



**COUNCIL EXECUTIVE**

**PROPOSED INTERIM CHANGES TO SUPPLEMENTARY PLANNING GUIDANCE**

**REPORT BY PLANNING SERVICES MANAGER**

**A. PURPOSE OF REPORT**

The purpose of this report is to seek approval for proposed changes to existing supplementary planning guidance (SPG).

**B. RECOMMENDATION**

It is recommended that the Council Executive:

1. approves changes to the exemptions in the denominational secondary school SPG;
2. approves changes to the exemptions in the replacement Armadale Academy SPG;
3. agrees to suspend requests for developer contributions for travel co-ordinator SPG for a two year period;
4. approves changes to the way that contributions are sought in implementing the SPG on professional services; and
5. notes the outcome of consultation in relation to the aforementioned SPG.

Members are also asked to note that a wider review of SPG is being undertaken and that officers will report on this in due course.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

Focusing on our customer's needs;  
being honest, open and accountable;  
making best use of our resources;  
working in partnership.

**II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

SPG on developer contributions is closely linked to the development strategy contained within the approved Edinburgh and the Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (November 2008). Legal agreements will be required to secure contributions.

**III Resources - (Financial, Staffing and Property)**

The changes to SPG will apply to council owned land and will thus affect the value of future capital receipts.

Suspending contributions for a travel co-ordinator will result in reduced contributions.

**IV Consultations**

Education, Transportation, Finance, Legal.

The proposed interim changes to the SPG were considered by the Development and Transport PDSP on 9 October 2008 and members endorsed the proposed changes for consultation. Housebuilders, Registered Social Landlords, Community Councils and other interested parties were consulted over a four week period commencing on 10 October 2008.

**D. TERMS OF REPORT**

The council has approved SPG on various topics to support its development strategy. Several of the SPG set out requirements for developer contributions.

The council has undertaken to monitor all SPG and bring forward proposed changes where circumstances have changed.

It is necessary to consider changes to four SPGs to reflect changed circumstances. The four SPG are:

1. Denominational Secondary School (approved May 2005).
2. Armadale Academy (approved December 2005).
3. Travel Co-ordinator (approved December 2007).
4. Professional Services (approved May 2007).

The changes which are proposed should be regarded as interim changes, pending consideration of a wider ranging review of SPG.

**Education Contributions**

The changes to the Denominational Secondary School and Armadale Academy SPG relate only to the exemptions which apply to developer contributions. At present, sites being developed for less than five residential units are exempt. It is considered that this exemption should be removed so that all developments which have the potential to increase demand for school places contribute to the cost of providing education infrastructure.

New exemptions are proposed for sheltered housing, student housing and other types of housing designed or approved for special population groups which do not include children within the resident's household. In addition, the sub-division of existing residential units will be exempt provided the new residential accommodation would not result in a greater demand for school places.

The changes are necessary to make the SPG fairer and to target more closely developer contributions on the types of development which will increase demand for school places.

The five exemptions which are proposed in both SPG are:

- a) Sites which already have the benefit of planning permission and that permission has not expired (unless it is proposed to increase the number of units, in which case a contribution will be required based on the increase in the number of units).
- b) Sheltered housing, student housing and other types of housing designed or approved for special population groups which do not include children within the resident's household.
- c) Sub-division of existing residential units provided the new residential accommodation would not result in a greater demand for school places. Where the demand for school places would be greater, contributions will be assessed on merit and will be in proportion to the additional demand generated.
- d) Sites where it is proposed to demolish existing residential units and the new residential mix would not result in a greater demand for school places than the residential mix currently on the site. Where the demand for school places would be greater, contributions will be assessed on merit and will be in proportion to the additional demand generated.
- e) Sites where residential units have recently been demolished (i.e. within the last two years) and the number of replacement units does not exceed the number of units previously located on the site and the new residential mix would not result in a greater demand for school places than the residential mix previously on the site. Where the demand for school places would be greater, contributions will be assessed on merit and will be in proportion to the additional demand generated.

