

FALKIRK COUNCIL

**Subject: FALKIRK LOCAL DEVELOPMENT PLAN –
SUPPLEMENTARY GUIDANCE
CONSULTATION SUMMARY**
Meeting: EXECUTIVE
**Date: 19 AUGUST
2014**
Author: DIRECTOR OF DEVELOPMENT SERVICES

1.0 INTRODUCTION

1.1 Members will recall that a report outlining the process for preparing Supplementary Guidance (SG) in Falkirk was presented to the Executive on 25th February 2014. The Executive authorised officers to prepare and undertake consultation on the sixteen SG notes referred to in the Proposed Falkirk Local Development Plan (LDP). It was agreed that the outcome of these consultations and the proposed content of the finalised SG would be reported back to the Executive on an ongoing basis.

1.2 As previously noted, consultation on the majority of the SG will be undertaken in batches throughout 2014 as and when the various notes are produced or revised. The first batch of SG completed its statutory consultation process, with the results of consultation and recommendations reported to the Executive in May 2014.

1.3 The second batch of SG has now in turn, completed its statutory consultation process.

SG09 Landscape Character Assessment and Landscape Designations
SG10 Education and New Housing Development
SG12 Affordable Housing

1.4 This report sets out the results of the consultation and recommends a number of amendments to the draft SG notes. Once these are finalised they will be submitted to Scottish Ministers with the LDP and adopted with the Plan. Submission of the LDP is currently scheduled for February 2015 as set out in the timetable contained in the Falkirk Local Development Plan Scheme, with adoption in March 2015.

2.0 SUMMARY OF SUPPLEMENTARY GUIDANCE

2.1 For background information purposes this section of the report includes a summary of the three SG notes contained in the second consultation batch.

SG09 Landscape Character Assessment and Landscape Designations

- 2.2 SG09 is new SG which has been produced to provide guidance and set out key information on the Council's Landscape Character Areas. It includes information on key landscape characteristics, pressure for change and sensitivities. The purpose of the SG is to help developers, land managers and decision makers to take appropriate steps to protect, manage and enhance the rural landscapes of Falkirk.

SG10 Education and New Housing Development

- 2.3 SG10 is an updated version of the previous SPG Education and New Housing Development (August 2011). It provides guidance to developers on the level of financial contributions expected where new residential development is proposed in the catchment area of schools which have inadequate or no capacity for pupils generated by the housing.

SG12 Affordable Housing

- 2.4 SG12 is an updated version of the previous Revised SPG Affordable Housing (March 2013). It provides guidance and sets out a framework for the delivery of affordable housing in Falkirk as set out in LDP Policy HSG02. It is intended to provide clear guidance for all interested parties, including house builders, social housing providers, planning consultants and the community.

3.0 CONSULTATION PROCESS

- 3.1 Over 370 key agencies, organisations and individuals were notified by letter or email of the consultation process and the availability of the three Consultative Draft SG notes on the Council website. All Community Councils were included in this mailing. Copies of the three SG notes were also deposited at Council Offices (Abbotsford House & the Municipal Buildings), all Council Libraries and One Stop Shops.

- 3.2 Consultation took place over a 6 week period between 16th May and 27th June 2014.

- 3.3 Responses were received from the following 11 organisations:

Forestry Commission Scotland (SG09)
Scottish Water (SG10)
Land Options West (SG10 and SG12)
Homes for Scotland (SG10 and SG12)
The Coal Authority (SG09, SG10 and SG12)
Network Rail (SG09)
Hansteen Land Ltd (SG10 and SG12)
Historic Scotland (SG09, SG10 and SG12)
Scottish Natural Heritage (SG09)
McCarthy and Stone (SG12)
The Garden History Society in Scotland (SG09)

- 3.4 Detailed summaries of all the comments received and the Council's draft responses are contained in Appendix 1. The issues raised by these organisations and the Council's response is summarised under the three SG headings.

4.0 PROPOSED CHANGES TO DRAFT SG NOTES

- 4.1 In the light of the responses to the consultation a number of changes are proposed to two of the SG notes in order to provide clarification or remove errors. The revised wordings are set out in Appendix 1. Subject to the insertion of the proposed changes into the finalised versions, the three SG notes are recommended for approval.

