

# SPGD

supplementary planning guidance

## CDA developer contributions for town and village centre improvements



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## **Supplementary planning guidance**

### **CDA DEVELOPER CONTRIBUTIONS FOR TOWN AND VILLAGE CENTRE IMPROVEMENTS**

#### **Introduction**

1.1 The finalised West Lothian Local Plan 2005 (WLLP) supports a sustained level of growth with up to 25,000 new houses being planned for. Up to 12,000 of these new houses will be located in the three Core Development Areas (CDAs) identified for West Lothian in the Edinburgh and the Lothians Structure Plan 2015 (E&LSP). The CDAs are Armadale; Livingston and the Almond Valley; and Winchburgh/East Broxburn/Uphall.

1.2 The preferred strategy for the CDAs in the WLLP proposes 2000 houses at Armadale; 2200 houses at West Livingston/Mossend; 2800 houses at Calderwood; 1550 houses at East Broxburn; and 3450 houses at Winchburgh.

1.3 The scale of development planned for these CDAs will result in demand for additional facilities and improved town and village centres within the communities close to where the major housing growth is taking place. The WLLP acknowledges this and requires CDA developers to contribute towards town and village centre improvements.

1.4 This supplementary planning guidance sets out how the council envisages that CDA developers will contribute towards town and village centre improvements. Two options are identified: implementation of a package of proposals identified by the CDA developer and agreed with the council; or financial contribution by the CDA developer to a town and village centre improvement fund to be set up and administered by the council.

#### **Policy and legislative context**

2.1 Scottish Executive guidance on town centres is set out in National Planning Policy Guideline 8 Town Centres and Retailing (NPPG8). The Executive is currently reviewing its guidance for town centres and has published draft Scottish Planning Policy 8 Town Centres (SPP8). Both documents promote town centres as the vibrant, thriving focus for communities; places where a range of commercial and community activities take place and where the mix of interdependent land uses create a sense of place and identity. The Executive's key objectives for town centres are to:

- promote competitive places and encourage regeneration;
- create access to a range of shopping, leisure and other services;
- improve the physical quality of town centre environments; and
- support development in existing accessible locations.

2.2 Draft SPP8 identifies the policy principles which should be implemented through development plans and encourages local authorities to tailor their approach to meet particular local circumstances and community needs. Actions to support improvements in town centres and to create successful places are encouraged with improvements ranging from small scale public realm works to assembly of development sites which aid regeneration.

2.3 Fundamental to the strategy in the E&LSP is the principle that the development of housing land should not proceed beyond the existing infrastructure capacity of each site until the required improvements are provided or committed. This principle is established in Policy HOU 5. In addition to the requirements in Policy HOU 5, it is made clear in Policy HOU 6 that contributions will be required from housing developers to remedy any deficiencies in local facilities and amenities, which result from the additional housing. Paragraph 3.21 of the E&LSP specifically mentions that developer contributions for town centre improvements might be required in some cases.

2.4 The council has concluded that town and village centre improvements will be necessary to support CDA housing proposals in West Lothian. The council will secure developer contributions for town and village centre improvements through section 75 agreements. Section 75 of the Town and Country Planning (Scotland) Act 1997 allows planning authorities to secure developer contributions through the use of planning agreements to overcome obstacles to the granting of planning permission.

2.5 The Scottish Office Development Department (SODD) circular 12/1996 sets out current guidance on planning agreements. The criteria to be satisfied are that the agreement must:

- serve a planning purpose;
- be related to the development being proposed;
- be related in scale and kind to the proposed development; and
- be reasonable.

2.6 The council will take account of this circular in all negotiations with developers on contributions for town and village centre improvements.

### **WLLP requirements for town and village centre improvements**

3.1 The finalised WLLP sets out the development strategy for West Lothian. To satisfy the requirements of the E&LSP, the council has identified three CDAs to be the main focus of development up to 2015 (the end of the current structure plan period) and beyond.

3.2 In accordance with the E&LSP, Policy CDA 2 of the WLLP requires contributions from the CDA developers to remedy deficiencies in local facilities which result from their proposed developments. Anticipated requirements are set out in the CDA Action Plan and include contributions from all CDA developers towards town centre improvements in the adjacent/host communities of Armadale, Broxburn, East Calder, Polbeth, West Calder and Winchburgh.