Consultation on the existing SPG was carried out before the public local inquiry into the Finalised West Lothian Local Plan commenced. The comments received and proposed responses are set out in Appendices 1 and 2. Some of the issues raised will be addressed in the more wide ranging review of the SPG which is to take place.

Consultation on the proposed interim changes have been carried out and the outcome of the consultation is summarised in Appendix 3. A response to each comment is also included in Appendix 3. It is proposed to make no changes to the proposed exemptions for the reasons set out in Appendix 3.

### **Travel Co-ordinator SPG**

The council's local plan policy on contributions for a travel co-ordinator was considered by the inquiry reporters at the public local inquiry (PLI) into the Finalised West Lothian Local Plan (FWLLP).

The reporters recommended that the council should not seek contributions for a travel co-ordinator via section 75 agreements. The council accepted this recommendation and agreed to a proposed modification to the local plan on 16 June 2008. As a consequence, the existing SPG is not consistent with the local plan and it is necessary to consider changes to the SPG to bring it into line with the local plan.

The proposed modification to the local plan states that the council will explore the potential for contributions to be made under more general powers. Furthermore, it states that the council will wish to consider, along with developers, other more innovative ways in which a travel plan co-ordination service could be delivered and that consultation with developers will be carried out before new guidance is prepared.

The Development Planning Manager consulted developers to obtain their views on what the new guidance should contain. The outcome of the consultation is summarised in Appendix 3. A response to each comment is also included in Appendix 3. It is disappointing that none of the respondents suggested innovative ways in which a travel plan co-ordination service could be delivered.

Some respondents wish to see the need for developer contributions for a travel co-ordination service withdrawn given the current financial difficulties which are having a severe affect on the development industry. Whilst there is little scope for the council to relax its developer contribution requirements, (see report to Development and Transport PDSP on 9 October 2008 on the effect of the credit crunch on Delivery of the West Lothian Local Plan), suspending requests for contributions for a travel co-ordinator service for a two year period would not seriously harm the council's finances and would send out a message to the development industry that West Lothian Council is prepared to adopt a realistic approach during these difficult times. The need for developers to submit travel plans to support their planning applications would remain unchanged.

The council should continue to explore with the development industry innovative ways in which a travel co-ordination service could be delivered. This could involve developers carrying out their own monitoring and submitting the results to the council.

### **Professional Services**

The council's approach to securing contributions for professional services was considered by the inquiry reporters at the PLI into the FWLLP.

The reporters recommended that the council should not seek contributions for professional services through section 75 agreements. The council accepted this recommendation and agreed to a proposed modification to the local plan on 16 June 2008. As a consequence the existing SPG is not consistent with the local plan and it is necessary to consider changes to the SPG to bring it into line with the local plan.

The proposed modification to the local plan states that the council will explore the potential for contributions to be made under more general powers. Furthermore, it states that the council will wish to consider, along with developers, other more innovative ways in which developers can assist in the delivery of council services and that consultation with developers will be carried out before new guidance is prepared.

The Development Planning Manager consulted developers to obtain their views on what the new guidance should contain. The outcome of the consultation is summarised in Appendix 3. A response to each comment is also included in Appendix 3. It is disappointing that none of the respondents suggested innovative ways in which developers could be of assistance. Some respondents have, however, asked for further discussions with the council on the matter and this is to be welcomed. The development industry must realise that the council has limited resources and that the successful implementation of the local plan presents enormous challenges. This position was recognised by the inquiry reporters in their findings. There is a risk that some developments will be delayed as the council's limited resources will require to be prioritised. To avoid delays arising for this reason, it is recommended that the council continues to explore how developers and the council can work together to unlock development constraints.

In the meantime, the council should continue to seek voluntary contributions through section 69 agreements.

## **E. CONCLUSION**

It is essential that SPG is kept up to date and that changes are made when there has been a change in circumstances.

Change is required to four existing SPG to reflect changed circumstances.

A wider ranging review of existing SPG is being undertaken and the outcome of this will be reported to elected members in due course.

## **F. BACKGROUND REFERENCES**

Edinburgh and the Lothians Structure Plan 2015.

West Lothian Local Plan - report to Council Executive dated 16 June 2008.

