SALP did not conform to ASP; it did not generally conform to CDASP; and it did not conform to Government advice. SAC had devised a green belt inconsistent with its own inadequate site surveys and only after the application of a very significant amount of judgement. M&M believed that SAC could not properly adopt SALP as it stood, and that work should start again in relation to green belt identification and should proceed in accordance with relevant advice. CG Property indicated that this should be done in a manner which was fair, robust, transparent and statistically sound; and which fully involved all interested parties and stakeholders.

4. SUMMARY OF CASE FOR SAC

4.1 In considering the objections to SALP, sections 11, 15 and 17 of the 1997 T&CPA set out the obligations imposed on SAC. The Structure and Local Plans (Scotland) Regulations were also relevant. The test of whether a local plan conformed to the structure plan was one of planning judgement (*Commission for the New Towns v Horsham District Council [2000] PLCR (Part 1) 70*; *R v Derbyshire County Council ex parte Woods [1998] Env LR277*; and *Freeport Leisure plc v West Lothian Council [1999] SLT452*). The correct approach in interpreting a structure plan was to look at the policy, the relevant text supporting the policy, and the policy and text in the context of the relevant chapter. An example of the correct approach was contained in the *City of Edinburgh Council v SMs [2001] SC957*.

4.2 The objections to SALP must be considered within the context that it required to conform to ASP. It was not a function of the inquiry to identify the green belt or decide on the best green belt methodology, but to consider whether the objections justified alterations to the green belt section of SALP. Section 11(5)(b) of the 1997 T&CPA related to the formulation of proposals in a local plan. It did not require a plan going to adoption to conform generally to a consultative draft structure plan. It could not do that because a consultative draft structure plan could be completely at odds with the approved structure plan at the time of adoption. In any event, for the avoidance of doubt, CDASP had to be read having regard to the important information set out at the beginning which, in essence, qualified its terms. CDASP did not have policies against which to undertake a complete assessment of SALP. SAC intended that SALP conformed to ASP.

Strategic matters

4.3 SDD Circular 24/1985 indicated that the key functions of structure plans with regard to green belts were to describe the strategic context, to set out general location, and to provide development control policies. The 1990 Strathclyde Structure Plan Update and the 1995 Strathclyde Structure Plan recognised that the countryside by Ayr, Prestwick and Troon was assuming wider green belt functions. While this change was supported through the 1990 green belt review, the more extensive green belt proposed was not taken forward and precisely defined through a local plan.

4.4 ASP provided policy ADS6 for the identification of the green belt, a key diagram to assist in general location, and policy G4 for the approach to development control in the green belt. The supporting text to policy ADS6 set out the strategic context for the green belt. It referred to the historic position on the green belt since 1965 around Ayr and Prestwick; then it addressed the pressures on the countryside at Ayr, Prestwick and Troon, and confirmed that it was for a local plan to consider the landscape character of the green belt in its detailed policies. Policy ADS6 indicated that it was for SAC to identify and promote 3 broad policy areas for the countryside which exhibited common characteristics in terms of their ability to accommodate land use change, and it referred to the key diagram and to green belt at Ayr/Prestwick and Troon.

4.5 SAC believed that there was clearly a change between the 2 previous structure plans (the 1990 Strathclyde Structure Plan Update and the 1995 Strathclyde Structure Plan) and ASP in the strategic context for the green belt because the key diagram now used arrows rather than tone, and the text and policy had changed from referring to “around Ayr/Prestwick/Troon” to “at Ayr/Prestwick and Troon”. They felt that ASP had clearly required them to carry out a full review in order to identify the area of the countryside which should be designated green belt. The references to “around” in the green belt methodology paper were clearly drafting errors. The use of arrows in ASP’s key diagram reflected the fact that it would be for SALP to define the nature, shape and extent of any green belt.

4.6 SAC indicated that there had been ongoing discussion between the SALP Team and the Structure Plan and Transportation Team on the green belt, and that it was the findings of the work carried out by the SALP team in 1997 and 1998 that had influenced the wording and key diagram in ASP. SAC believed that the changes made to the strategic context were designed to allow them to progress with the green belt boundaries that were becoming apparent from the work they had carried out. The Structure Plan and Transportation Team Manager explained that SAC had produced SALP as well as being responsible for agreement to ASP, and that there should clearly be a synergy between the 2 processes. He indicated that the 3 Ayrshire councils had expressed a clear wish to have more control over their local plans than had been the case before local government reorganisation, and that ASP&TC only acted in an advisory capacity. One of the criticisms levelled at the former regional council by the district councils was that strategic plans frequently included detail best left to the local planning process. As part of the consultation process for the emerging SALP both ASP&TC and the 2 adjoining councils had been consulted in 1999 (CDSALP) and in 2002 (SALP). Discussions also took place at officer level between the CDSALP and SALP stages to ensure

that ASP policy had been adequately addressed. The conclusion was that the emerging SALP complied with ASP.

4.7 The 2004 CDASP had been prepared in the context of generating debate and discussion. It only sought to raise issues and put forward a range of questions. The very lack of mention of green belt could mean that it was not considered a relevant issue on which to seek views. This could be because there was no change in policy intended in this part of CDASP. It would have been necessary to highlight any intention to reassess the green belt in such a fundamental way, at this stage. SAC therefore considered that it was incorrect to infer that the principle of green belt was under review.

The green belt methodology

4.8 Contrary to the views expressed by the objectors, SAC's green belt methodology had provided a robust assessment of the area of land surveyed, and it was based on the principles in SDD Circular 24/1985 and the objectives in ASP. The surveyed area had been appropriately limited to the green belt area indicated in the 1995 Strathclyde Structure Plan. The team which carried out the assessment of green belt included an experienced planner, a qualified planner to carry out the initial field work and a landscape architect, and they were assisted by other experts from the Planning Department. There was regular contact with the Structure Plan and Transportation Team; and the work carried out by the SALP Team influenced the 1998 CDASP and ASP. SNH's Ayrshire Landscape Assessment was not a pre-requisite for carrying out a green belt review in South Ayrshire. A pilot study was carried out in late 1996, but it was not completed.

4.9 Three surveys were carried out in total in order to assist in the determination of the green belt boundaries. The first field survey in early 1997 was background to the more detailed study on the assessment against the principles of the green belt; it identified a number of discrete parcels of land, and involved the work set out in the field survey sheets lodged at the inquiry together with further desk based work, including statistical exercises based upon standard deviation. The first field survey identified that the green belt could potentially be in separate distinct sections; and this information was provided to the Structure Plan and Transportation Team. The second field survey assessed the field study sheets completed on site, against the principles of the green belt. While this survey was the most influential, it did not represent the final conclusions on the exercise. The next stage was to identify appropriate boundaries for the green belt. This process had regard to the relevant information obtained in the desk based survey and the two field surveys, and to additional work carried out, including the airport joint study and that on housing sites. SAC contended that the conclusions of the desk based survey tended to support and corroborate the findings of the 2 field analyses. This remained the case even though the mapped information recorded from the desk based survey was now difficult to interpret and apparently inconclusive.

4.10 The overall exercise stimulated further discussions on, and consideration of, the green belt, and led to better informed proposals. In determining the green belt boundaries, the parcels of land surveyed had to be looked at in context, not isolation. The results were set out in CDSALP; and a further, more limited, assessment was carried out once ASP was

approved. SE were aware of the proposals as they were emerging. A separate process of identifying strategic housing sites was carried out to ensure that one process did not unduly influence the other. Green belt principles were considered separately in this housing related exercise. The final green belt boundary proposed in SALP took account of the identification of NET and SEA. SAC had regard to all the objections lodged before making their final decision on the green belt.

4.11 There was no prescribed methodology for assessing green belt boundaries. The objectors' alternative method was not so different from the approach adopted by SAC. Both involved looking at specific areas within the area surveyed, as well as making more broadly based assessments. In addition, identical areas would have been subject to survey, and both would have assessed the extent to which the area contributed to the green belt. SAC took full account of the limitations in the scoring system used, and they had regard to all the relevant information. While other statistical techniques than standard deviation could have been used, the results of their application would have been much the same. The information gleaned from the surveys only assisted in the determination of the green belt. The fact that certain items appeared more than once on the survey sheets did not mean that they were counted twice, or three times. The survey sheets were set out in a way that allowed personal opinions to be noted on relevant issues. Failure to complete all of the boxes did not mean a factor was not taken into account. Rather, it meant that it had been taken into account in earlier work. The electronic maps prepared by SAC to accompany the methodology paper were produced for the purposes of the inquiry, and were an attempt to recreate the maps used in the decision making process. They were not the actual maps used to assist in the assessment and determination of the green belt boundaries. SAC had identified all relevant considerations when assessing the proposed green belt, and had appropriate regard to the Circular and ASP.

The SALP green belt

4.12 The green belt review had benefited from a robust assessment process and a belt and braces approach. The boundaries proposed for the 3 sections of green belt were logical, readily understood, and able to fulfil a role for development control purposes. Land in the green belt must have a green belt function. Stability and endurance in the longer term could only be achieved where there was a balance between containment and urban growth. The review process was highly selective in identifying areas for inclusion in the green belt. Primary regard was given to identifying boundaries which were discernable on the ground wherever possible, and continuous. ASP recognised that the functions of the existing green belt had shifted from protective measures for Prestwick Airport to more recognisable protection for landscape amenity and the prevention of neighbouring towns from merging. It also accepted that pressure on the countryside in the vicinity of Ayr, Prestwick and Troon had been growing. By the time of the 1998 CDASP, there was a clear indication that the green belt at Ayr/Prestwick and Troon would take the form of sections rather than a continuous belt.