5.0 IMPLICATIONS

- 5.1 Legal: The requirements and procedures for the preparation of SG are set out in Section 22 of the Town & Country Planning (Scotland) Act 1997, as inserted by the Planning, etc (Scotland) Act 2006, and the Town & Country Planning (Development Planning) (Scotland) Regulations 2008.
- 5.2 Financial: None
- 5.3 Personnel: None.
- 5.4 Policy: Supplementary Guidance once adopted, will constitute a part of the Statutory Development Plan for the Falkirk Council area.

6.0 RECOMMENDATION

That the Executive agrees to finalise the following Supplementary Guidance Notes:

SG09 Landscape Character Assessment and Landscape Designations
SG10 Education and New Housing Development
SG12 Affordable Housing

including modifications in response to consultation as detailed in Appendix 1, and submit them to the Scottish Ministers for final approval, along with the Local Development Plan.

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Director of Development Services

19th August 2014

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APPENDICES

Appendix 1 Summary of Comments and Proposed Responses

LIST OF BACKGROUND PAPERS

1. Consultation Drafts of:

SG09 Landscape Character Assessment and Landscape Designations

SG10 Education and New Housing Development

SG12 Affordable Housing

2. Proposed Falkirk Local Development Plan

Any person wishing to inspect the background papers listed above should contact Louise Blance on 01324 504717.

APPENDIX 1

SUMMARY OF COMMENTS AND PROPOSED RESPONSES

SG09 Landscape Character Assessment and Landscape Designations

Organisation	SPG Para/ Section	Comment	Proposed Response
Scottish Natural Heritage (SNH)	Paragraph 2.7	Suggests that a sentence be added to highlight that Landscape and Visual Impact Assessment should be undertaken by a Chartered Landscape Architect	Comment accepted. Proposed modification: add new final sentence ‘<i>Landscape and Visual Impact Assessment should be undertaken by a Chartered Landscape Architect who is experienced in this field</i>’
	Non-specific	Recommends term ‘Local Landscape Character Area’ (LLCA) is used throughout rather than broader term ‘Landscape Character Area’	Comment accepted. Proposed modification: alter every reference to Landscape Character Area (LCA) to ‘<i>Local Landscape Character Area</i>’ (LLCA).
	Section 3 & 4	Advises that relationship between ‘Local Landscape Character Areas’ (LLCAs) and ‘Special Landscape Areas’ (SLAs) requires further explanation. Suggests that SLAs should be overlaid on maps of LLCAs for clarity.	Comment accepted. Maps will be revised and text in introduction to sections 3 & 4 will be expanded in final version to further explain relationship. The issues raised are presentational and do not change the substantive content of the guidelines .
	Section 3 & 4 and Appendices	Suggests visual cues to make document clearer to users and avoid confusion: avoid duplication of same colours in heading / colour maps of LLCAs and SLAs, use different colours for title blocks / page headings to easily identify each section, use stronger visual cues to link Chapter 3 (Landscape Character) with its associated Appendix 1 and Chapter 4 (Special Landscape Areas) with associated Appendix 3, and consistency of use of	Comment accepted. Colours and improved visual cues will be used where appropriate to enable easier reference to Local Landscape Character Areas, Special Landscape Areas and the associated appendices for each section.

		colour for sub-title headings / bullet points in both sections plus associated appendices.	
	Section 3 Paras 3.1 – 3.5 and Section 4 paras 4.1 - 4.5	Suggests bringing together information in paragraphs 3.1 – 3.5 and 4.1 – 4.5 at start of Section 3 to clarify relationship between the different landscape classifications and improve understanding of importance of the broader landscape in the planning process. Also suggests start of Section 3 should show how information on both Local Landscape Character Areas and Special Landscape Areas is structured.	Comments noted. Further clarification at introductory section of section 3 will be provided to improve understanding; however, some aspects of paragraphs 4.1 – 4.5 of Section 4 will remain important introductory information and will be retained in this section.
	Section 4	Recommends that sub-headings used for the ‘Special Landscape Areas’ section (Section 4) should be identical to those of the ‘Landscape Character Assessment and Guidelines’ section (Section 3), since there is a potential for confusion (e.g. ‘ <i>Likely future forces for change</i> ’ in Section 3 compared with ‘ <i>Predicted factors contributing to landscape change</i> ’ in section 4)	Comments noted. Different sub-headings were intentionally used in each section to show a distinction between the two classifications. However, it is proposed to make some changes. Proposed modification: alter the headings in Section 4 - Local Landscape Designations: Special Landscape Areas from ‘Predicted Factors Contributing to Landscape Change’ and ‘Sensitivity to Change’, to ‘Likely Future Forces for Change’ and ‘Sensitivities within Special Landscape Area’ respectively.
Historic Scotland	Non specific	Welcomes the preparation of this SG and content that the document refers to the historic environment designations located within various landscape character areas. Also welcomes recognition of potential future pressures for change, as well as guidance for the protection and management of sites within Historic Scotland’s remit.	Comments noted.
	Section 5	Notes guidance on ‘Non-Inventory’ gardens and designed landscapes is very prescriptive and	Comment accepted. Proposed modification: amend title to ‘Guidelines