SODD Circular 12/1996 - Planning Agreements.

SPG Denominational Secondary School - report to PP&R Committee dated 3 May 2006.

SPG Replacement Armadale Academy - report to PP&R Committee dated 6 December 2006.

Travel Co-ordinator SPG - report to Council Executive dated 11 December 2007.

Professional Services - report to Council Executive dated 29 May 2007.

Proposed Interim Changes to Supplementary Planning Guidance - Report to Development and Transport PDSP 9 October 2008.

Effect of the Credit Crunch on delivery of West Lothian Local Plan - Report to Development and Transport PDSP 9 October 2008.

Date: 25 November 2008

## APPENDIX 1

### DEVELOPER CONTRIBUTIONS POLICY – TOWARDS THE PROVISION OF A NEW DENOMINATIONAL SECONDARY SCHOOL – CONSULTATION RESPONSES

SOURCE		SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Banks Development Division	11/05/05	<ul style="list-style-type: none"> <li>• Proposed level of contribution would put an onerous burden of contributions on parties involved in working towards provision of a new primary school in Bathgate through the regeneration of brownfield sites.</li> <li>• Given the level of development being directed to WLC, sufficient developer contributions can be attained to realise the new school without the requirement for contributions from developers involved in the provision of the new Bathgate primary school.</li> <li>• Policy for the provision of a denominational school should be amended to reflect the key national and local strategy of promoting sustainable development through the redevelopment of previously used sites.</li> </ul>	<ul style="list-style-type: none"> <li>• Development of brownfield sites for housing will generate demand for school places. It is, therefore, appropriate to seek contributions.</li> <li>• Provision of a secondary school is sought to serve the wider WL area.</li> <li>• Precise location for the new school is to be confirmed but could include the re-use of brownfield land.</li> </ul>	<ul style="list-style-type: none"> <li>• None. This is not a criticism of the policy itself.</li> <li>• No change to policy.</li> <li>• No change to policy</li> </ul>

		<ul style="list-style-type: none"> <li>Educational requirements should be based on a sliding scale reflecting the nature of the site, in order to encourage brownfield regeneration.</li> </ul>	<ul style="list-style-type: none"> <li>Requirements are across the board to reflect the number of pupils likely to be generated by housing development. Land values negotiated by developers should more fully reflect the development costs.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> </ul>
City of Edinburgh Council	16/09/05	<ul style="list-style-type: none"> <li>Any contribution sought should be legally justified and compliant with the terms of Circular 12/1996.</li> <li>CEC would require to be satisfied on the statistical basis underlying the conclusions WLC has reached on the level of contributions sought from CEC.</li> <li>Thought requires to be given to the content and terms of the agreement between CEC and WLC regarding provision of the new school. Such an agreement would be necessary to enable CEC to impose contribution requirements on the applicants.</li> </ul>	<ul style="list-style-type: none"> <li>Legal opinion has been obtained and passed to CEC who are now satisfied that the policy complies with the circular.</li> <li>Statistical information has been provided to CEC who are now satisfied on the statistical basis underlying the policy.</li> <li>Noted. Framework Agreement has been prepared by WLC.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> <li>No change to policy.</li> <li>SPG to be adjusted once Framework Agreement concluded.</li> </ul>



		<ul style="list-style-type: none"> <li>• How will CEC's costs in collecting and administering contributions for WLC and entering into Section 75 Agreements be funded?</li> <li>• Where a developer refuses to pay a requested contribution and a resulting decision to refuse PP is appealed how is it envisaged CEC's expenses incurred in defending the appeal would be met?</li> <li>• If a developer were to mount a legal challenge of a CEC decision to seek to recover costs of WLC's new school by way of developer contribution, how is it envisaged CEC's legal costs in resisting such a challenge would be funded?</li> </ul>	<ul style="list-style-type: none"> <li>• This matter has been dealt with in the Framework Agreement.</li> <li>• This matter has been dealt with in the Framework Agreement .</li> <li>• This matter has been dealt with in the Framework Agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• Update policy once Framework Agreement concluded.</li> <li>• Update policy once Framework Agreement concluded.</li> <li>• Update policy once Framework Agreement concluded.</li> </ul>
Communities Scotland	12/01/06	<ul style="list-style-type: none"> <li>• Policy could have a negative impact on the ability of public funds (through Communities Scotland development programme) to secure the required amount of affordable housing. Communities Scotland is not allowed to fund LAs even in an indirect manner, for requirements not related to the provision of the affordable housing itself.</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable housing will generate demand for school places. It is, therefore, appropriate to secure contributions.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> </ul>