4.13 In preparing SALP, SAC had met the requirement of policy ADS6 to identify the green belt at Ayr/Prestwick and Troon. SALP set out the purpose of the green belt, and the land to be included was to be of the highest landscape and environmental quality in terms of maintaining the setting of settlements and those areas which were most sensitive to

development pressure. These were relevant factors, which explained why there were 3 distinct sections of green belt. ASP's flexibility allowed for the green belt that had been brought forward, and it would replace the existing Prestwick Airport Green Belt.

4.14 The continuous green belt proposed in previous structure plans had come forward in the context of a different regional development strategy. ASP's strategy was focussed more on economic growth, and policy ADS2 promoted Ayr, Prestwick and Troon as a primary location for all major development. Such a strategy was inconsistent with a continuous green belt. Given the terms of section 25 of the 1997 T&CPA, there was a need to accommodate a range of development types in the countryside through development plan policies. ASP policy G4 was a policy more restrictive of development in the green belt than SDD Circular 24/1985, and ASP's glossary set out that the green belt was an area of countryside where strict planning controls applied in order to fulfil the purposes specified. The SALP green belt policy (policy STRAT2) followed on from this, and it was a more restrictive one than the SALP rural protection area policy (policy STRAT3). There were not many opportunities for brownfield development in the area and, if there were no opportunities in the surrounding countryside, SAC's concern was that development would not happen in South Ayrshire but outwith it. Although a green belt was not set in stone, it should provide certainty and reduce "hope" value. It was accepted that development would be allowed in the green belt if it would result in an exceptional economic benefit or had a specific locational need. However, these 2 terms were precisely defined, and wider opportunities would be precluded. SAC were of the view that one continuous belt would assert an unnecessary constraint on beneficial development which could contribute to ASP's and SALP's objectives, or alternatively result in a number of inappropriate incursions into the green belt. The green belt proposed in SALP would not require incremental adjustments.

4.15 While land by the airport at the A77 contributed to the setting of Ayr, Prestwick and Troon, a joint airport study carried out by SAC in association with ASP&TC, Enterprise Ayrshire and the Airport Company had influenced and restricted the amount of land proposed as green belt. In any event, no party to the inquiry had suggested that the green belt should be extended around the airport. It was also difficult to designate land as green belt on the eastern side of the A77 at the Dutch House Roundabout given the type of green belt coming forward, although such a designation would have had a role in the green belt previously proposed. It was a deliberate decision of SAC to include the land to the west of Monkton in the green belt despite the fact that development (the aerospace park) had taken place. To include the northern slopes of the Brown Carrick Hills and the land by Spring Garden Cottage in the green belt because of their association with the scenic area, would be to dilute the green belt's focus and purpose. The 2 areas did not satisfy the green belt purposes set out in the circular and ASP. The area of green belt proposed in SALP would remain very similar to that of the existing statutory green belt.

4.16 More generally, SAC indicated that ASP's glossary only amounted to extraneous guidance rather than providing an underlying definition of the green belt (*Greater Glasgow Health Board v SSoFS (1996) SCLR808*). While it was acknowledged that the glossary was a part of ASP, SAC believed that it could not constitute part of the policies or proposals, unless it was clearly incorporated into them. (*Reigate and Banstead Borough Council v Secretary of State for the Environment (1995) 3PLR1*).

4.17 ASP and the work carried out by SAC provided clear justification for not having a continuous green belt around Ayr/Prestwick and Troon. There was no requirement for green belts to be “continuous belts” around the urban area, and examples of this were to be found at Falkirk and Edinburgh, which had islands. The research carried out for SE recognised the diversity in the type, form and functions of green belts throughout Scotland. It highlighted the potential for green wedges, and it was supportive of SAC’s position. In particular, the green belt proposed would avoid the potentially negative consequences of “town cramming” and “leap frogging”; it would not “throttle” development.

Conclusion

4.18 SAC had identified a green belt which would provide stability and endurance in accordance with the Circular, and which the Structure Plan and Transportation Team believed conformed to ASP. SALP also accommodated a longer term settlement strategy through its recognition of the proposals at SEA. The objectors had not advanced objections of sufficient weight to justify any alteration of the green belt section of SALP.

5. CONCLUSIONS

Preliminary matter

5.1 There is one preliminary matter to be dealt with which concerns our conclusions on the objections before the inquiry that relate to specific sites. These conclusions are contained in other parts of our report, and we emphasise that nothing at all should be read into any of the conclusions of this chapter with regard to any specific site.

Strategic matters

5.2 The existing designated green belt is restricted to the area between Prestwick and Troon and the north and east of Ayr and Prestwick. Both the 1990 Strathclyde Structure Plan Update and the 1995 Strathclyde Structure Plan proposed that this be changed to a continuous green belt around Ayr, Prestwick and Troon, and this can be seen in their wording and in the key diagram. A continuous green belt is also shown in the 1990 Prestwick Airport Greenbelt Review. However, a proposal for such a continuous green belt has not been carried through into an adopted local plan. Following local government reorganisation in 1996, preparation commenced on the 1998 CDASP. SAC also started another green belt review. The pilot study took place in late 1996, and this was followed by a desk based survey and 2 field surveys. The emerging ASP was published in May 1998. It referred to local plans identifying a green belt at the settlements of Ayr, Prestwick and Troon, rather than a green belt around the conurbation and Ayr, Prestwick and Troon. CDASP also used 7 arrows to imply green belt rather than tone showing a continuous band. The principle of these changes was carried through into ASP. We are satisfied that the changes gave SAC the maximum

flexibility to define the exact nature, shape and extent of the green belt in South Ayrshire through CDSALP and SALP. Too much was made of whether the greenbelt was “at” or “around” the 3 settlements because, in this context, both of these prepositions can be translated as meaning “in the vicinity of”. Under the wording in CDASP and ASP, the green belt could be continuous, could comprise wedges or sections, or could be of any other configuration. Although a green belt divided into sections could therefore be regarded as consistent with ASP policy, there is still a requirement for it to be delineated as the outcome of a sound process of identification, and not predetermined by the adoption of a particular geometry.

5.3 Turning now to the 2004 CDASP, the relevant provisions of sections 11 and 17 of the 1997 T&CPA are set out in the policy background chapter (chapter 2.1 above). Under these provisions, SAC must ensure that, in formulating their proposals, SALP conforms generally to the structure plan, as it stands for the time being, whether or not it has been approved. They cannot adopt a local plan if it does not conform to the approved structure plan (ASP). Section 11(5)(b) requires us to deal with CDASP as it stands at the present time. We acknowledge that CDASP has no specific policies, that it contains many questions, and that it is prefaced by a requirement that it be read in the context of promoting consultation and stimulating debate rather than as an agreed policy for change. Nonetheless, we note that out of 3 options considered, it highlights a preferred option, which seeks to stabilise the population in the CDASP area. In the section on protecting the environment, the only reference to the green belt is that in some areas, the landscape setting of communities has already been strengthened by the use of such a policy. Although CDASP indicates that the landscape designation on the urban edge is to be investigated further, it does not propose the deletion of the green belt in the vicinity of Ayr, Prestwick and Troon. While, on one view, the deletion of the green belt could be regarded as being broadly sympathetic to the aims of the preferred option in CDASP, we consider that such a proposal is so significant that it would have been raised as a potential issue for consultation at this stage. We therefore find that in formulating a green belt proposal in SALP, there is no potential conflict with CDASP. That remains the case whether a green belt was to be based on sections or a continuous band, subject to it being the outcome of a sound process.

The green belt methodology

5.4 We note that over time the green belt function has shifted from a protective measure for Prestwick International Airport to a more conventional role, designed to manage effectively development pressures around Ayr, Prestwick and Troon. Within this context, we can understand why SAC decided that a root and branch review was the way forward rather than a further tinkering with the historical legacy. The methodology adopted by SAC for the identification of the green belt was the subject of in-depth scrutiny at the inquiry.

5.5 Although the methodology used by SAC may appear unconventional at first sight, we are aware that there is no standard methodology in place for identifying green belts, and therefore do not consider that SAC should be unduly criticised in principle for seeking to develop their own distinctive approach. There is no dispute that an appropriate study area was identified by SAC. While we have some concerns about the large size of some of the survey parcels identified, we accept that the 2 field surveys undertaken have resulted in the collection of a considerable body of information, some of which could potentially be helpful in contributing to the identification of a green belt. This cannot be said for the desk based survey because the relevant map produced at the inquiry, which we appreciate was a working

one and not intended for presentation, was illegible and had no key, and it was not clear to us from the evidence exactly what it was intended to show, or that it showed anything that would be useful either in further survey work or in defining the green belt.

5.6 The first field survey (parcel assessment) considered the merits and vulnerability of each parcel. The parcel survey sheets identified several factors to be assessed and scored. However, there is no definition of the chosen factors (or a justification) or an explanation for the scoring system. There can therefore be no certainty that the parcels were dealt with on a consistent basis, even taking into account the checks which we were told were built into the process. The statistical exercise which led to the assessment of merits and vulnerability also relied to a significant extent on sources of information beyond the survey sheets, including earlier survey work. This appeared to lead to the introduction of a new factor (development pressure), and new and revised scores. In addition, the weighting system applied to each factor in the merits and vulnerability assessments has not been properly explained. In the spread sheets used for the 2 assessments, factors are repeated, including under different headings, with different scores arising only from the weightings applied, and there appear to be errors in some scores, which we are not persuaded can be easily dismissed as drafting errors. We are also not persuaded that the statistical techniques adopted for the manipulation of the data were appropriate. Indeed, we are left wondering whether the intention was to give a veneer of credibility to an exercise so heavily dependent on subjective judgements and so obviously disjointed in design. In the circumstances, we are not satisfied that the results represent an accurate reflection of how the area surveyed is, or was, performing in green belt terms.