		detailed, but no guidance is provided for development affecting the three Falkirk sites that are in the 'Inventory of Gardens and Designed Landscapes'. Suggests that the guidelines provided should also be made applicable to the three 'Inventory' sites.	<i>applicable to Inventory and Non-Inventory gardens and designed landscapes'.</i>
Forestry Commission	Section 3 & Section 4	Guidelines relating specifically to new forestry planting design could be strengthened and clarified by making specific reference to the 'UK Forest Standard: Forest and Landscape Design Guidelines'; (this is the reference standard for sustainable forest management in the UK).	Comment accepted. Proposed modification: add the following sentence to each set of guidelines for the Local Landscape Character Areas and the Special Landscape Areas relating to forestry planting: <i>'The UK Forest Standard: Forest and Landscape Design Guidelines should be followed for all woodland'.</i>
Garden History Society in Scotland	Section 5	Welcomes recognition given to 'Non-Inventory' gardens and designed landscapes in Falkirk and the inclusion of a provisional list of sites, together with guidelines for future protection.	Supportive comments noted.
	Para 5.1	It should be clarified that the online 'Inventory of Gardens and Designed Landscapes in Scotland', compiled and maintained by Historic Scotland, is now the legal inventory and not the published volume 4 which has been superseded.	Comment accepted. Proposed modification: amend final sentence to read <i>'The online Inventory of Gardens and Designed Landscapes in Scotland is now the legal inventory and supersedes the published volumes. It includes three sites in the Falkirk Council area:'</i>
			Text will be amended.

Network Rail	Section 3	<p>Advises that the introduction of overhead line equipment resulting from Network Rail's Edinburgh to Glasgow Improvement Programme will be a factor contributing to landscape change. Although construction is permitted development, there may occasionally be infrastructure outside Network Rail land that will require planning permission and will be assessed against this SG. Requests that guidance should acknowledge that overhead line equipment must be placed along the route of the railway and there are no alternative routes to minimise visual effects; also request that guidance should acknowledge that there will be operational and safety constraints to visual mitigation by tree planting close to the railway line.</p>	<p>Comments noted. Network Rail improvement programme resulting in new overhead line equipment will be included as a factor contributing to landscape change in four of the Local Landscape Character Areas. General guidelines relating to road and other infrastructure improvements are already provided and these advise reinstatement of landscape features. No specific guidelines are proposed in relation to tree planting around Network Rail equipment, since it is acknowledged this would not be practicable or safe and the majority of operations are permitted development within Network Rail land. Where any apparatus is outside their land and requires planning permission, then minor landscape mitigation which does not involve tree planting could be achieved in visually sensitive sites where required; such mitigation is already implicit in guidance statements relating to new buildings and structures and in the Sustainable Design Principles (LDP Policy D02).</p>

SG10 Education and New Housing Development

Organisation	SPG Para/ Section	Comment	Proposed Response
Hansteen Land Ltd	Para 1.2	<p>Hansteen Land is of the view that while it is right that developers should meet impacts directly associated with its development consideration of capacity cannot take place without a regular review of catchment areas. Whilst some schools may be at or near capacity that will not be the case with others. A developer should not be expected to make a contribution when there is capacity available in another catchment area that could</p>	<p>Comment not accepted. The Council welcomes the acknowledgement that a developer should meet impacts on school capacity directly associated with its development. The Council does review school catchments and has done so for both primary and secondary catchments in recent years. It has also reviewed catchments to accommodate new areas of growth before new allocations come forward (called pre-zoning) to ensure best use is being made of existing school capacity. However it would be impractical to review</p>

