



COUNCIL EXECUTIVE

**SUPPLEMENTARY PLANNING GUIDANCE - DEVELOPER CONTRIBUTIONS FOR
PRIMARY SCHOOL INFRASTRUCTURE IN ARMADALE**

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 primary school infrastructure in Armadale.

B. RECOMMENDATION

It is recommended that Council Executive notes the outcome of 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 new schools and 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contributions will be sought in accordance with circular 12/1996 - Planning Agreements (this circular has recently been replaced by circular 1/2010).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)

A council site may require to be used for one of the proposed primary schools.

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

IV Consultations

Education, Finance and Estates, Legal.

The draft SPG was considered by the Development and Transport PDSP on 9 September 2010 and, following this, there was a six week consultation with interested parties on the draft SPG.

As part of the consultation on the SPG, a meeting of the Armadale CDA Developers Forum took place on 30 September so that there was an opportunity for developers to seek clarification on any aspect of the 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 education infrastructure projects which will be required to support the implementation of the plan and to provide guidance on developer contributions.

The SPG makes it clear that major developer contributions will be necessary to fund the education infrastructure which is required to support the local plan strategy. The proposed contribution rate for denominational primary school provision is £2,971 per residential unit based on first quarter 2010 prices. This is slightly lower than the £3,107 rate quoted in the draft SPG. The proposed contribution rate for non-denominational primary school provision is £6,774 based on first quarter 2010 prices. This is slightly lower than the £6,943 rate quoted in the draft SPG. The exemptions which are set out in paragraph 5.1 of the SPG are similar to the exemptions which are included in the approved SPG for denominational secondary school infrastructure.

A flexible approach is required. In terms of the timing of when projects are delivered, three scenarios are outlined in Appendix 1 of the SPG. Once the works are completed at St. Anthony's Primary School and at Armadale Primary School, the council will carry out a review to decide where resources should be targeted best to support the implementation of the development plan.

The draft SPG was the subject of consultation with landowners, developers and other relevant stakeholders over a six 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 are as follows:

- alternative procurement methods should be explored to reduce costs;
- greater cost certainty is required;
- it needs to be demonstrated that all of the additional infrastructure is required to cater for the demand arising from sites that have yet to receive planning permission;
- financial viability of a development should be taken into account in deciding the level of contribution; and
- the SPG does not satisfy the test in circular 1/2010 on planning agreements.

Since the draft SPG was published, the scope of works at Armadale Primary School has been reviewed by Construction Services and updated school forecasts have been approved by Education Executive. Both have implications for the SPG and, as a consequence, some changes to the SPG are proposed.

Firstly, the budget cost for the works at Armadale Primary School has been reduced from £1,270,000 to £913,000 as a result of the footprint of the proposed extension being reduced.

Secondly, the updated school forecasts show that a small proportion of the new infrastructure is required to support existing housing sites that already have the benefit of planning permission. As a consequence, it is not reasonable to expect developers to fully fund the proposed education infrastructure set out in the SPG. To address a shortfall of 12 pupil places, it will be necessary for the council to fund a proportion of the works at St. Anthony's Primary School.

The cost of the works at St. Anthony's Primary School is estimated at £180,000 and will the alteration and extension will provide additional capacity for 17 pupils. As the shortfall is 12 pupil places, 70% of the additional spaces will be required to cater for demand arising from existing planning permissions. Developers will therefore expect the council to pay 70% of the total estimated cost of the works (ie. £126,000).

A separate report on this agenda by The Head of Planning and Economic Development and The Head of Finance and Estates seeks approval to allocate funds to this project.

For the reasons set out in Appendix 1 of this report, no other changes to the SPG are proposed to address specific matters raised by consultees. The only other material changes which are proposed to the SPG are as follows:

- to include the most up to date school roll forecasts in the SPG; and
- to alter the anticipated timing of the provision of the new infrastructure to reflect a more pessimistic view on the rate of house building.

The revised SPG is attached as Appendix 2.

At Development Management Committee on 15 December 2010, it was agreed that officers would take forward a proposal 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 primary school infrastructure in Armadale later this year.

E. CONCLUSION

The 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 rates 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 Development and Transport PDSP 9 October 2008 - The Effect of the Credit Crunch on the West Lothian Local Plan.

Report to Council Executive on 19 May 2009 - Local Infrastructure Fund.

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

Appendices/Attachments: Two

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Date: 22 March 2011