5.7 The criticisms extend to the second field survey (parcel contribution), where there is again no explanation of the factors assessed and an apparent repeat of one factor (development pressure). This survey is based on green belt objectives, but does not refer to those in ASP which relate to agricultural land and the airport. While we accept that agricultural land may have been covered in the desk based survey, there is no indication that the airport was recognised at any stage. In this survey, a system of ticking is used to achieve a score, but not every survey sheet is fully completed and the basis for achieving ticks is unclear. The potential links between the surveys suggest that they could be reinforcing each other, and a high degree of convergence would therefore not be surprising. The survey process is not transparent, and its complexity has given rise to a high risk of errors, misunderstandings and inconsistencies.

5.8 We acknowledge that SAC have indicated that the surveys were not determinative in formulating the green belt, but merely informed the process, and we agree with their firmly held view that the green belt boundaries should be logical, readily understood, able to fulfil a role in development control terms and stable. However, within that helpful context, we were told little or nothing of substance about the manner in which judgements were applied to the survey material in order to delineate the green belt sections, as proposed in SALP. Even if, contrary to our findings, the survey work could be considered to be an entirely sound basis from which to venture forward to specified objectives, we are driven to the conclusion that the way in which the green belt boundaries as proposed were finally drawn remains opaque and apparently incapable of systematic audit. Although we accept that judgement had to be exercised in establishing the boundaries, this does not satisfactorily explain the practice employed. Taking all of these shortcomings together, we have significant concerns over the robustness and rigour of the process. A flawed process for identifying the proper boundaries of a green belt must give rise to at least some doubts over the validity of its outcomes.

The SALP green belt

5.9 SDD Circular 24/1985 provides current SE policy on green belts, and it identifies 3 main purposes relating to maintaining the identity and the landscape setting of towns, and providing countryside for recreation or institutional purposes. These purposes have been reflected in some of those identified in ASP's glossary, most notably those relating to the growth of built-up areas, coalescence, the character of towns, landscape character, and countryside enjoyment. ASP's glossary highlights 2 further green belt purposes relating to agricultural land and the airport. The requirement to protect prime agricultural land through a green belt designation is a factor to be taken into account, but we are satisfied that in this case, it should not be conclusive in deciding the green belt's extent. The growth of passenger and freight movements from the airport reinforces the continuing importance of this green belt purpose.

5.10 SAC have broadly proposed a green belt in 3 sections. The areas in between would be designated Rural Protection Area, and this designation would extend up to the built-up area around Ayr, Prestwick and Troon. While the rural protection area policy (SALP STRAT3) is a protective one, it is not as strong as the green belt policy (SALP STRAT2). We note on the basis of the various objections before the inquiry, that there is pressure for development in both the proposed designated and non-designated areas and, it is our view, that the effect of the proposed green belt would be to further increase the pressure for development on the non-designated areas. However, with only one exception (SEA), these areas have not been identified as corridors suitable for urban expansion. SAC are concerned that a more extensive green belt would act as a "throttle" to development, but we are not satisfied that this need necessarily be the case, provided that provision is made for long term growth and that the inner boundaries of the green belt are not drawn too tightly. Development within designated green belts requires to be strictly control, but the need for the diversification of the rural economy should be recognised. This requires careful policy definition, and some new build may be judged acceptable, subject to stringent safeguards.

5.11 We are not satisfied that the green belt supports the settlement strategy of directing development to the main towns within South Ayrshire and other settlements for 2 main reasons: its fragmentary nature and the extent of the non-designated area. In particular, we are concerned that it could have a detrimental effect on the potential for an appropriate integrated approach to village and town regeneration and the opportunities offered by Heathfield and other areas within Ayr. We are not persuaded that "town cramming" or "leap frogging" need necessarily occur with a more extensive green belt, provided that there are sufficient development opportunities on the green belt's inner edge. Based on the evidence before the inquiry and our many site inspections both during and after the inquiry, our impression is that at least some of the proposed green belt boundaries are arbitrary, and we are not satisfied that they can be regarded as logical or readily understood. In these circumstances, we do not believe that the green belt proposed would be likely to sustain an appropriate balance between the containment and growth of urban development on a long term basis. Furthermore, we are not convinced that a limited green belt is required to accommodate ASP's strategy. In coming to our view, we have taken into account that apparently sensitive sites could be omitted from the green belt because the final boundaries put forward would be a balancing act between a number of factors, which may not be restricted to green belt considerations.

5.12 We believe that the maintenance of the landscape setting of towns is a particularly important purpose of the green belt, and this is reflected in the proposed change to SALP which places some emphasis on maintaining the setting of settlements. We do not consider that in devising the green belt sufficient consideration has been given to views into Ayr, Prestwick and Troon, to views from these towns, or to views from the main A77 trunk road. It is clear to us from our site inspections, that the area to the south and east of the A77 is generally attractive, and plays an important role in the landscape setting of the towns. In this respect, it is difficult to distinguish between the middle section of green belt as proposed by SAC, and the non-designated areas immediately to the north and south. Much of the landscape here is of a similar rolling quality. We believe that the extension proposed to the north of the existing green belt is important for reasons of landscape setting and maintaining the separation between Troon and Loans. However, it is not clear that sufficient consideration has been given to the land to the east of this northern section of proposed green belt (beyond the A78), and to the role it plays in the landscape setting. We support a green belt designation to the south of Ayr, but note that this section of green belt inappropriately comes to a point at the edge of the town, by the A719. While, at the Greenan session of the inquiry, SAC gave reasons for not extending the green belt further south (Scenic Area designation, topography, low development pressure, and lack of defining features), there is no doubt that this area has an important green belt function. The green belt designation should therefore be extended to cover the northern slopes of the Brown Carrick Hills and the land by Spring Garden Cottage (in line with objection 427), and other land (eg the Heads of Ayr). We believe that the A77, A78 and A79 represent the most suitable inner boundary for the green belt. Related to that, we have heard no convincing reason that persuades us that the Aerospace Park and the adjoining land should be retained as green belt. The Aerospace Park is sandwiched between Monkton and the A79, and it has the character of an industrial estate, albeit one that has been attractively landscaped. Whether or not the green belt extends out to Coyllton or Minishant (as requested in objection 475) would require further investigation.

5.13 In addition to the above, we do not believe that in drawing the boundaries, proper account has been taken of the role of the green belt in protecting the land around the airport. This is particularly so on the approaches to the airport from the north, where in combination with the contribution to landscape setting, we find that parcels 11 and 11a, have a significant role. While we acknowledge that the joint airport study formed an input into the green belt review, it took the form of a strategic development framework, rather than dealing with green belt and related matters.

5.14 Drawing all these elements together, we find that the proposed green belt does not properly reflect those green belt purposes relating to the identity and character of towns, to the growth of built-up areas and the process of urban renewal, to landscape setting and character, and to the land around the airport. Using these purposes, we are also baffled at the reduction proposed in the existing green belt, including the area on the west side of the A77, north of the Dutch House Roundabout. In coming to this conclusion, we have taken into account the assertion in SALP that the proposed new green belt includes land only of the highest landscape and environmental quality, and that most sensitive to development pressure. Overall, we do not consider that the proposed green belt would be consistent with the green belt definition in ASP's glossary or that it would be entirely in line with the terms of national guidance. We therefore do not believe that SAC's methodology has resulted in an acceptable outcome, and we consider that the green belt boundaries proposed should be reviewed.

5.15 We note SAC's reliance on court cases which suggest that while the glossary is a part of ASP, it cannot constitute part of the policies or proposals. However, these cases relate to planning applications rather than dealing with objections to a development plan. In addition, the glossary is the only part of ASP which defines the purposes and role of the green belt. Within this diffuse context, we believe that the definition is of some importance and help in assessing objections to SALP.

Conclusion

5.16 In conclusion, we consider that the green belt as proposed could not be regarded as inconsistent with ASP policy ADS6. There would be no potential conflict with CDASP if SALP incorporated a green belt. However, we consider that SAC's green belt methodology is flawed, and that the outcome is not entirely acceptable. In particular, we are not satisfied that the proposed green belt properly reflects the green belt purposes identified and we therefore do not believe that it is consistent with the definition found in ASP's glossary. We are therefore not persuaded that the proposal fully conforms to ASP. In addition, we do not believe that it is entirely in line with national guidance.

5.17 We recognise SAC's commitment to a green belt in the vicinity of Ayr, Prestwick and Troon, and we believe that this is well founded. We suggest that the proposed green belt should be reviewed by an in house group of officials, supported by fully independent external expertise where appropriate. While the parties broadly agreed on the extent of the green belt study area, we would not dismiss the possibility of extending this area outwards. Any green belt designated must be justified by a robust and rigorous methodology. Despite our reservations about SAC's approach, we consider that the survey sheets contain a substantial amount of information about the area surveyed, albeit that this is now several years old. While it is for SAC as planning authority to decide the agenda for the proposed group, we believe that a useful starting point would be an assessment of the survey sheets and reviewing the way in which the information has been analysed and used in light of the concerns raised at the inquiry and our findings. That exercise should be followed by a measured reconsideration by SAC of the implications for the green belt and all related policy matters. In the event that this review cannot be completed before the adoption of SALP, SAC should consider the introduction of an interim policy. This would be based on retaining the existing green belt subject to pulling back the inner boundaries to the A77, A78 and A79, including the green belt section proposed in SALP to the south of Ayr but to extend it to cover the northern slopes of the Brown Carrick Hills and the land by Spring Garden Cottage, and including the northern part of the green belt section proposed to the north and east of Troon.

5.18 We have taken account of all the other matters, including the references to the review of green belt policy in Scotland published by SE and the way in which the green belt has been defined in Edinburgh and Falkirk, but find none that outweigh the considerations on which our conclusions are based.