		<p>reasonably serve the development. Hansteen Land suggests the Council should undertake an annual review of catchment area capacity and adjust catchments accordingly. Catchment areas are a political issue but where developers are being asked to make a contribution where capacity exists elsewhere that could reasonably serve new development that is inequitable. This has been recognised by Edinburgh City Council, which announced on 18th June 2014 that it was reviewing the catchment area of 16 schools.</p>	<p>catchments on an annual basis given the small degree of change year on year and the onerous statutory processes involved when rezoning is taken forward. With a growing population it is an inescapable fact in Falkirk that in the localities of high developer interest almost all the schools are operating at high capacity and there is little scope for sharing capacity between neighbouring schools. For the record, over the last 15 years the Council has also built 3 new primary schools, significantly extended others and replaced all its 8 secondary schools to provide more capacity, using a mixture of funding sources, not exclusively from developer contributions.</p>
	Section 2, Figure 5.2	<p>Table 5.2 – under school capacity it states that developer contributions will be sought where <i>capacity/facilities are inadequate</i>. There should be a clear definition of inadequate:</p> <ol style="list-style-type: none"> 1. Is it when all places are occupied and the school is at 100% capacity? 2. Is it where occupation exceeds a certain threshold, say 90% and population growth and/or development proposals mean that existing capacity will be reached? 3. Is it calculated on the Education Act maximum class size of 30 or is it calculated on the Government's aspiration of achieving class sizes of 21? This is an aspiration and has no legal basis and should not be used in calculations of 	<p>Comment not accepted. Figure 5.2 is reprinted from Falkirk Local Development Plan and is not an issue for this SG consultation. Paragraph 5.6 of the SG indicates that developers are apprised of the background information and assumptions used in defining the inadequacy of school capacity and the justification for a developer contribution when they make an application.</p>

		<p>capacity.</p> <p>Hansteen Land suggests these factors need to form part of the consultation, for the sake of transparency and to allow for an informed debate about the appropriate strategy.</p>	
	Para 3.1	<p>This paragraph states that where there is no education capacity the planning authority <i>in extremis, may refuse planning permission</i>. Hansteen Land submits this would be entirely unreasonable if the Planning Department and the Education Department had not done everything in its power to resolve the situation, including redrawing catchment areas or directing pupils to schools where there is capacity. This reference should be deleted from SP10.</p> <p>The planning system stresses the importance of sustainability. Where education is concerned this should not mean building new schools or extending existing schools if there is capacity elsewhere in the system. Rather than expecting developers to create supply Hansteen Land believes the Education Department needs to manage expectations about what is achievable in terms of demand. They need to be supported in this objective by the politicians.</p>	<p>Comment not accepted. Paragraph 3.1 expands on LDP policy INF05 which states '<i>In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted</i>'. This LDP policy has been approved by the Council and is not an issue for this consultation.</p>
	Para 5.3	<p>This paragraph states that new housing sites in the LDP will have already been taken into account in calculating projections. Hansteen Land believes this is only a reasonable assumption if the information is up to date and correct. The case of Whitecross is discussed which is a development site identified in</p>	<p>Comment not accepted. The matters raised are either under consideration currently at the Examination being conducted by Reporters into the Local Development Plan or are for the development management process. They are not relevant to this SG. It should be noted that Hansteen Land is not the developer of the Whitecross proposal.</p>

