

SUPPLEMENTARY PLANNING GUIDANCE (SPG)

DEVELOPER CONTRIBUTIONS TOWARDS THE PROVISION OF A NEW RAILWAY STATION AT BLACKRIDGE

1.0 INTRODUCTION

- 1.1 To support the development strategy of the Edinburgh and the Lothians Structure Plan 2015 (E&LSP) and the adopted West Lothian Local Plan 2009 (WLLP), a new rail station at Blackridge is to be delivered in parallel with the £312 million Airdrie to Bathgate rail project. It has been estimated that the total cost of providing the station, access road and park and ride facility will be in the region of £4 million.
- 1.2 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.
- 1.3 The WLLP identified the need for developers to fund such facilities and the objective of this supplementary planning guidance is to set out an approach for securing developer contributions. Where the provision of the new railway station is considered to address the transport impacts of development, that development should make an appropriate contribution towards the construction of the station (and the associated public realm). For the avoidance of doubt, commissioning costs will be those costs necessary to deliver a 'turn key' project and make the station operational.

2.0 LEGISLATIVE AND POLICY CONTEXT

National Guidance

- 2.1 The 'transport subject policy' of the consolidated SPP states that the planning system should support a pattern of development which reduces the need to travel and facilitates travel by public transport. Moreover, the intended approach to developer contributions linked to the transport implications of a proposed development should be set out in the development plan.

The 'transport subject policy' supports using supplementary guidance but only after it has been formally agreed by the planning authority following consideration of comments and representations on the draft.

- 2.2 SPP1 gives support (Paragraph 41) for using supplementary planning guidance to set out such requirements for development contributions where there is a need for an urgent policy response to an emerging issue or if the level of detail is inappropriate for inclusion within the development plan.

- 2.3 Scottish Government Circular 1/2010 indicates that such contributions can only be sought where they are required in order for the development to proceed and where the contribution concerned is related in scale and kind to the proposed development.

Structure Plan

- 2.4 The E&LSP states in paragraph 5.9, "Rail services also have an important role, especially for travel to Edinburgh City Centre. The structure plan transport investment package and the wider SESTRAN package will make more intensive use of the existing rail network."
- 2.5 Policy TRAN 5 requires local plans to include policies to ensure that new development, among other things, encourages travel by public transport and contributes to the cost of related transport improvements, and gives particular attention to ensuring accessibility by public transport from disadvantaged areas. Policy TRAN 2 requires local plans to select locations for major travel generating developments that are highly accessible by public transport, or that will be made highly accessible by transport investment which will be delivered in phase with the development.
- 2.6 Developer contributions are identified (paragraph 8.7) as an additional source to provide funding to deliver transport infrastructure projects.
- 2.7 At paragraph 8.10, the E&LSP states that the responsibility for providing infrastructure and services to support the major development allocations will be borne in most part by the development if funding from other sources cannot be secured, ie to overcome obstacles to the granting of planning permission.
- 2.8 Structure plan policy HOU 5 makes it clear that the required improvements to infrastructure must be provided or committed to enable development to proceed.

Local Plan

- 2.9 Policy TRAN 22 of the WLLP supports the re-opening of the former Bathgate – Airdrie rail line and the development of three new stations with associated park and ride facilities at Bathgate, Armadale and Blackridge.
- 2.10 Policy TRAN 3 requires developers to provide, or contribute towards, the provision of travel improvements including traffic and environmental management measures, road network improvements and measures to promote trips by public transport where these would be justified as a result of new development or redevelopment.
- 2.11 Appendix 6.1 of the WLLP specifically identifies housing site HBr8 as having a capacity for some 210 houses and requires that land is safeguarded for a station and a park and ride facility.

3.0 SECURING THE DEVELOPER CONTRIBUTIONS

- 3.1 Developer contributions may be secured by means of Agreements concluded between the applicant and the council under Section 75 of the Town and Country Planning (Scotland) Act 1997 or Section 69 of the Local Government (Scotland) Act 1973, prior to the issue of planning permission.
- 3.2 In some cases, where relatively small sums of money are involved, it may be possible to avoid formal agreements and for the council to collect contributions on the basis of an exchange of letters prior to planning permission being granted.

4.0 SCOPE OF GUIDANCE

- 4.1 This guidance applies to **all** new residential developments in Blackridge and within the vicinity of Blackridge (a map defining the precise geographical area is attached and is referenced as **Appendix 2**).
- 4.2 The only exemptions will be small developments comprising **four or less** units, unless they are clearly part of a phased development of a larger site. In such cases the council will seek to agree appropriate sums with the applicant.
- 4.3 Where outline consent has already been **granted**, without any requirement to contribute to the new railway station, a reserved matters application pursuant to that outline will not in normal circumstances be expected to provide a new contribution. However, any new outline or detailed application will be expected to comply with the terms of this SPG.