6. RECOMMENDATION

6.1 Accordingly, we recommend:

- (i) that the green belt proposed in SALP be reviewed, and that any consequent policy implications be assessed, all along the lines outlined above;

(ii) that, in the continuing absence of the conclusions of the review, an interim green belt be introduced, as follows:

- (a) retaining the existing green belt, subject to pulling back the inner boundaries to the A77, A78 and A79;
- (b) including the green belt section proposed in SALP to the south of Ayr but extending it to cover the northern slopes of the Brown Carrick Hills and the land by Spring Garden Cottage; and
- (c) including the northern part of the green belt section proposed in SALP to the north and east of Troon; and

(iii) that the text in SALP associated with green belt policy STRAT2 be revised, as appropriate, to reflect the findings of the proposed green belt review and any changes made, or the terms of the interim position recommended above.

Appendices

APPENDIX 1:

Appearances at Public Local Inquiry (relating to strategic objection matters only)

For SAC

Mr R D Armstrong Advocate, instructed by
Mr G Korn Solicitor, who led

Ms C Cox BA(Hons), MSc, MRTPI, Planning Policy and Research Group Leader
Dr R Fordham BA, MA, PhD (Cantab), Managing Director, FRLtd
Mr J Gardner BSc, MSc, Director, FRLtd

For Hallam Land Management

Mr A W Robinson DipTP, MRTPI, Principal, Robinson Associates

For HforS

Mr E MacLeod
Mr C Innes Solicitors, Shepherd + Wedderburn, who led

Mr B Melville MA(Hons), BPhil, MRTPI, Planning Manager, HforS
Mr K Ross Chief Executive, The Elphinstone Group
Mr P Woods MA(Hons), Director Tribal HCH

For M&M

Mr G Steele QC, instructed by
Mr E MacLeod Solicitor, Shepherd + Wedderburn, who led

Mr A Aitken BSc(Hons), MRTPI, Associate Director, Colliers CRE
Ms J Read BSc(Hons), DipLD, MLI, Director, PPCA Ltd

For SEAC

Mr C Smylie Solicitor, Maclay, Murray & Spens, who led

Mr N Martin BSc(Hons), MSc, MRTPI, Principal Planner, RPS Planning, Transport
and Environment

Mr R Salter BSc, DipTP, MBA, MRTPI, Operational Director, RPS Planning,
Transport and Environment

For SMH

Mr R Martin QC, instructed by
Mr M Shaw Solicitor, Biggart Baillie, who led

Mr S Partington BSc(Hons), MRTPI, MIHT, Land and Planning Manager, SMH

For CG Property

Mr D Campbell who led

Mr R Jackson BSc(Hons), MRTPI, Associate Director, GL Hearn

APPENDIX 2:

List of Documents

For SAC

Core Documents

CD1	SALP 2002
CD1(A)	SPG: New Housing Developments and Affordable Housing: a Guideline for Developers
CD1(B)	SPG: New Housing Developments and Affordable Housing: a Guideline for Developers (October 2004)
CD2	SALP: Schedule of Proposed Changes, April 2004
CD3	CDSALP 1999
CD4	ASP 1999
CD4(A)	Letter of approval to ASP 1999
CD5	SALP: Statement of Publicity and Consultation (2002)
CD6	North Kyle Local Plan (adopted 1985)
CD7	East Kyle Local Plan (adopted 1990)
CD8	Ayr and Prestwick Local Plan (adopted 1989)
CD9	Maybole Local Plan (adopted 1992)
CD10	Girvan Local Plan (adopted 1985)
CD11	SALP: Background Paper No.1: Comparative assessment of the possible major housing development areas identified in CDSALP
CD12	SALP: Background Paper No. 2: Housing Technical Working Note
CD13	Report of the Director of Development, Safety and Regulation submitted to SAC's Planning Committee on 8 August 2003; and the relevant approved minute of the Committee
CD14	Report of the Director of Development, Safety and Regulation submitted to SAC's Planning Committee on 30 September 2003; and the relevant approved minute of the Committee
CD15	Report of the Director of Development, Safety and Regulation submitted to SAC's Planning Committee on 10 December 2003; and the relevant approved minute of the Committee
CD16	SAC: Affordable Housing Policies of SALP: Interim Position (November 2003)
CD17	SAC: Report of Director of Development, Safety and Regulation: (30 March 2004)
CD17(A)	Special Planning Committee, 30 March 2004

- CD18** Report of the Depute Chief Executive and Director of Development, Safety and Regulation submitted to SAC's Planning Committee on 8 June 2004 on the responses received to the Schedule of Proposed Changes as published in April 2004
- CD19** Report of the Depute Chief Executive and Director of Development, Safety and Regulation submitted to SAC's Planning Committee on 8 June 2004 on further proposed changes
- CD20** SALP: Schedule of Further Proposed Changes June 2004
- CD21** Background Paper No. 3: Green Belt Methodology
- CD21(A)** Greenbelt Survey Sheets 1998
- CD21(B)** Desk Map 1997
- CD21(C)** Survey Sheets 1997
- CD21(D)** Explanatory note to Background Paper No. 3 Green Belt Methodology
- CD22** Sensitive Landscape Character Areas – Defining the Boundaries for SALP, SAC (August 2001)
- CD23** 1995 Strathclyde Structure Plan and SofSS's decision letter
- CD24** Draft Carrick Local Plan (1988)
- CD25** Ayr County Development Plan (1963)
- CD25(i)** SALP – Further Changes: 6 July 2004
- CD25(ii)** SALP – Further Changes: 13 September 2004

SAC - SPG/ Planning Policy Notes

- CD26** The Provision of Private and Public Open Space and Play Areas within New Residential Areas (No. 4)
- CD27** Dormer Windows (No. 7)
- CD28** Design and Siting of New/Converted Housing in the Countryside (No. 9)
- CD29** Control of Sunshades and Canopies on Commercial Frontages (No. 12)
- CD30** Advertisement Signs General (Amended) (No. 13)
- CD31** Policy Guidelines for Velux Rooflights (with amendments) (No. 14)
- CD32** Replacement Windows in Listed Buildings within Conservation Areas (No 16)
- CD33** Guidelines for Advertisement Signs Wellington Square (No 17)
- CD34** Telecommunications Development Policy Guidelines (No 19)
- CD35** Shopfronts and Signage in Ayr Central Conservation Area (No. 20)
- CD36** Houses in Multiple Occupation (No. 23)
- CD37** Shopfront Security (No. 24)

ASP Publications

- CD38** Ayrshire Joint Structure Plan 2025 - Consultation Draft (2004)
- CD38(i)** Ayrshire Joint Structure Plan 2025 - Consultation Draft (2004) – Report of Survey: Interim Technical Report 1 – Strategic Assessment of Housing Land Requirements – 2004
- CD38(ii)** Ayrshire Joint Structure Plan 2025 – Consultation Draft Responses
- CD38(iii)** Ayrshire Joint Structure Plan Committee of 3rd December 2004 – Update on Structure Plan Progress

ASP&TC Papers

- CD39** Report of Survey, Technical Report No. 1: National Planning Policy Guidance for Structure Plans, March 1999
- CD40** Report of Survey, Technical Report No. 2: The European Context, April 1998
- CD41** Report of Survey, Technical Report No 3: Sustainable Development, April 1998
- CD42** Report of Survey, Technical Report No. 4: Ayrshire Settlement Assessment, March 1999
- CD43** Report of Survey, Technical Report No. 5: Deprivation and Poor Health within Ayrshire, March 1999
- CD44** Report of Survey, Technical Report No. 6: Strategic Land Supply, April 1998
- CD45** Report of Survey, Technical Report No. 7: Industrial Land Supply, April 1998
- CD46** Report of Survey, Technical Report No. 8: Labour Market and Skills Trends in Ayrshire, April 1998
- CD47** Report of Survey, Technical Report No. 9: Tourism in Ayrshire, March 1999
- CD48** Report of Survey, Technical Report No. 10: Strategic Assessment of Housing Land Requirements, November 1998
- CD49** Report of Survey, Technical Report No. 11: Strategic Assessment of Housing Market Areas within Ayrshire, April 1998
- CD50** Report of Survey, Technical Report No. 12: Housing Land Supply, April 1998
- CD51** Report of Survey, Technical Report No. 13: Retail Capacity Assessment, April 1998
- CD52** Report of Survey, Technical Report No. 14: Town Centre Capacity Study, April 1998
- CD53** Report of Survey, Technical Report No. 15: Retail Warehouse Floorspace, April 1998
- CD54** Report of Survey, Technical Report No 16, Landscape Character Assessment, April, 1998
- CD55** Report of Survey, Technical Report No. 17: Environmental Data Audit, April 1998
- CD56** Report of Survey, Technical Report No. 18: Local Biodiversity Action Plans, March 1999
- CD57** Report of Survey, Technical Report No.19: Natura 2000 and the EU Habitats and Birds Directives, March 1999
- CD58** Report of Survey, Technical Report No. 20: Britain's Environmental Policy, March 1999
- CD59** Report of Survey, Technical Report No. 21: Transport, April 1998
- CD60** Report of Survey, Technical Report No. 22 (a): Strategic Environmental Appraisal of ASP, April 1998
- CD61** Report of Survey, Technical Report No. 22 (b): Strategic Environmental Appraisal of ASP, March 1999
- CD62** Report of Survey, Technical Report No. 23: Sensitive Landscape Character Areas, March 1999
- CD63** Report to ASP&TC 8 December 2000: Housing Land Provision within Ayrshire
- CD63(A)** Minute of Meeting on 5 December 2000, ASP&TC

SE Legislation and Other Statutory Instruments

CD64	The Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983
CD65	1997 T&CPA
CD66	Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
CD67	Planning (Hazardous Substances) (Scotland) Act 1997
CD68	Planning (Consequential Provisions) (Scotland) Act 1997
CD69	The Land Reform (Scotland) Act 2003
CD70	The Transport (Scotland) Act 2001
CD71	Housing (Scotland) Act 2001