		the LDP. Hansteen Land states that there are a number of issues which they believe should alter how the Whitecross proposal is assessed, in particular the impacts on Graeme High and associated primary schools.	
Land Options West	Paras 3.5 and 3.6	Land Options West notes the circumstances set out in these paragraphs where expanding a school's capacity is not a practical proposition. It wishes to have a further explanatory paragraph inserted as follows: <i>"For clarification purposes it should be noted that the Council will take a pragmatic approach to circumstances where a school cannot be improved physically and other options such as redrawing school catchment boundaries and providing a bus service to allow children to attend alternative schools etc. will be fully explored before the development is simply not permitted."</i>	Comment not accepted. While the Council will always be pragmatic in dealing with school capacity the question of redrawing school catchments is dealt with at a strategic level and would be related to future growth areas identified in the Local Development Plan. It is not practical to be considered on a site by site basis when applications are made. The Council has reviewed school catchments in both primary and secondary sectors in recent years. It has also reviewed catchments to accommodate new areas of growth before applications come forward (called pre-zoning) to ensure best use is being made of existing school capacity.
	Para 5.9	Land Options West supports the inclusion of this paragraph which deals with developer viability. It wishes this to be expanded to specify how the Council will consider this, including waiving the developer contribution altogether.	Comment not accepted. The existing paragraph 5.9 already provides for flexibility in how the Council assesses the circumstances of site viability in its final sentence, which states: <i>'The terms of the Development Viability Statement will be taken into account as a material consideration in determining the planning application'</i> .
Scottish Water	Section 2, Figure 5.2	Within Figure 5.2 of the draft Supplementary Guidance, sewer improvements are given as a specific example of Developer Contribution Requirements. Asks that this statement be removed to avoid confusion. It may be useful to include a note similar to the one below to clarify that not all	Comment noted. Figure 5.2 is reprinted from Falkirk Local Development Plan and is not an issue for this SG consultation. However the content is noted as an option for change to the next Local Development Plan

		infrastructure provision requires a contribution under developer obligations: <i>“This guidance is not directly relevant to the provision of water and drainage, electricity, and telecoms infrastructure, as these services are controlled by public sector bodies and private supply companies, and the specific standards, specification and requirements relating to each are outwith the control of the Council”</i>	

SG12 Affordable Housing

Organisation	SPG Para/Section	Comment	Proposed Response
Homes for Scotland	Non-specific	Homes for Scotland (HfS) welcomes the clarity and information provided in the SG; it clearly sets out the price point of the lower quartile resale value as the affordable price point, which aligns with the Scottish Government figure and this is considered reasonable and appropriate by HfS. The SG also sets out all the tenures referred to in PAN02/2010 and HfS welcomes that the Council, while expressing a first preference for social rent housing, will consider any tenure option as contributing to meeting affordable housing need.	Supportive comments noted
	Para 4.10	HfS requests that a paragraph be added after 4.10 that sets out who determines the value of the affordable housing land for transfer to the Council or RSL at an appropriate end use value or at a lower agreed value. Similar wording to that of	Comment accepted. Proposed modification: insert new sentence in paragraph 4.10 after ‘...agreed value.’ as follows: <i>‘The determination of an end-use value will be carried out independently by the District Valuer or as appropriate, as described for commuted sums in paragraph 4.20’</i>

		paragraph 4.20 'Calculating the Financial Contribution' is suggested for simplicity.	
	Paras 4.20 to 4.23	HfS requests that this section is amended and a suitable paragraph inserted to set out the conditions and time period, say 10 years, for the financial contributions to be spent otherwise they are returned to the developer/land owner with appropriate interest. Further clarification on how the commuted sums will be monitored by the Council is also requested for transparency reasons.	Comment accepted. Proposed modification: after paragraph 4.23 insert new paragraph 4.24 as follows: '4.24. The S75 obligation/S69 agreement specifying the financial contribution shall make provision for payback periods for moneys to be returned should the Council not make use of them. Development Services will be responsible for monitoring the discharge of the S75 obligation/S69 agreement.'
	Para 8.12	Whilst HfS acknowledges the social benefits of having small groups of social housing across a site in their experience from our RSL members that each site should be regarded on an individual basis and that due to on-going management of the units it's preferred the units to be grouped together on a stair basis if flatted.	Comment not accepted. Paragraph 8.12 already states that while grouping is the Council's preference, the distribution of different tenures will be decided on a site by site basis.
Hansteen Land Ltd	Para 1.8	Hansteen Land believes the document needs to be more specific where it states that <i>other options will be considered depending on local circumstances and housing need</i> . SG12 needs to acknowledge that it may not be for the Council to choose how affordable housing is provided. Whilst it is open to the Council to state a preference for Registered Social Landlord (RSL) provision there needs to be an acknowledgement that grant funding is limited and very few RSLs are	Comment not accepted. The Council is very open to considering proposals for other options for affordable housing and these are set out in succeeding sections of the SG. The Council agrees that it is for the developer to propose how they will discharge their obligations under the terms of policy HSG02 Affordable Housing. However the Council also has a role, through control of the distribution of public finance that is available to support schemes and through determination of the relevant planning applications.

