



**West Lothian
Council**

COUNCIL EXECUTIVE

**SUPPLEMENTARY PLANNING GUIDANCE : DEVELOPER CONTRIBUTIONS FOR
PROPOSED BLACKRIDGE RAILWAY STATION**

REPORT BY PLANNING SERVICES MANAGER

A. PURPOSE OF REPORT

The purpose of this report is to advise the Council Executive of the consultation responses received in relation to draft Supplementary Planning Guidance (SPG) relating to developer contributions to help recover costs underwritten by the council in providing a new railway station at Blackridge and to secure approval for said SPG. For clarification, costs will be all those costs necessary to deliver the project and make the station operational. A draft SPG has been prepared and is attached as **Appendix 1**.

B. RECOMMENDATION

It is recommended that the Council Executive:

- a) endorses the recommended response to the various representations received; and
- b) approves the content of the SPG appended to this report for implementation with immediate effect.

C. SUMMARY OF IMPLICATIONS

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| I Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The supplementary planning guidance on developer contributions for the proposed Blackridge Station is related to the development strategy contained within the approved Edinburgh and the Lothians Structure Plan 2015 (E&LSP) and the adopted West Lothian Local Plan 2009 (WLLP). The guidance will support the development management and development plan processes. |

Under the terms of the Environmental Assessment (Scotland) Act 2005 the potential environmental effects of this SPG have been considered ("pre-screened") and it has been concluded that because the SPG is not setting a new framework but is instead supplementing and providing further guidance on existing policies, it will result in minimal or no environmental effects.

II Resources - (Financial, Staffing and Property)

The policy will, over time, generate developer contributions, which will reimburse the council for expenditure incurred in forward funding the development of the new railway station.

IV Consultations

The draft SPG was considered by the Development and Transport PDSP on 11 June 2009.

The PDSP was generally satisfied with the contents of the SPG and endorsed the commencement of a consultation exercise.

Transportation had previously been consulted and had been closely involved in drafting the principles of this SPG. Further internal consultations have since been undertaken with colleagues in Legal Services, Finance, Economic Development and Property Management.

A list of external consultees is copied as **Appendix 2**.

D. TERMS OF REPORT

Introduction

A key function of the local plan is to provide a policy context for the determination of planning applications. However, the local plan does not attempt to be a complete manual of development management practices or a detailed implementation guide. The council has, instead, prepared Supplementary Planning Guidance (SPG) that it applies in determining planning applications.

Background

A new rail station at Blackridge is being delivered in parallel with the £312 million Airdrie to Bathgate rail project, now nearing completion. The total cost of providing the station, access road and park and ride facility is in the region of £4 million.

The station is intended to address the cumulative transport impacts of new development on Blackridge and its environs, providing better transport links and stimulating other social, economic and environmental benefits.

It is being built on the north side of the railway line, south of the A89 and approximately 0.7 km east of Westcraigs Library/Community Centre. A planning application in respect of these works, reference 0148/FUL/09, was approved in May 2009 and the works are now nearing completion with the opening of the station scheduled to take place in December in parallel with the re-opening of the railway line.

The Edinburgh & Lothians Structure Plan 2015 (E&LSP) states that the responsibility for providing infrastructure and services to support major development allocations will be borne in most part by the development if funding from other sources cannot be secured, i.e. to overcome obstacles to the granting of planning permission. Policy HOU 5 of the structure plan states that planning permission should not be granted for housing development until all relevant infrastructure is provided or its funding committed.

The West Lothian Local Plan (WLLP) proposes several new housing allocations in Blackridge to meet the requirements of the E&LSP. These are expected to yield in the region of five hundred new homes. Additionally, there will inevitably be some "windfall" development during the plan period.

The council had been in advanced negotiation with Manorlane, the prospective developers of local plan site HBr8 and the land immediately adjoining this site to the east, to secure a package of financial contributions by way of a Section 75 legal agreement. This was expected to contribute £2m towards the delivery of the station. Regrettably, however, Manorlane went into administration in January 2009 and there is now no prospect of this particular agreement being concluded. Agents acting for the administrators have intimated that any previous discussions and understandings which the council had with Manorlane are now an irrelevance.

As a consequence, it became necessary for the council to re-evaluate the delivery mechanism for the new station and has committed to underwriting it, albeit with the intention of recouping its outlay over time from subsequent developers whose sites will benefit most from the station.

The council has sought additional funding from the Scottish Government to remove the need for the costs to be underwritten. However, in response, the Transport Minister, Stewart Stevenson, has indicated that he expects the cost which the council is underwriting to be fully recovered from developer contributions. The Minister's letters confirming this position are appended to this report as **Appendix 3**.