Circulars

CD72	Circular 8/2002: Control of Development in Airport Public Safety Zones
CD73	Circular 15/1999: The Environmental Impact Assessment (Scotland) Regulations 1999
CD74	Circular 10/1999: Planning & Noise
CD75	Circular 9/1999: Indicative Forestry Strategies
CD76	Circular 2/1999: Town and Country Planning (Scotland) (Minerals) Regulations 1998
CD77	Circular 17/1998: Tribunals and Inquiries Act 1992 Planning and Compulsory Purchase Order Inquiries and Hearings: Procedures and Good Practice
CD78	Circular 4/1998: Model Planning Conditions
CD79	Circular 17/1997: Environmentally Sensitive Areas
CD80	Circular on consultation with the Royal Fine Arts Commission for Scotland
CD81	Circular 32/1996: Code of Practice for Local Plan Inquiries
CD82	Circular 16/1996: NPPG8: Retailing
CD83	Circular 12/1996: The Town and Country Planning (Scotland) Act 1972 Planning Agreements
CD84	Circular 10/1996: The Town and Country Planning (Development Contrary to Development Plans) (Scotland) Direction 1996
CD85	Circular 1/1996: Local Plan Inquiries: Local Plan Service Standards
CD86	Circular 25/1995: The Designation of Structure Plan Areas (Scotland) Order 1995
CD87	Circular 5/1993: Planning Controls for Hazardous Substances Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993
CD88	Circular 38/1992: Disposal of Surplus Government Land – The Crichton Down Rules
CD89	Circular 22/1991: Planning and Compensation Act 1991
CD90	Circular 21/1991: Planning and Compensation Act 1991, Land Compensation and Compulsory Purchase
CD91	Circular 1/1988: EC Directive on the Conservation of Wild Birds (Directive 79/409/EEC)
CD92	Circular 18/1987: Development Involving Agricultural Land
CD93	Circular 17/1987: New Provisions and Revised Guidance Relating to Listed Buildings of Conservation Areas
CD94	Circular 24/1985: Development in the Countryside and Green Belts
CD95	Circular 21/1984: Crown Land and Crown Development
CD96	Circular 32/1983: Structure and Local Plans

- CD97** Circular 29/1982: Local Government and Planning (Scotland) Act 1982, Planning Provisions
- CD98** Circular 46/1980: Local Government, Planning and Land Act 1980
- CD99** Circular 39/1980: Development in the vicinity of British Gas Installations – Notification Procedures Commercial Pipelines, Planning Advice and Notification Procedures
- CD100** Circular 103/1975: Town and Country Planning (National Coal Board) (Scotland) Regulations 1975

SPPs & NPPGs

- CD101** National Planning Framework for Scotland (2004)
- CD102** SPP1: The Planning System (November 2002)
- CD103** SPP2: Economic Development (November 2002)
- CD104** SPP3: Planning for Housing (February 2003)
- CD105** Regulatory Impact Assessment for SPP3 (February 2003)
- CD106** NPPG4: Land for Mineral Working (Amended May 2001)
- CD107** NPPG5: Archaeology and Planning (January 1994)
- CD108** NPPG6: Renewable Energy Developments (Revised 2000)
- CD109** NPPG7: Planning and Flooding (September 1995)
- CD110** SPP7: Planning and Flooding Consultation Draft (March 2003)
- CD110(A)** SPP7: Planning and Flooding (February 2004)
- CD111** NPPG8: Town Centres and Planning (Revised 1998)
- CD112** NPPG9: The Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland (March 1996)
- CD113** NPPG10: Planning and Waste Management (March 1996)
- CD114** NPPG11: Sport, Physical Recreation and Open Space (June 1996)
- CD115** NPPG13: Coastal Planning (August 1997)
- CD116** NPPG14: Natural Heritage (January 1999)
- CD117** NPPG15: Rural Development (February 1999)
- CD118** SPP15: Planning for Rural Development – Consultation Draft (January 2004)
- CD119** NPPG16: Opencast Coal and Related Minerals (Amended May 2001)
- CD120** NPPG17: Transport and Planning (April 1999)
- CD121** SPP17: Planning for Transport (2004), Consultative Draft
- CD122** SPP17: Transport and Planning Maximum Parking Standards Addendum to NPPG 17 (March 2003)
- CD123** Regulatory Impact Assessment for SPP17 (March 2003)
- CD124** NPPG18: Planning and the Historic Environment (April 1999)
- CD125** NPPG19: Radio Telecommunications (July 2001)

PANs

- CD126** PAN68: Design Statements (2003)
- CD126(A)** PAN69: Planning and Building Standards on Flooding (August 2004)
- CD127** PAN67: Housing Quality (2003)
- CD128** PAN66: Best Practice in Handling Planning Applications Affecting Trunk Roads (January 2003)
- CD129** PAN65: Planning and Open Space (January 2003)
- CD130** PAN62: Radio Telecommunications (2001)
- CD131** PAN61: Planning and Sustainable Urban Drainage (July 2001)

CD132	PAN60: Planning for Natural Heritage (August 2000)
CD133	PAN57: Transport and Planning (April 1999)
CD134	PAN57: Transport and Planning Consultation Draft (March 2004)
CD135	PAN56: Planning and Noise (April 1999)
CD136	PAN53: Classifying the Coast for Planning (1998)
CD137	PAN52: Planning and Small Towns (April 1997)
CD138	PAN51: Planning and Environmental Protection (1997)
CD139	PAN50: Controlling the Environmental Effects of Surface Mineral Workings (1996)
CD140	PAN49: Local Planning (May 1996)
CD141	PAN47: Community Councils and Planning (1996)
CD142	PAN46: Planning for Crime Prevention (1994)
CD143	PAN45: Renewable Energy Technologies (January 2002)
CD144	PAN44: Fitting New Housing Development into the Landscape (1994)
CD145	PAN43: Golf Courses and Associated Development (1994)
CD146	PAN42: Archaeology – The Planning Process and Scheduled Monument Procedures (January 1994)
CD147	PAN41: Development Plan Departures (Revised 1997)
CD148	PAN39: Farm and Forestry Buildings (1993)
CD149	PAN38: Housing Land (Revised February 2003)
CD150	PAN37: Structure Planning (Revised 1996)
CD151	PAN36: Siting and Design of New Housing in the Countryside (1991)
CD152	PAN33: Development of Contaminated Land (Revised October 2000)

Other SE Consultation Papers

CD153	Making Development Plans Deliver (April 2004)
CD154	Environmental Assessment of Development Plans Interim Planning Advice (August 2003)
CD155	Guide to Transport Assessment in Scotland – Consultation Paper (January 2003)
CD156	Removing the Special Protection of Prime Quality Agricultural Land from Development (June 2001)
CD157	Future of Air Transport in Scotland (2004)

SAC Corporate Documents

CD158	SAC Business Plan 2002/3-5
CD159	SAC: A Vision of 2020

Housing

CD160	SAH Study (2004), FRLtd for SAC
CD161	Local Housing Needs Assessment: A Guide to Good Practice, (ODPM, Housing Research Summary No.117, 2000)
CD162	South Ayrshire Housing Land Supply 2004
CD162(A)	ASP&TC: Housing Land Audit 2003 to 2010 – Post Audit Schedule – South Ayrshire
CD163	South Ayrshire Housing Land Supply 2002
CD164	South Ayrshire Housing Land Supply 1998

- CD164(i)** South Ayrshire Housing Land Supply 2003
- CD164(ii)** Minute of Meeting on 21 July 2004
- CD164(iii)** Primary and secondary school capacities in South Ayrshire
- CD165** South Ayrshire Council Local Housing Strategy 2003-2008
- CD166** Communities Scotland Local Housing Need and Affordability Model for Scotland – Update (June 2004)
- CD166(i)** Communities Scotland: Local Housing Strategy Guidance, January 2004

Environment

- CD167** Ayrshire Landscape Assessment (March 1998), Land Use Consultants
- CD168** Ayrshire Local Biodiversity Action Plan (January 2002)
- CD169** Ayrshire and Arran Woodland Strategy (2003)
- CD170** Guidelines for Landscape and Visual Impact Assessment Second Edition, The Landscape Institute of Environmental Management and Assessment
- CD170(i)** Landscape Character Assessment: Guidance for England and Scotland – SNH & The Countryside Agency 2002
- CD170(ii)** Greenbelt Review 2004

SNH

- CD171** Corporate Strategy – A Natural Perspective, SNH, (November 2003)
- CD172** SNH and the Town and Country Planning System, (September 2003)

SEPA

- CD173** SEPA, Corporate Plan 2004 - 2005
- CD174** Ayrshire, Dumfries and Galloway – Area Waste Plan (2003), SEPA
- CD175** Flood Risk Assessment Strategy, SEPA
- CD176** Development at Risk of Flooding: Advice and Consultation, SEPA

Historic Scotland

- CD177** Memorandum of Guidance on Listed Buildings and Conservation Areas, Historic Scotland, 1998

Recreation and Open Space

- CD178** Sport Scotland – Corporate Plan 2003/07, Sport Scotland
- CD179** Sport 21 – Shaping Scotland’s Future, Sport Scotland (2003)
- CD180** Planning Policy for the Protection of Playing Fields, Sport Scotland
- CD181** Guide to the preparation of Sports Pitch Strategies, Sport Scotland
- CD182** SAC Open Space Provision (2001)
- CD182A** SAC Parks and Open Spaces Recreation & Landscape Strategy (March 2001)

Transport

- CD183** South Ayrshire Integrated Local Transport Strategy 2001
- CD184** Prestwick Airport Rail Study
- CD185** Ayrshire – Scotland’s Western Gateway