		now developing.	The limitations on grant funding are acknowledged in the SG in paragraphs 3.3, 4.4, 4.12 and 4.19, amongst others.
	Non-specific	Hansteen Land suggests SG12 needs to take account of ideas that are developing about the delivery of affordable housing as set out in a background paper submitted separately). The submission goes on to describe a model of financial contribution equivalent to 25% of the units being provided as serviced plots. This money is then used by the local authority as a substitute for Government grant to either fund part or full cost of development of affordable units. Hansteen Land believes a target percentage is meaningless if it prevents development being built. Hanteen's experience across Scotland is that a target between 12% - 15% is likely to be realised. A target may be set higher but viability and the need to deliver housing land supply usually means that the level of affordable housing is negotiated downwards	Comments noted. The SG already states in section 4 that a financial contribution will be acceptable, as suggested, provided all other options have been considered and exhaustively assessed. The issue of the percentage contributions is not one for the SG to determine, as the policy framework has already been set and agreed in policy HSG02 of the Local Development Plan. A percentage target for affordable housing of only 15%, not 25%, applies in more than half of the Council area. The Council is mindful of viability issues which will be taken into account on a case by case basis under the terms of a proposed additional paragraph (See below under Land Options West para 5.3).
	Para 2.2	Hansteen Land queries why the affordable housing contribution for much of the Council area is set at 25% which is the maximum benchmark figure set by the Scottish Government in its guidance PAN 2/2010. PAN 2/2010 states that it will rarely be necessary for affordable housing to exceed that figure. It is questionable why the maximum allowable figure has been adopted in Falkirk where the Council has acknowledged that pressures are not as acute as elsewhere.	Comment not accepted. As discussed above in the response on percentage contributions, the 25% figure applies to less than half of the Council settlement areas. The 25% target contribution is not exceeded anywhere in Falkirk Council area. Pressures elsewhere in Scotland have no bearing on the assessment of Falkirk Council's circumstances, which are fully set out in the Council's approved Housing Need and Demand Assessment.
	Paras 3.3 and 3.4	Hansteen Land welcomes the schedule of acceptable affordable housing provision set out at paragraph 3.3 but paragraph 3.4 needs to be revised	Comment not accepted. The Council is entitled to state its preferred form of affordable housing while the SG makes it clear that 'any of the options', reprinted from PAN02/2010,

		to recognise that there is not flexibility in the system and to reduce the preference given to RSL provision. SG12 should be revised to give equal weight to each of the 12 means of delivering affordable housing specified in PAN 2/2010	will be considered. Scottish Government has not issued a revision to PAN02/2010 in the light of Hansteen's concerns about the lack of flexibility in the system as it affects RSLs.
	Paras 4.1 and 4.2	Para 4.1 makes reference to a sequential approach. Paragraph 4.2 then states <i>a preference</i> for on-site provision. This is not in line with Scottish Government guidance which allows a range of mechanisms to be considered, including on or off site provision. The reference to a <i>preference for on-site provision</i> should be deleted.	Comment not accepted. See response to paragraphs 3.3 and 3.4 above.
	Para 4.6	Para 4.6 deals with on-site provision. Hansteen Land believes it needs to be made clear that, in line with PAN 2/2010, this should be a specified percentage of the units not a percentage of the land area. Guidance is also required on valuation. Where development is by a third party such as an RSL this should not be transferred at zero value but transferred at a value equivalent to providing a serviced plot. That money should be paid by the RSL to the developer. This is in accordance with RICS guidance on valuation of affordable housing. SG12 should make reference to the RICS guidance note and state how the approach adopted by Falkirk Council satisfies that guidance.	Comment partly accepted. As stated above in the response to a submission by Homes for Scotland it is proposed to clarify the issue of valuation of land for affordable housing by amending paragraph 4.10. The valuation will be based on the percentage of units required, not land area. The SG, at paragraph 4.20, already makes reference to the RICS role in valuation.
	Para 4.13	Hansteen Land feels paragraph 4.13 which deals with off-site provision, is too prescriptive. There needs to be recognition that there may be circumstances other than the two example quoted	Comment not accepted. The examples listed are merely examples and are not intended to be exclusive. Para 4.13 makes it clear that off-site provision is not ideal and is only appropriate where the original site is deemed unsuitable.