3.3 To be clear about which developers will contribute to improvements in specific towns and villages, the following principles will apply:

- Armadale CDA developers will contribute only towards improvements in Armadale town centre;
- Winchburgh CDA developers will contribute only towards improvements in the existing village centre of Winchburgh;

- Broxburn CDA developers will contribute only towards improvements in Broxburn town centre;
- West Livingston/Mossend CDA developers will contribute only towards improvements in the village centres of West Calder and Polbeth; and
- Calderwood CDA developers will contribute only towards improvements in the existing village centre in East Calder.

3.4 For the avoidance of doubt, developer contributions for town centre improvements will be in addition to other developer contributions required by the finalised WLLP.

### **Options available for CDA developer contributions**

#### ***Implementation of a package of proposals by CDA developer***

4.1 It will be acceptable for CDA developers to be pro-active and identify a package of proposals which they wish to implement themselves to improve town and village centres in adjacent/host communities. This option may be attractive to some developers because, depending on the nature of the works carried out, they may be able to obtain a return on their investment.

4.2 Where the CDA developer wishes to be pro-active and implement a package of proposals, the approval process for the package of proposals will be as follows:

*Step one* The CDA developer will carry out local consultation to assist with identifying deficiencies and desired improvements.

*Step two* The CDA developer will present the council with a report which identifies the improvements which the developer wishes to carry out and sets out a timescale for the implementation of the works. Deliverability will be essential so the report should demonstrate that there are no known constraints which would prevent the works being implemented.

*Step three* The council will carry out local consultation on the CDA developer's proposals.

*Step four* If necessary, negotiation between the council and the CDA developer will take place and the package of proposals will be adjusted if required. The council will carry out further consultation if the package of proposals has changed materially.

*Step five* Once the council's Development Control and Building Standards Manager is satisfied that the package of proposals is acceptable, committee approval will be sought.

**Note:** In many cases, planning permission will be necessary for the improvement works which are proposed. This will be a separate process to the process described above. Approval in principle of the package of town and village centre improvements will not commit the council to grant planning permission for any specific proposal. All planning applications will be determined having regard to the development plan and to material considerations.

4.3 The list below provides some guidance on the type of works that could be included in the package of proposals for town and village centre improvements:

- redevelopment of gap sites for private housing, affordable housing or other appropriate town centre uses;
- townscape enhancement;
- refurbishment of derelict buildings and land (including CPO);
- landscape improvements;
- upgrading of footpaths;
- car park improvements;

4.4 It is anticipated that works may be phased over a period of time. The phasing arrangements and will be set out in a section 75 agreement.

***Financial contribution by CDA developer to a town and village centre improvement fund***

4.5 As an alternative to carrying out town and village centre improvements themselves, CDA developers may prefer to contribute to a town and village centre improvement fund to be set up and administered by the council. In such cases, a standard charge of £250 per residential unit (plus indexation - see below) would apply. The scale of contributions is indicative and should be considered as a guideline. It is recognised that town centres may be just one consideration for contribution that will have to be balanced against others in any case. Each proposal will have different impacts and will be considered on a case specific basis. Phasing of contributions will be acceptable with the arrangements being set out in section 75 agreements. There will also be a requirement in the section 75 agreements that any money not spend within an agreed timescale should be returned to the CDA developer.

4.6 The list below gives some guidance on the type of improvements that the council may carry out using the funds received from developers:

- landscape works including the provision and maintenance of public space;
- street furniture and lighting;
- townscape enhancement;
- litter management and recycling (excluding general street cleaning activities);
- crime prevention measures e.g. CCTV;
- improved public transport facilities;
- signage and information;
- promotion and marketing;
- car parking improvements and management;
- town and village centre studies;

- site assembly/site servicing (including CPO);and
- traffic calming/traffic management.

**Note:** The standard charge rate of £250 per residential unit is based on first quarter 2006 prices. Actual payments will be index linked to the increases indicated in the RICS Building Cost Information Service Tender Price Index using the first quarter 2006 as the base date.

### **Working in partnership**

5.1 The Finalised West Lothian Local Plan 2005 aims to improve the physical environment of existing centres, through the council integrating its own programmes of action with those of agencies, developers, traders and local communities with whom it works in partnership. The council will, therefore, explore opportunities to secure other funding and work in partnership with others to maximise new investment. It is anticipated that the improvements secured through this developer contribution policy will act as a catalyst for attracting further investment.

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