West Lothian Council has made a cash contribution of £536,000 to Network Rail and a further £744,000 in respect of the costs of the car park, a total of £1.28m. The Transportation Manager has, however, since secured £150,000 from Transport Scotland towards the land costs for the station and associated construction works that the council has incurred, thereby reducing this figure to £1.13m. However, a sum of £850,000 has to be added in, being the estimated cost of constructing the new access road and bridge from the A89 and the cost of acquiring the land on which these facilities are constructed.

This amounts to a total cost to the council of £1.98m and is the sum which it is proposed the council should seek to recover.

To set out developer requirements to meet the WLLP allocations and other development proposals that may arise, the SPG has been based on the following principles:

- The developers of local plan site HBr8 shall make a pro-rata contribution towards the costs associated with the delivery of the new railway station based on the site capacity of 228 residential units. This figure derives from the fact that at least 210 units are currently provided for in Appendix 6.1 of the adopted West Lothian Local Plan and takes cognisance of a recent application for planning permission for site HBr8 which envisages the development of 228 units.
- Assuming that the land immediately east of Local Plan site HBr8 is at some point also consented for development, (a committee of the council has previously intimated that it was minded to approve proposals), the developers of this site shall contribute 100% of the costs associated with the construction of the access road serving the station park and ride facilities **and** a pro-rata contribution towards the costs associated with the delivery of the new railway station.
- All new housing developments in Blackridge and within the vicinity of Blackridge (a map has been prepared which defines the precise geographical area, see Appendix 1 of the SPG) will be required to contribute £2,640 per residential unit (plus indexation from April 2010 based on the Building Tender Price Index) towards the costs associated with the delivery of the new railway station.

The only exemptions are those outlined in the SPG, specifically small developments comprising four or less units unless they are clearly part of a phased development of a larger site.

The guidance will be periodically reviewed to ensure the level of contributions remains relevant and takes account of changing circumstances.

Developer contributions will ordinarily be secured by means of Section 69 and Section 75 Agreements concluded between the applicant and the Council, prior to the issue of planning permission.

Consultation

As indicated above, the draft SPG was the subject of discussion at the PDSP at a meeting on 11 June 2009. Members endorsed the document, noting that consultation was still to be undertaken. This report now provides the findings of the consultation exercise and also seeks approval of the SPG itself.

Responses were received from two parties, Ryden's (agents for Manorlane in Administration) and Platform Blackridge, a community organisation.

The Administrators have objected to the fundamental principle of the SPG and query the development plan policy justification for it. Platform Blackridge simply welcomes the fact that the station is being constructed.

The respondents' concerns are summarized in **Appendix 4** and are addressed by officers' comments. For completeness, the original documentation is produced as **Appendix 5**.

Having considered the representations which have been made it is concluded that the SPG is fundamentally robust, and that by any reasonable measure, the council can be seen to be acting responsibly to try and fairly apportion the costs of the development infrastructure associated with the provision of a station and car parking facilities at Blackridge. Suggestions to the contrary are thus refuted.

It is therefore proposed to make only one concession/revision in response to the representations and this relates specifically to the figure assigned to 'notional capacity' of local plan site HBr8 which has a bearing on the calculation of the developer contribution sum.

The originally proposed figure of 260 units was arrived at by supplementing an allocation of 210, identified in the Appendix 6.1 of the WLLP, with an additional 50 units which were thought to be potentially achievable. It is, however, recognised that it would be more equitable for calculations to be based on known capacity figures rather than estimates and it is now intended to amend this figure to accord with the number of dwellings currently proposed on housing site HBr8.

E. CONCLUSION

The SPG sets out a strategy for securing the developer contributions required to help the council recover costs it has incurred in providing a new railway station at Blackridge.

Consultation has been carried out on the terms of draft SPG and some minor changes are now proposed to address comments received.

A copy of the revised SPG is attached to this report (Appendix1), and should be implemented with immediate effect.

F. BACKGROUND REFERENCES

- Edinburgh and the Lothians Structure Plan 2015
- Adopted West Lothian Local Plan 2009
- SODD Circular 12/1996 -"Planning Agreements"
- Scottish Planning Policy
- Reports to Enterprise and Development Committee dated 23 November 2004, 19 April 2005, 22 November 2005, 7 March 2006 and 23 June 2006
- Report to the Development Control Committee 20 June 2007
- Report to the Development and Transport Policy PDSP 11 March 2008
- Report to the Council Executive 10 February 2009
- Report to the Development and Transport Policy PDSP 11 June 2009

Appendices/Attachments: Five

1. Consultative Draft SPG for consultation.
2. List of external consultees.
3. Copy of letters from Stewart Stevenson MSP to WLC regarding underwriting and recouping of station costs (3).
4. Summary of external consultation responses.
5. Copy of external consultation responses (3).

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