		where off-site provision will be appropriate.	What is considered to be unsuitable will be fully assessed by the Council during the application process.
	Para 4.20	Paragraph 4.20 deals with calculating the value of a commuted sum. In accordance with RICS guidance on valuation of affordable housing this value should be calculated on the basis of the cost of provision of a serviced plot.	Comment noted. The methodology for calculating the financial contribution is a decision for the District Valuer in the first instance, with which the developers' trade body, Homes for Scotland, is in agreement (see above under responses to Homes for Scotland comments).
	Section 6	This section deals with delivery through the planning system and associated negotiation. Hansteen land believes there needs to be a commitment from the Council to enter into processing agreements, covering all its departments party to negotiations committing those departments to delivery within specified time periods.	Comment noted. The Council has offered to enter into processing agreements with willing developers for some time.
Land Options West	Para 4.6	Land Options West notes that paragraph 4.6 states the Council's preference for delivery of on-site affordable housing and submit that no preference should be stated in terms of how affordable housing should be delivered, especially given the prevailing economic circumstances. Furthermore, the preference to provide serviced land is objected to given that in the current economic climate, finance available to Council's and RSLs are limited and as such transferring serviced land may result in areas of housing developments remaining undeveloped for a significant period of time. Land Options West further submits that flexibility is critical in providing affordable housing and in	Comment not accepted. See response to Hansteen Land above, reference paras 3.3 and 3.4, in regard to the Council stating a preference and in being flexible in considering all forms of affordable housing listed in PAN02/2010. As regards the concern about the preference for serviced land the wording fully accords with the new SPP published on 23 June 2014 which maintains this approach at paragraph 129, where it states <i>'Where a contribution is required this should generally be a specified proportion of serviced land within a development site made available for affordable housing'</i> . In regard to the issue of allowing the private sector to be solely responsible for the provision of affordable housing the SG, at paragraph 4.12, allows such flexibility where it states proposals for unsubsidised affordable housing will be considered by the

		<p>this regard no preference should be stated in Supplementary Guidance SG12. All methods of delivering affordable housing should be available to developers therefore allowing local circumstances and market conditions to be taken into account when considering delivery options.</p> <p>Given the economic circumstances and lack of funding for RSLs it is considered critical that SG12 provides the flexibility to allow the private sector to be solely responsible for the provision of affordable housing.</p>	Council.
	Para 5.3	<p>Notwithstanding the content of Section 5.3 of SG12 entitled 'Abnormals', in terms of delivering viable developments, the inclusion of viability statements within Supplementary Guidance 12 is requested. A new section on development viability is proposed by Land Options West.</p>	<p>Comment partially accepted. It is proposed to add the following paragraph after paragraph 5.3. Note this is similar in wording to an existing approved paragraph in SG10 Education and New Housing Development:</p> <p>Proposed modification: after paragraph 5.3 insert new paragraph 5.4 as follows <i>'5.4 It will be for the developer to demonstrate to the Council's satisfaction that other developer contribution requirements, abnormal development costs and/or the prevailing economic circumstances in conjunction with the required affordable housing developer contribution will render the development unviable. These should be set out through a Development Viability Statement which can be tested independently by the District Valuer. The costs will be shared equally between the Council and the applicant. The terms of the Development Viability Statement will be taken into account as a material consideration in determining the planning application.'</i></p>
McCarthy and	Non-specific	McCarthy and Stone makes a number of points	Comment not accepted. The general issue of housing for the

Stone		about provision of housing for a growing elderly population and the difficulties that they as a company have had in making their type of development financially viable in Falkirk. They request that proposals for specialist accommodation for the elderly is exempt from affordable housing requirements	elderly is not a matter for this Supplementary Guidance and is more properly considered under the Housing Need and Demand Assessment (HNDA) process. The preparation of the next HNDA is due to start in 2015. Should a proposal come forward from McCarthy and Stone, in the light of the proposed additional viability paragraph (see above under Land Options West para 5.3) their circumstances will be taken into account during the determination of the application.