- CD186** Guidelines for Traffic Impact Assessments, IHT
- CD187** The Government White Paper: A New Deal for Transport: Better for Everyone
- CD188** Strategic Rail Authority (SRA) Appraisal Criteria
- CD189** Deleted
- CD190** Deleted
- CD191** Roads Development Guide, Strathclyde Regional Council (1996) (Extract of document)

Economic Development

- CD200** Framework for Economic Development, SE (June 2002)
- CD201** An Operating Plan 2003/4 – Scottish Enterprise
- CD202** An Operating Plan Summary 2003/4 – Scottish Enterprise Ayrshire

Census Information

- CD203** 2001 Census Key Statistics for South Ayrshire and Settlements in South Ayrshire
- CD204** 1991 Census Key Statistics for South Ayrshire and Settlements in South Ayrshire

Population and Household Information

- CD205** General Registrars Office – 2000 Based Population Projections – Scotland and Council Areas
- CD206** General Registrars Office – 2002 Based Sub-National Population
- CD207** SE 2000 Based Household Projections for Scotland and Local Authority Areas
- CD208** SE 1998 Based Household Projections for Scotland and Local Authority Areas
- CD209** SE 2000 Based Household Projections for Scotland and Local Authority Areas

Flooding

- CD210** Sustainable Urban Drainage Systems – CIRIA - 2000
- CD211** Flood Prevention and Land Drainage (Scotland) Act 1997

Housing Land Supply

- HSL1** Inventory of Housing Sites contributing to ASP policy L3
- HSL2** Updated position based upon 2004 draft Housing Land Supply
- HSL3** Updated position based upon draft 2004 Established Land Audit
- HSL4** Table showing changes in Housing Land Supply 1998-2004
- HSL5** Draft Housing Land Supply 2004 for the Period 2005 – 2017
- HLS6** ASP&TC, 6 September 2002, Review of Strategic Planning
- HLS7** Windfall housing development in South Ayrshire 1994-2004

Affordable Housing

- SACAH1** FRLtd, Housing Needs Surveys etc, Speech to Inspectorate, 2001
- SACAH2** FRLtd, Oxford City Council Affordable Housing Viability Study, 2004
- SACAH3** FRLtd, Affordable Housing Targets Survey, 2004

SACAH4	Precognition of Mr P Wood on Affordable Housing, 2002
SACAH5	FRLtd, Inspectors’ decisions on recent Housing Needs Surveys, 2004
SACAH6	Housing Corporation Letter, 2003
SACAH7	Appendix: Comments on viability and Barnet case
SACAH8	Appendix: Old Albanian Case
SACAH9	The Scottish Office, NPPG3, Land for Housing, 1993
SACAH10	ODPM, Circular 6/1998 Planning and Affordable Housing, 2002
SACAH11	Maclennan et al, Local Housing Systems Analysis Best Practice Guide, 2000
SACAH12	St Albans appeal decision, 2002
SACAH13	SE, The Role of the Planning System in the Provision of Housing
SACAH14	Precognition, Rebuttal, appendices of FRLtd; East Dunbartonshire LPI
SACAH14A	East Dunbartonshire LPI – Reporter’s Decision Letter (extract)
SACAH15	Precognition of Mr B Melville for HforS, East Dunbartonshire LPI
SACAH16	East Dunbartonshire Finalised Local Plan, 2002 (extract)
SACAH17	FRLtd, Affordable Housing Solutions Report, September 2004
SACAH18	SAC, Report by Director of Social Work, Housing and Health to Social Justice Committee, 10 June 2004
SACAH19	Edinburgh 2000: Review FRLtd, rejoinder Mr Wood, response FRLtd
SACAH20	Scottish Household Survey (extract)
SACAH21	Minister’s Speech of 30 September 2004
SACAH22	Draft DETR Guidance
SACAH23	Communities Scotland comment on draft DETR
SACAH24	Local Housing Strategy Guidance
SACAH25	Hypothetical example
SACAH26	Council housing rent levels

For CG Property

Green Belt

CGPGB1	ASP Key Diagram
CGPGB2	Strathclyde Structure Plan Green Belt
CGPGB3	ASP timetable
CGPGB4	Letter from SAC to G L Hearn, dated 13 August 2004
CGPGB5	Assessment of “A” Class Roads
CGPGB6	Merit scores as defined by SAC’s green belt survey
CGPGB7	Revised recreation scores
CGPGB8	Isolated defensibility scores
CGPGB9	Revised underuse/dereliction scores
CGPGB10	Vulnerability scores as defined by SAC
CGPGB11	Potential final scores where scores completed
CGPGB12	Sites assessed against scored difference

For Hallam Land Management

Housing Land Supply

HLMLS1	Extract from the Barker Report – Review of Housing Supply (March 2004)
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For HforS

Housing Land Supply

HforSLS1 ASP housing land requirements based on 2003 Housing Land Audit

Affordable Housing

HforSA1 Extract: Evolving the Right to Buy, Evidence for Scotland
HforSA2 Extract: Owner Occupation among Low Households in Scotland
HforSA3 Are you experienced? Recent British Evidence on Age-Earnings Profiles
HforSA4 Comparative population profile: SAC Area
HforSA5 Second survey of consumer preference in housing (Scottish Homes)
HforSA6 East Dunbartonshire Council Housing Needs Survey
HforSA7 Extract from the 2001/2002 Scottish Household Survey
HforSA8 Review of Housing Land Supply – Final Report 2004
HforSA9 HforS draft Policy on Affordable Housing
HforSA10 SE News Release on Affordable Housing, 30 Sept 2004

For M&M

Housing Land Supply

M&MH1 Letter of 17 May 2004 from ASP&TC to PPCA
M&MH2 PPCA housing land supply tables

Green Belt

M&MGB1 High sensitive/sensitive parcels excluded from SAC's green belt
M&MGB2 Low sensitive parcels included in SAC's green belt
M&MGB3 SAC proposed green belt based on green belt objectives

For SEAC

Housing Land Supply

SEALS1 Review of strategic housing land supply within South Ayrshire

Affordable Housing

SEAAH1 HforS, Policy on Affordable Housing
SEAAH2 Communities Scotland, Investment in Affordable Housing in South Ayrshire
SEAAH3 Affordable housing proportions in Scotland
SEAAH4 Affordable housing output
SEAAH5 Miscellaneous bundle

APPENDIX 3

NOTE OF MATTERS ARISING FROM BUSINESS MEETING ON 15 MARCH 2004 CONCERNING THE SOUTH AYRSHIRE LOCAL PLAN

Attendance: I Johnson South Ayrshire Council
 D Lewis South Ayrshire Council

 J Watt SEIRU
 D Thomas SEIRU

Information to be received by Reporter

1. It was agreed that the Reporter would receive copies of: South Ayrshire Local Plan (Consultation Draft) 1999; South Ayrshire Local Plan (Finalised Draft) 2002; Ayrshire Joint Structure Plan (Approved) 2000; section 12 statement on Finalised South Ayrshire Local Plan; technical background papers; statement of pre-inquiry modifications; currently adopted local plans; currently used non-statutory planning policy statements; interim policy statement on affordable housing; and the council's initial response to the objections. These would be delivered to the Reporter some time after 15 April 2004.

Role of Programme Officer

2. It was anticipated that the Programme Officer would be in post by Easter. The Programme Officer will report directly to the Reporter for the administration of the inquiry and assist in its smooth running. A further meeting with the Reporter would be arranged once the Programme Officer was in post.

Objections and topics

3. The council received 539 written representations to the local plan, of which about 500 were objections. The objections were mainly focused on housing and related matters.

Second Reporter

4. The council agreed to consider the possibility of appointing a second Reporter, and would contact SEIRU about this at the earliest opportunity.

Date of pre-inquiry meeting

5. It was agreed that the pre-inquiry meeting would be held on Wednesday, 9 June 2004, at 11.30am. The council will confirm the venue.

Inquiry timetable and format

6. At present, it was roughly estimated that the inquiry would last 4/5 months. The Programme Officer will establish which objectors intend to appear at the inquiry and the length of time that will be required for each matter before the inquiry. All objections will be included in the draft programme, and their status will be continually updated in the period leading up to the inquiry, and during the inquiry.

7. The draft programme will be based on subject blocks, with an indication of the time allocated to deal with each matter of objection. Preparation time, time for site visits, „catch-up“ days, and appropriate breaks (eg the September weekend and mid term school holiday) will be included in the programme as necessary. The scope for holding round table sessions (eg for retailing) and hearings will be explored. Consideration will be given to holding a strategy session for housing, followed by individual site assessments.

8. The draft programme will be based only on objections. All comments on the plan, or representations in support, will be separated from the objections. Where a comment or representation in support is unrelated to any objection, it will not be considered by the Reporter but, where it relates to an objection, it will be included in the draft programme. Where the comments or representations include suggestions or requests, or are otherwise unclear, their status will be clarified in writing. If their status remains unclear, they will be treated as objections. The Reporter has still to finalise his views on the position concerning the appearance of third parties at the inquiry. The council have not considered any „out of time“ representations lodged on the local plan.

Written submissions

9. Objections proceeding by way of written submissions shall only be referred to at the inquiry in order to seek clarification on any outstanding factual matter. It will be necessary to arrange site visits for site related objections proceeding by way of written submissions.

Proposed changes and pre-inquiry negotiations

10. Pre-inquiry changes are proposed to the local plan. It was anticipated that they would be advertised in April.

Arrangements for inquiry

11. It was agreed that the inquiry would be scheduled to commence on 24 August 2004, at 10:00am. For the first month, it is proposed that the inquiry sits at the John Pollock Centre, Main Holm Academy, Ayr, and thereafter, at the County Buildings, Ayr. Arrangements would be made for the Reporter to view the 2 venues. Photocopying facilities at these venues will be available for parties, and the council will consider the arrangements that could be put in place for overnight storage at the John Pollock Centre. The council will consider whether

there is a need to hold any inquiry sessions in Girvan to deal with objections concerning that part of the council's area.

