



COUNCIL EXECUTIVE

**SUPPLEMENTARY PLANNING GUIDANCE - DEVELOPER CONTRIBUTIONS FOR
WHITBURN ACADEMY**

REPORT BY PLANNING SERVICES MANAGER

A. PURPOSE OF REPORT

The purpose of this report is to seek approval for supplementary planning guidance (SPG) on developer contributions for Whitburn Academy.

B. RECOMMENDATION

It is recommended that Council Executive notes the outcome of the consultation on the draft SPG and approves the attached SPG as council policy for implementation with immediate effect.

C. SUMMARY OF IMPLICATIONS

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 implementation of the West Lothian Local Plan (WLLP) will require substantial funding for education infrastructure and substantial developer contributions. It is a key requirement of the WLLP and the approved Edinburgh and the Lothians Structure Plan (E&LSP) that development should not proceed beyond existing infrastructure capacity and that planning permission should not be granted until relevant infrastructure is provided or committed. The relevant structure plan policy is HOU 5.

Policy IMP3 of the WLLP indicates that legal agreements will be required to secure the provision of school extensions.

Policy IMP17 of the WLLP indicates that planning agreements (section 75s) will be entered into where appropriate and that

developer contributions will be sought in accordance with circular 12/1996 - Planning Agreements (this circular has recently been replaced by circular 1/2010).

Developer contributions may also be obtained through section 69 agreements under the Local Government (Scotland) Act 1973.

III Resources - (Financial, Staffing and Property)

The developers of council owned sites will be required to make payments in accordance with the SPG.

IV Consultations

Education, Finance, Legal and Property.

The draft SPG was considered by the Development and Transport PDSP in September 2010 and following this there was a 6 week consultation with interested parties on the draft SPG.

D. TERMS OF REPORT

West Lothian Council adopted the West Lothian Local Plan on 13 January 2009. The plan proposes major housing growth and, as a consequence, a number of new schools and school extensions are required to support the local plan strategy.

The purpose of this SPG is to set out details of developer contribution requirements to fund an extension at Whitburn Academy.

Whitburn Academy has capacity for 1,210 pupils and the school roll is currently well below that level. However, the spare capacity is required to serve committed development within the catchment area (ie. sites which already have planning permission). Much of that capacity will be taken up by the housing to be built at Heartlands (Whitburn).

If further housing development is to be supported in the catchment area, it will be necessary to secure developer contributions so that a fund can be built up which can be used to provide additional school capacity when it is required. The Education Executive noted on 16 June 2008 that an extension to the school would be necessary to support further housing and that SPG would be prepared to secure funds for the extension.

A feasibility study has been carried out to establish how the school can be altered and adapted to have a capacity of 1320 (an increase of 110 spaces). The indicative cost for this project is £1,058,750 based on first quarter 2010 prices. A developer contribution rate of £1,721 will apply until such time as more detailed cost information is available.

Based on current forecasts, it is estimated that the proposed works at Whitburn Academy will not be needed until the Heartlands development is well underway. This gives the council time to secure the contributions necessary to fund the extension. The timing of the extension will be kept under review.

The draft SPG was the subject of consultation with landowners, developers and with other relevant stakeholders over a 6 week period in the autumn of 2010. A summary of the comments received and the proposed council response is set out in Appendix 1. The main points to note are as follows:

- the council should be aware that there are aspirations for further housing development at Heartlands and take this into account in the SPG;
- alternative procurement methods should be explored to reduce costs;
- the approved school roll forecasts do not demonstrate that an extension is needed; and
- greater cost certainty is required.

For the reasons set out in Appendix 1, no changes to the SPG are recommended to reflect comments made. However, the SPG has been updated to include the most up to date school roll forecasts as new forecasts have been approved since the draft SPG was published. The updated forecasts do not have any consequences for the scale of extension required or the level of developer contribution. The updated SPG is attached as Appendix 2.

At Development Management Committee on 15 December 2010, it was agreed that officers would take forward a report to the Development and Transport PDSP to examine and review developer contributions, particularly in relation to one bedroom properties. Depending on the outcome of this review, there may be a need to review contribution rates for Whitburn Academy later in the year.

E. CONCLUSION

The attached SPG sets out a strategy for securing the developer contributions required to provide new education infrastructure which will support housing growth in West Lothian.

It is recommended that Council Executive approves the SPG as council policy. A review of the contribution rate may be required later this year.

F. BACKGROUND REFERENCES

Edinburgh and the Lothians Structure Plan 2015.

West Lothian Local Plan.

SG Circular 1/2010 - Planning Agreements.

Report to Education Executive on 16 June 2008 - Education Strategy to support the West Lothian Local Plan including pre-adoption modifications

Appendices/Attachments: Two

Contact Person: Colin Miller, Development Planning Manager, 01506 775216

Email: colin.miller@westlothian.gov.uk

Craig McCorrison, Planning Services Manager

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