Scheme Principles

- 4.4 All residential developments shall make an appropriate contribution towards the construction costs of the new station and associated ancillary access works to ensure the necessary transport infrastructure is in place to take account of the impacts of these new developments. Contributions will be sought, where they are required, in an appropriate, transparent and equitable manner.
- 4.5 Such contributions shall be used to reimburse the council for all legitimate expenditure associated with the new railway station and improvements to existing or new public spaces or circulation routes where these will help to integrate the station or facilitate movement between new developments.
- 4.6 Contributions will be required as follows: (A detailed explanation of how these contributions have been calculated is set out in **Appendix 1**).
- The developers of local plan site HBr8 shall be required to make a pro-rata contribution towards the costs associated with the delivery of the new railway station based on the site capacity, notionally 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 has taken cognisance of a recent application for planning permission for site HBr8 for 228 units.
 - Assuming that the land immediately east of Local Plan site HBr8 is at some point also consented to for development, 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) will be required to contribute **£2,457** 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.
- 4.7 These specific contributions should be considered as being additional to any other contribution required in relation to the development to cover improvements to the road network or traffic management.

These could include provision for pedestrian and cycle facilities, infrastructure creating accessibility improvements to public transport or other road based improvements required as a direct result of the development. Where a Transport Assessment has been prepared, this should provide a basis for addressing the transport impacts in a holistic manner, and set out the basis of the relationship between railway station contributions and any other transport contributions.

- 4.8 At the time of adopting this SPG, the economic downturn continues to have a debilitating effect on land values, house completion rates and house sales and the Council is consequently prepared to consider more flexible terms for the payment of developer contributions towards the provision of the new station.
- 4.9 Depending on the particular circumstances of a proposed residential development, the Council may, on application, agree for payments to be made at a later stage in the development process than would otherwise be considered appropriate, for example once houses have been sold, albeit subject to indexation as described above.
- 4.10 This SPG will continue to apply in relation to development within the geographical area taking place after the new station becomes a fully committed project and after the station becomes operational. The council has underwritten approximately £2m of the construction costs of the new station and intends to recover this amount through developer contributions.

Audit and Review Procedures

- 4.11 The developer contributions will be held in accounts ring fenced for new station and the ancillary access works. These accounts will be managed by West Lothian Council. Developers contributing under this planning guidance will be entitled to inspect these accounts by giving 20 working days notice in writing.
- 4.12 This guidance will be reviewed and updated periodically to ensure that the level of contribution being required of developers remains relevant and takes account of changing circumstances. This will include updating contributions to take account of the BCIS All-in Tender Price Index.
- 4.13 The council, upon recouping all costs associated with the construction of the new station, will no longer apply this SPG in relation to future development proposals.

5.0 FURTHER INFORMATION

- 5.1 For further information or advice on this guidance and its application, please contact:

For all planning enquiries:

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Appendix 1

AN EXPLANATION OF HOW FINANCIAL CONTRIBUTIONS HAVE BEEN DERIVED

EXPENDITURE	
NEW ACCESS ROAD AND BRIDGE	NEW RAIL STATION
New access road and bridge £850,000	WLC cash contribution £536,000 Car park costs £744,000 Transport Scotland credit - £150,000
	Total £1,130,000
Total costs to be recovered from developers £1,980,000	

WORKING OUT THE CONTRIBUTIONS

- The developers of local plan site HBr8 shall make a pro-rata contribution (**X**) towards the costs associated with the delivery of the new railway station based on the notional site capacity of 228 residential units.
- The developers of the land immediately east of local plan site HBr8 shall contribute 100% of the costs associated with the construction of the access road serving the station park and ride facilities (£850,000) **plus** a pro-rata contribution (**X**) towards the costs associated with the delivery of the new railway station.

(X) is calculated by subtracting the cost of the access road serving the station park and ride facilities (£850,000) from the total costs to be recovered (£1,980,000) and dividing the resultant sum of £1,130,00 by 460.

The figure of **460** is obtained as follows:

Capacity of site HBr8 (as determined by planning application)	228 units
Notional capacity of adjacent site	200 units
Notional windfall element	32 units
Total	460 units

(X) is therefore $£1,130,000 \div 460 = \mathbf{£2,457}$