Report format

12. The report will follow the shortened format. It will include an introduction and a summary of recommendations and, for each objection, a summary of the main points of evidence, along with the Reporter's conclusions and recommendation.

Housekeeping

13. Fees have already been agreed with SEIRU. The Reporter's expenses will be based upon civil service rates for travelling and subsistence.

Other matters

14. The Reporter will be unable to report on any objection relating to a site where he has previously taken a decision. In these circumstances, another Reporter will deal with the objection.

15. The Reporter is not agreeable to conjoined consideration of objections and appeals or applications because of the complications that can arise for the inquiry process.

EDKT
18 March 2004

APPENDIX 4

PUBLIC LOCAL INQUIRY INTO OBJECTIONS MADE AND NOT WITHDRAWN TO THE SOUTH AYRSHIRE LOCAL PLAN

NOTE OF MATTERS AGREED AT OR ARISING FROM THE PRE-INQUIRY PROCEDURE MEETING ON 9 JUNE 2004

Introduction

1. The procedure meeting concerned the forthcoming public local inquiry into objections lodged and not withdrawn to the South Ayrshire Local Plan. Mr D Thomas and Mr D Watt, both Reporters with the Scottish Executive Inquiry Reporters Unit (SEIRU), have been appointed by South Ayrshire Council to conduct the inquiry. Mr Thomas has been given the overall co-ordinating role. The council have appointed Miss D Lewis as the Programme Officer for the inquiry. She will work directly with, and be responsible to, the Reporters, and all parties should use her as the first point of contact in relation to procedural aspects of the inquiry. The contact address for Miss Lewis is Burns House, Burns Statue Square, Ayr, KA7 1UT (telephone no: 01292 616175; fax: 01292 616161; e-mail: Dianne.Lewis@south-ayrshire.gov.uk).

2. The purpose and scope of the pre-inquiry meeting was purely to discuss the arrangements and procedures to be followed before and during the inquiry. The meeting was not a part of the inquiry, and no discussion took place on the merits of any of the matters that will be considered at the inquiry.

Matters arising before the Inquiry

3. The finalised version of the South Ayrshire Local Plan was approved by the council in May 2002. The council have received some 539 representations. They have subsequently prepared a schedule summarising the objections together with their initial responses, which formed the basis for negotiations to resolve the objections. A number of proposed changes to the local plan were published in April 2004, and the period for further objections expired on 14 May 2004, with the exception of the deadline for the affordable housing policies which was 28 May 2004. The proposed changes resulted in a total of 135 additional objections being received, and these will be before the inquiry. The council have prepared a response to these further objections which became available on 8 June 2004. The possibility of more changes to the local plan cannot be entirely ruled out and, if any are brought forward, the council should attempt to give them as much advance publicity as possible. Where changes

have been proposed in relation to an objection, the original objection will still be considered at the inquiry, together with comments on the proposed changes. All the objections, responses and changes can be inspected by members of the public. The council will not put representations received late and raising new matters before the inquiry.

The Code of Practice for Local Plan Inquiries

4. The Code of Practice for Local Plan Inquiries, which was produced by the Scottish Office in 1996, is still a useful guide to the procedures involved. However, best practice at inquiries has evolved since that time, including through the introduction of the Town and Country Planning (Inquiries Procedure)(Scotland) Rules 1998, and it continues to evolve. In light of this, the Reporters will not be following every part of the Code to the letter. Where there is any difference in approach, parties should rely on this note of the pre-inquiry meeting rather than on the detailed terms of the Code.

The Inquiry format

5. On the basis of the objections received, the council have issued a provisional inquiry programme, which indicates that the inquiry will commence with strategic sessions on housing land and green belt before focussing on individual sites and other issues. Site specific matters will not be considered at any strategic session, and strategic matters should not be raised again at site specific sessions. If parties wish to raise matters relating to a site other than the one they are promoting, they will have to attend that particular site specific session of the inquiry. If the site is being proposed through the local plan, then the party wishing to appear will require to have lodged an objection. If the site is being promoted by an objector, there should be no need for other parties to appear because the council will be opposing the site at the inquiry. Exceptionally, additional appearances may be allowed, but only after options, such as written submissions, have been fully explored, and where it can be demonstrated that the inquiry would benefit.

6. The programme prepared is still evolving. If anyone has any specific queries or concerns about the programme they should contact Miss Lewis. Parties are asked to be as flexible as possible in agreeing dates for appearance at the inquiry and are advised to keep in touch with Miss Lewis in order to be kept up to date with any changes to the programme. The programming of an inquiry of this size and complexity is a substantial logistical exercise, and changes to one section could well have knock on effects on other sections.

7. In addition to formal public inquiry sessions, it is proposed to hold round table sessions and hearings. Both the round table sessions and hearings would essentially take the form of discussions, which would be led by one or other of the Reporters. Although they will be structured in different ways and will follow different procedures, their purpose is to hear the objections and the council's response. The round table sessions and hearings are intended to expedite the inquiry proceedings, to create the right atmosphere for discussion, and to eliminate the formality that can be encountered at a formal inquiry. Those parts of the inquiry which appear best suited to round table sessions and hearings are highlighted in the provisional programme. If parties allocated to a round table session or hearing do not wish to participate, and wish to proceed by formal inquiry instead, then they should let Miss Lewis know by Monday, 28 June 2004.

Written submissions

8. The status of written submission objections is no different from those that are to be heard at the inquiry. It is therefore not necessary for parties to attend the inquiry to ensure that full account is taken of their point of view. It is possible for those who elect to proceed by way of written submissions to rely on what they have already lodged or to submit an expanded version by a set date (see para 22 below). Any written submission lodged after that date would not normally be taken into account.

9. Written submissions will have their place in the inquiry programme, when the Reporters will be able to seek any necessary clarification from council officials. If in clarifying a matter, it becomes clear that the factual position has changed, Miss Lewis will write to the objectors concerned indicating how the position has changed, and the objector would then be given 14 days to submit any further representations on the matters raised.

The Inquiry timetable and venues

10. The inquiry will begin on 24 August 2004, and it is expected to last for 25 weeks, including one week breaks from 11 to 18 October 2004 and 15 to 22 November 2004, and a 2 week break at Christmas and New Year. On this basis, the last week of the inquiry will be the week beginning 7 February 2005. At present, it is proposed that the inquiry will be held in the John Pollock Centre, Mainholm Road, Ayr, between 24 August and 24 September 2004, and at the Town Hall, Ayr between 28 September 2004 and 27 January 2005. No venue has yet been confirmed for the final few sessions of the inquiry. Parties will be notified of any change of venue by Miss Lewis. At times during the inquiry, the Reporters will hold separate sessions concurrently, so that on these days 2 sessions will be going on at the same time. Both venues have access for the disabled, and the Reporters understand that facilities will be available for photocopying and overnight storage.

11. The inquiry will generally start at 10.00am and will aim to finish between 4.30 and 5.00pm, unless it is obviously desirable to go on later. There will be a break for lunch of about an hour starting at a convenient time between 12.30 and 1.00pm. The inquiry will not be sitting on Mondays. While some time can be set aside for dealing with sessions that overrun their allotted time, it is important that all parties co-operate in ensuring that the programme does not fall significantly behind because this would have an unacceptably disruptive effect.

Scope for objectors with a common interest to group together

12. Where there are a number of parties who share the same point of view, the Reporters recommend that they consider grouping together, so that they can pool resources, present a co-ordinated case, and avoid unnecessary duplication of effort. This approach is particularly well suited for sites where there are potentially a large number of parties, such as at North East Troon.

Scope for further agreement between parties prior to the Inquiry

13. The Reporters would encourage the proposed meeting on housing land strategy between the council, Homes for Scotland and any other interested party. The meeting should seek to maximise the areas of agreement and properly focus the issues before the inquiry, thereby making the most effective use of inquiry time.

Procedures before the Inquiry

14. Inquiries are now conducted in a way which requires parties to disclose the terms of their case in a structured and consistent framework prior to it starting. No last minute or surprise evidence can be produced before the inquiry starts. All the undernoted pre-inquiry material should be lodged with Miss Lewis within the timescales indicated on the attached schedule of dates, and parties should supply 11 copies of each item (that is for the Reporters, the council and public deposit). The council will ensure that full sets of the material before the inquiry are placed on deposit for reference by members of the public, at the following locations:

Burns House, Burns Statue Square, Ayr, KA7 1UT,
Carnegie Library, 12 Main Street, Ayr, KA8 8ED,
Girvan Library, Montgomerie Street, Girvan, KA26 9HE,
Maybole Library, 70C High Street, Maybole, KA19 7AB,
Prestwick Library, 14 Kyle Street, Prestwick, KA9 1PQ,
Troon Library, 5 South Beach, Troon, KA10 6ES, and
the inquiry venues.

15. Parties who are proceeding by way of formal public inquiry, including the council, will require to produce statements of case. The statement of case should briefly outline the full particulars of the case that is to be presented, an indication of the witnesses to be called, the topics they will cover, the inquiry sessions at which it is proposed that they will appear, a list of the documents to be referred to, and an estimate of how long it is likely to take to present their evidence. The council will send the relevant sections of their statement of case to the objectors concerned.

16. Parties who are proceeding by way of round table sessions or hearings, including the council, should lodge statements of participation confirming their intention to take part in the inquiry, listing the documents that they intend to refer to, the names of participants, and the topics each participant intends to cover.

