

SPG

supplementary planning guidance

Developer contributions towards cemetery provision



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Supplementary planning guidance

DEVELOPER CONTRIBUTIONS TOWARDS NEW CEMETERY PROVISION IN WEST LoTHIAN

Introduction

1.1 Several cemeteries in West Lothian are nearing capacity in the immediate future. There will be a requirement to replace or expand these facilities to cope with the expanding population generated by the substantial residential development planned for the district over the coming decades.

1.2 The approved structure plan requires a minimum of 7,000 houses in West Lothian over the structure plan period to 2015. The West Lothian Local Plan (January 2009) allocates land for up to 12,000 houses to be met in three Core Development Areas. Along with other housing sites allocated in the local plan, the total housing land supply in West Lothian is over 25,000 houses.

1.3 A requirement for a financial contribution from developers to the provision of cemetery facilities has been identified in local plan policy COM 9a which states:

“The council will require financial contributions to the provision of new cemeteries. A supplementary guidance paper on the level of developer contributions towards cemetery provision has been prepared by the council”.

1.4 This new supplementary planning guidance note:

- explains the reasons why new or expanded cemeteries are necessary;
- identifies where these cemeteries are needed; and
- sets out the council’s policy for securing developer contributions towards the costs of establishing these new or expanded cemeteries.

1.5 Since 16 June 2008, a draft Supplementary Planning Guidance (SPG) requiring contributions of £35 per residential unit has been taken into account in the determination of all planning applications for housing. Consultation on the draft SPG was carried out with relevant parties, and following publication of the Inquiry Reporters’ report on objections to the Finalised West Lothian Local Plan, the council began to secure developer contributions towards cemetery provision.

1.6 The draft policy has now been updated to take on board comments made in the PLI report and those submitted by interested parties to earlier consultation. This new policy will take effect from 19 May 2009, the date it was approved by Council Executive. The policy will be further revised as circumstances change. Factors which could lead to the policy being reviewed include:

- the availability of updated information on costs for land acquisition and establishment of new or expanded cemeteries; and
- changes in the housing land supply.

Legislative and policy context

2.1 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.

2.2 Scottish Office Development Department (SODD) circular 12/1996 sets out the current policy 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.

Development Plan

2.3 Policy HOU6 of the approved Edinburgh and the Lothians Structure Plan 2015 requires that, in addition to the requirements of policy HOU5 related to provision of infrastructure, contributions will be required from housing developers to remedy any deficiencies in local facilities and amenities which result from additional housing. The structure plan requires local plans to set out the potential deficiencies relating to particular communities.

2.4 The West Lothian Local Plan 2009 sets out the development strategy for West Lothian. In accordance with the structure plan, the council has identified three Core Development Areas (CDAs) to be the main focus of development up to 2015 (the end of the current structure plan period) and beyond. The CDAs are located at Armadale (2,000 houses) Livingston and Almond Valley (5,000 houses) and Winchburgh/East Broxburn/ Uphall (5,000 houses).

2.5 The local plan chapter relating to CDAs indicates that new cemeteries will be needed at Armadale, Winchburgh and East Calder. There are *generic requirements* for local facilities and amenities relating to all CDA housing proposals that include, among others, "... land for community facilities".



2.6 In addition, the local plan identifies sites for cemetery provision at the following locations:

- Armadale, Woodbank – eastern extension of existing cemetery;
- Bathgate, Boghead – southern extension of existing cemetery;
- Broxburn/Uphall, Loaninghill – eastern extension of existing cemetery;
- Livingston, Adambrae – northeast extension of existing cemetery;

- Whitburn, Blaeberryhill Road – southern extension of existing cemetery; and
- Winchburgh – southern extension of existing cemetery.

2.7 Although the local plan makes no land reservation, it recognises the emerging shortfall in provision at East Calder, Fauldhouse and West Calder and the need at some point in the future to address this.

2.8 The CDA action plan, listing individual *settlement requirements* in Appendix 7.1 of the local plan, establishes the following local facilities and amenity requirements for these settlements:

Land requirements

a) Armadale

2.9 There is a need for land for a new cemetery for Armadale. As there is suitable land adjacent to the existing cemetery at Woodbank, lying on the northern outskirts of the town, and safeguarded in the West Lothian Local Plan, there is no specific requirement to provide a new cemetery within the allocated mixed-use areas which form the Armadale CDA. However, a contribution from developers towards providing the new cemetery extension at Woodbank will be required. Extension to Woodbank cemetery will make better operational sense in conjunction with the existing cemetery provision and will not impact or reduce the CDA allocations for mixed-use developments.



b) Winchburgh

2.10 There is a need for a cemetery extension as the current size of the village will expand significantly. As the best placed site is to the south of the current cemetery off Niddry Road, in the ownership of the council and in a land-locked position, this will only entail a financial contribution towards the establishment of this cemetery.

c) East Calder

2.11 In terms of local facilities and amenities for the East Calder and Calderwood area, there is a need for land for a new cemetery for East Calder. This new site can also serve for the Mid Calder area where, for operational and site specific reasons, it is difficult to expand the current cemetery.

2.12 The site for the proposed new cemetery at East Calder will be determined through the required master plan for the Calderwood CDA. A site of 10 acres is required and the land must be safeguarded in the master plan.

Other cemetery requirements

2.13 Recent re-assessment of the burial capacity at other West Lothian cemeteries reveals that there is now a pressing short-term need for cemetery expansion or replacement at Fauldhouse and West Calder given the planned housing in and around these areas. Sites have yet to be finalised but work is progressing on this. The need for cemeteries at Fauldhouse and West Calder has been identified in the West Lothian Local Plan.

Existing cemetery provision

3.1 There are 29 burial grounds in West Lothian reflecting the dispersed settlement pattern of the area. However, 16 of these have no new lair space and there are no available expansion options.

3.2 There remains capacity at the main West Lothian cemeteries of Bathgate (Boghead); Kirknewton; Linlithgow (Kingscavil); Livingston (Adambrae); Uphall (Loaninghill), Whitburn (Blaeberryhill) and Winchburgh for periods of time ranging from 20 to 50 years.

3.3 However, there are a number of cemeteries that are reaching capacity. Where this is the case there is an immediate need to develop and adopt strategies to secure sufficient burial provision for the period covered by the West Lothian Local Plan to allow the council to meet its statutory requirements. These cemeteries are as follows:

Cemetery	Expected to reach capacity	Estimated capital cost or replacement or extension
Armadale	2008	£600,000
East Calder	2009	£900,000
Fauldhouse	2011 / 12	£900,000
Mid Calder	20010 / 11	n/a
West Calder	20010 / 11	£900,000
		£3,300,000



Providing additional cemetery capacity

4.1 The CDA areas can be served by developer contributions to new cemetery provision at Armadale, East Calder and West Calder.

4.2 At Armadale there are no new lairs left. It will require a cemetery extension to cater for current demand and to cover the strategic provision for Armadale, Westfield, Blackridge and other outlying areas.

4.3. At Mid Calder there have been three previous extensions to the cemetery and there are site specific and operational reasons why it cannot be extended further. In the short term, the current restriction on lair sales policy needs to be continued. In the medium to longer term, it can be served by a new cemetery at nearby East Calder.

4.4 However, there is an additional need for the west of West Lothian and some of the Breich Valley villages that will be covered by provision of new cemeteries at Fauldhouse and West Calder.

Funding the provision of new cemeteries

5.1 Forward planning for community facilities such as cemeteries needs to progress to meet the requirements set out in the development plan strategy of the Edinburgh and the Lothians Structure Plan and the West Lothian Local Plan.

5.2 Limited funding is available to the council to acquire, establish, landscape and service new cemeteries with car parking and site accommodation. The council intends to forward fund these new cemeteries and collect developer contributions over time in respect of the provision made.

5.3 The council's Community Safety Committee in June 2006 considered and approved a report on future cemetery provision and policy. Of the two options outlined, Option A for localised provision was approved by the committee. This seeks new local cemeteries at East Calder, Fauldhouse and West Calder with a new extension of the cemetery at Armadale.

5.4 A modest amount of funding was allocated to allow for specific ground condition inspections and cost assessments of various site options to establish suitable sites. Studies have been concluded for Fauldhouse, West Calder and the Armadale extension site.

5.5 A site has been allocated in the West Lothian Local Plan at Cousland Wood, Livingston for a crematorium. Planning permission for this development was granted in February 2009. The provision of a crematorium is not a statutory requirement of the council, therefore, the council will not seek any developer financial contribution for the provision of this facility.