17. For the purposes of submitting documents and precognitions, the inquiry will broadly be divided into 2 parts – the first part will cover the period from 24 August to 12 November 2004 and the second part will cover the period from 23 November 2004 to the end of the inquiry. However, 4 locations allocated to the second part of the inquiry will have to comply with the deadlines set for the first part of the inquiry. The 4 locations are Doonholm Road (Ayr), Braston/Burton (Ayr), Symington, and East Sanquhar Farm. In addition, the strategic session on affordable housing will have its own dates for submitting material.

18. To avoid duplication in the preparation of documents, the council will lodge a draft list of core documents within the timescales set. This list will be updated for the second part of the inquiry. Core documents would include local plans, structure plans, National Planning Policy Guidelines/Scottish Planning Policies, Planning Advice Notes, etc. There would therefore be no requirement for other parties to produce the documents listed. The council have indicated that they are preparing technical background papers on green belt methodology and housing land. In order to allow parties to prepare effectively for the inquiry, the council should ideally lodge these papers 6 weeks before the inquiry commences, ie by Tuesday, 13 July 2004. All documents should be consistently referenced and marked

and preferably placed in a separate A4 lever arch file. Documents include maps and photographs and similar material. The council will be circulating site specific documents to parties who require to receive them, but core documents will not be circulated.

19. All parties appearing at the formal public inquiry sessions require to lodge precognitions and summary precognitions, where the full precognition exceeds 2000 words. The precognition is the written statement of evidence that the witness proposes to give to the inquiry, and it should not contain appendices, which should be lodged as documents in the normal way. If the main precognition is particularly lengthy, the summary should not normally exceed 10% of the length of the original. If a party does not provide a precognition, they are likely to be restricted to the terms of the written objection when giving evidence.

20. For round table sessions, participating parties would receive a preliminary discussion paper prepared by the Reporters outlining the main issues and setting an agenda based on the information that has been already been lodged. Each party, including the council, would be asked to respond to this by submitting a brief, written position paper dealing with each of the issues identified.

21. For hearings, parties should submit statements of evidence. Prior to the hearing taking place, the Reporters will issue an agenda based on what has been lodged. Both the position paper for round table sessions and the statement of evidence for hearings should contain sufficient information to allow the case being advanced by parties to be understood, and to allow appropriate conclusions and recommendations to be drawn.

22. If anyone resting on written submissions wishes to expand their objection (in writing), they should do so by Monday, 19 July 2004. The council should aim to lodge their responses to these written submissions by Monday, 2 August 2004.

23. It is important that parties follow the pre-inquiry timetable, otherwise doubt will be thrown over the programming of the inquiry itself. If parties cannot meet the deadlines set for any reason, it is important that they let the Programme Officer know at the earliest opportunity. The late submission of material may result in an objector being required to accept the rearrangement of their place in the programme to suit the inquiry.

Procedures at the Inquiry

24. The Reporters will conduct the forthcoming inquiry in as informal an atmosphere as possible, while at the same time following the well established principles of impartiality, openness and fairness. Participants will be allowed to present their case in their own way, but the Reporters will maintain the customary standards of order, and will discourage repetition, to ensure that the inquiry is completed in the shortest timetable while giving each party a fair hearing. For each matter to be considered at the inquiry, the council will have the opportunity to start the session by making a short opening statement to explain any proposed changes in the light of the more detailed objections and any continuing discussions. Thereafter objectors will normally present their case, followed by the council's response. Where additional appearances are exceptionally allowed by the Reporters, the party will be heard after the council have presented their case.

25. For formal public inquiry sessions, each witness will read from their precognition, or their summary, as appropriate. Anyone giving evidence at these sessions will be allowed to

question witnesses of opposing view. "Friendly" cross examination between parties on the same side will not be allowed, but questions of clarification can be asked, prior to cross examination taking place. There will be an opportunity to make closing submissions at the end of a session. If parties wish to make a closing submission, it should be lodged in typed form with copies made available to other parties. Where closing submissions are made at the inquiry, the party giving evidence first, ie the objectors, will normally have the final say.

26. At the round table sessions, the position statements and the objections will be taken as read. The round table sessions will consider each issue identified by the Reporters in turn. At the start of the discussion on each issue, the Reporters will outline their understanding of the main differences between the parties, and each party will be allowed to make a short oral statement of around 5 minutes highlighting the main elements of their position and commenting (if necessary) on what the Reporters have said. This would be followed by Reporters asking questions of parties, and then parties would have the opportunity to cross question each other and make comments, subject only to the comments and questions being relevant, and the discussion being conducted in an orderly manner. Once all the issues on the agenda have been covered, there would be an opportunity for a short closing statement, which would normally be in writing.

27. At hearings, the statements of evidence and the objections will also be taken as read. The Reporters will start off by summarising their understanding of the cases put forward by the parties. Each item on the agenda will then be gone through in turn, and parties will be given the opportunity to comment on each other's submissions and to ask questions informally through the Reporters, subject to the same constraints as those applying to round table sessions. There will also be an opportunity for parties to make closing comments.

28. Parties should bear in mind that the discussion at site based round table sessions and hearings can continue on site if necessary.

Site visits

29. The Reporters will make an unaccompanied general tour of the area covered by the local plan before the opening of the inquiry. By the time the inquiry is complete, they will, between them, have visited every site referred to in the objections. While some of the site visits may be able to take place on an unaccompanied basis, there will be instances where an accompanied visit is either desirable or necessary. Accompanied site visits will generally take place as indicated on the inquiry programme, and arrangements will be intimated at the relevant time. For those resting on written submissions, a date and time for the site inspection will be provided, and will be adhered to as far as possible. It is recommended that those following this procedure contact Miss Lewis to establish the position on their site inspection nearer the time.

Linked planning appeals

30. The Reporters would not be prepared to conjoin a separate planning appeal or run it concurrently with the local plan inquiry. Experience in recent years has shown that this tends to cause administrative complexity and confusion, and leads to significant delays to the local plan and appeal processes. It is now the practice of the Inquiry Reporters Unit not to conjoin appeals for these reasons.

The council's consideration of the local plan report

31. After the inquiry, the Reporters will prepare a report for the council, which will include an introduction and a summary of recommendations and, for each objection, a brief summary of the main points of evidence, together with our conclusions and recommendations.

32. The council are responsible for the final content and adoption of the local plan. They are not obliged to accept the Reporters' recommendations, but they are required to prepare, and make public, a statement of their decision on each of them.

Other matters

33. This note has been circulated to all parties, and copies have been made available for public inspection.

DW & EDKT
15 June 2004

SCHEDULE OF DATES

For Public Inquiry Sessions

Both parts of the inquiry:

Statements of case: Wednesday, 7 July 2004

First part of the inquiry (24 August to 12 November 2004):

Draft list of core documents: Friday, 16 July 2004

All documents: Tuesday, 27 July 2004

Precognitions and summary precognitions: Tuesday 10 August 2004

Second part of the inquiry (23 November 2004 onwards):

Draft list of core documents: Friday, 15 October 2004

All documents: Tuesday, 26 October 2004

Precognitions and summary precognitions: Tuesday 9 November 2004

For Round Table Sessions

Both parts of the inquiry:

Statements of participation: Friday, 19 July 2004

First part of the inquiry (24 August to 12 November 2004)

Draft list of core documents: Friday, 16 July 2004

All documents: Tuesday, 27 July 2004

Written position papers: Tuesday, 31 August 2004

Second part of the inquiry (23 November 2004 onwards):

Draft list of core documents: Friday, 15 October 2004

All documents: Tuesday, 26 October 2004

Written position papers: Tuesday, 9 November 2004

For Hearings

Both parts of the inquiry:

Statements of participation: Friday, 19 July 2004

First part of the inquiry (24 August to 12 November 2004)

Draft list of core documents: Friday, 16 July 2004

All documents: Tuesday, 27 July 2004

Statements of evidence: Tuesday, 10 August 2004

Second part of the inquiry (23 November 2004 onwards):

Draft list of core documents: Friday, 15 October 2004

All documents: Tuesday, 26 October 2004

Statements of evidence: Tuesday, 9 November 2004

For Sites at Doonholm Road (Ayr), Braston/Burton (Ayr), Symington, and East Sanquhar Farm:

Public inquiry sessions:

Draft list of core documents: Friday, 16 July 2004

All documents: Tuesday, 27 July 2004

Precognitions and summary precognitions: Tuesday 10 August 2004

Hearings

Draft list of core documents: Friday, 16 July 2004

All documents: Tuesday, 27 July 2004

Statements of evidence: Tuesday, 10 August 2004

For Affordable Housing:

All documents: Friday, 1 October 2004

Precognitions and summary precognitions: Friday, 15 October 2004

APPENDIX 5

NOTE OF MATTERS ARISING FROM BUSINESS MEETING ON 1 APRIL 2005 CONCERNING THE SOUTH AYRSHIRE LOCAL PLAN

Attendance: I McLarty (South Ayrshire Council)
I Johnson (South Ayrshire Council)

D Thomas (SEIRU)
H M Begg (SEIRU)
D Lewis (Programme Officer)

Outstanding matters

1. There were no urgent outstanding matters to be dealt with at the close of the inquiry.

New publications

2. As the inquiry has now closed, no new publications will be taken into account in the preparation of the inquiry report. This includes new national and strategic guidance and advice, such as Scottish Planning Policies and the Replacement Ayrshire Joint Structure Plan.

The Programme Officer

3. The Programme Officer will continue in post until the end of April 2005, beyond that, she would continue as the sole point of contact between the parties and the Reporters.

Report format

4. The possibility of producing a “staged” report will be considered as this would allow the council to start work on the inquiry’s conclusions and recommendations at the earliest opportunity.

Report submission

5. A tentative target date for the completion of the report is the end of February 2006. The council are considering the implications for the local plan of SEDD Circular 2/2004,

Strategic Environmental Assessment for Development Planning. They are also considering the implications of the timetable for the approval of the Replacement Ayrshire Joint Structure Plan.

EDKT and HMB
22 April 2005