5.6 Based on current information and capacity projections for the cemeteries at Armadale, East Calder, Fauldhouse and West Calder, it is expected that these new cemeteries will be partly funded through developer contributions. The council will need to commit capital funding for the element of cemetery provision related to residential development schemes that have already secured permission, but have yet to be implemented.

5.7 For the avoidance of doubt, this developer contribution policy for cemeteries will apply to council owned sites that may be brought forward for residential development, so the council will contribute to these costs in the same way as any other private landowners and developers.

5.8 Taking into account the principles in SODD Circular 12/96 that developer contributions secured through planning agreements should be reasonable in all respects and should reflect the scale of development and the likely impacts it will generate, the approach adopted in this policy is that developer contributions should be based on the likely impact that each development is likely to have on the need for cemetery space.

5.9 There is a degree of choice for people as to which cemetery they may wish to use. Consequently, it is not possible to establish specific “catchment” areas related to cemetery provision for specific settlements. A more strategic response to cemetery provision across West Lothian is required. Hence, a standard charge will apply to all new housing across the area to allow the service to be provided to all main communities.

Cost of cemeteries

5.10 The precise cost of acquiring, servicing and laying out the various cemeteries has yet to be established. This can only be established once a site is identified and acquired and a brief is prepared for individual cemetery site requirements. This may be different depending on the operational requirements of existing cemeteries. The council’s Land Services, Property Services and Development Planning units have started the site investigation process. Thereafter, there may be a need to consider compulsory purchase orders for appropriate land outwith the CDA areas.

5.11 The council’s Land Services and Construction Services (Surveying Manager) advise that the indicative total cost for provision of the four cemeteries at Armadale, East Calder, Fauldhouse and West Calder is £3,300,000 (based on provision of the Kingscavil Cemetery at Linlithgow and first quarter 2006 prices). This cost will be used for determining the level of developer contributions.



5.12 Based on this indicative overall cost, developer contributions of £35 per house have been established (see Appendix A for housing land supply and the methodology for calculating the level of developer contribution).

5.13 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 rates as a base date. The levels of contribution will be reviewed at regular intervals to take account of changed circumstances.

Exemptions

6.1 The only circumstances where developers will be exempt from this policy will be sites where planning permission has been granted prior to the date of Council Executive approval (unless it is proposed to increase the number of houses on the site when a contribution will be required based on the increase in the number of units).

Forward funding

7.1 Subject to appropriate land being identified and secured, it is estimated that these cemeteries will be in place by 2009/11 or thereafter. Depending on the progression of the master plan for Calderwood, however, these community facilities will need to be provided in the earlier part of the CDA process and, as such, will need to be forward funded by the council.

Securing developer contributions

8.1 Developer contributions may be secured by a Section 75 agreement concluded between the council and the applicant before the release of a planning permission.

8.2 However, in most cases where a relatively small financial contribution in relation to the overall development cost is involved, it may be possible to reduce the time and expense of concluding a legally binding formal Section 75 agreement. The council could collect the contribution through the exchanges of letters prior to the planning permission being released or through a section 69 Agreement.

8.3 The council will cease collecting contributions once it has recovered 15.5% of the total costs of providing the new cemeteries referred to in the SPG.

Further Information

For further information or specific advice please contact:

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APPENDIX A

Potential land supply (December 2008 – West Lothian Local Plan (2009))

Established housing land supply in West Lothian	8,475
Other sites with planning support in West Lothian	205
Indicative units within new allocations in West Lothian	2,776
Estimated number of units in CDA	12,000
Potential land supply (at December 2008)	23,465
Existing housing stock	72,981
Houses with planning permission	8,769
	81,750
Houses without planning permission	14,687
Total	96,437

Estimated cost of local cemetery provision £3,300,000 (First quarter 2006)

Therefore based on houses without permission (14,687) divided by total houses (96,437), multiplied by the cost of the cemeteries (£3.3M) and divided by the remaining houses (14,687) derives the cost contribution per house = £34.2.

For the purposes of this policy, this figure has been rounded to a contribution of £35 per house (including flats).

(NB: this would see a council contribution of c. £2.85m on the existing housing stock and sites already with planning permission, and developer contributions of just over £511,500 on the remaining housing allocations).

For a typical 50 unit development the financial contribution would be £1,750 (plus indexation).

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