<p>G Dunbar &amp; Sons Builders Ltd</p>	<p>27/05/05</p>	<ul style="list-style-type: none"> <li>• The responsibility for providing schools &amp; education lies with WLC. The local authority should procure and fund.</li> <li>• Having developers provide funding could lose the independence of the planning process and place pressure on the process to allow additional houses to secure sufficient funding for the school rather than the size of school and other relevant factors determining the housing numbers.</li> <li>• Scale &amp; reasonableness are criteria that are not convincingly addressed in the report. Is it reasonable to ask developers to contribute to a new school when there is no guarantee that places will be allocated to pupils from their completed development?</li> </ul>	<ul style="list-style-type: none"> <li>• Developer contribution is a legitimate planning gain where new development places pressure on existing infrastructure. Policy HOU5 of the ELSP refers.</li> <li>• The local plan strategy has been tested at public local inquiry. The scale of housing provision will determine the size of the school.</li> <li>• Requirement for contributions arises from the cumulative effect of development. Policy complies with the scale and reasonable tests set out in circular 12/1996. The inquiry reporters supported the council's approach.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> <li>• No change to policy.</li> <li>• No change to policy.</li> </ul>
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		<ul style="list-style-type: none"> <li>• Part of the CDA is outwith West Lothian district. Is it reasonable to have developers in one area contribute to a planning gain that will benefit another area and not the developer who contributes?</li> <li>• Is there a legislative framework for planning agreements to be binding on both local authorities? Is there any guarantee that funds raised in CEC would be transferred to WLC?</li> <li>• Developers are being asked to contribute when it is unclear what size it will be or how much it will actually cost.</li> <li>• Concerns over who will commission the school, manage the contract and when things will happen.</li> </ul>	<ul style="list-style-type: none"> <li>• School catchment areas straddle the WLC/CEC boundary and it is legitimate to seek contributions from developers within each LA area.</li> <li>• A Framework Agreement to deal with this matter has been prepared by WLC.</li> <li>• Policy provides clarity based on best estimate of size of school required as a result of requirements set by the ELSP.</li> <li>• This is a matter for the LA to progress. Procurement options are still to be assessed by WLC. Developers will be kept informed of progress.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> <li>• Update policy to reflect progress on Framework Agreement.</li> <li>• No change to policy.</li> <li>• No change to policy.</li> </ul>
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		<ul style="list-style-type: none"> <li>When will funding be due from the developer?</li> <li>WLC does not have funding in place to provide the new denominational school required to support the development strategy. If this is the case then it could be assumed that there is no funding for running the school. Will developers be required to contribute to this?</li> </ul>	<ul style="list-style-type: none"> <li>Arrangements for payment will be written into planning agreements and negotiated on a case-by-case basis.</li> <li>There are no plans to ask developers to contribute to running costs. Separate guidance on school commissioning costs was approved by WLC on 24 October 2006.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> <li>Amend section 7 of policy to clarify when developer funding would be due.</li> </ul>
Homes for Scotland	Undated	<ul style="list-style-type: none"> <li>Introducing a policy at short notice, even applying only to sites without extant planning consent, causes problems because missives or legal agreements may already be in place between landowners and developers. This can impact on the viability of a contribution. The policy should acknowledge that there will be circumstances, including the existence of binding agreements, where flexibility is required when viability is threatened.</li> </ul>	<ul style="list-style-type: none"> <li>Potential developer contributions requirements should be factored into negotiations on land value. To amend the policy to allow for the flexibility sought would weaken it's terms. Contributions are necessary to ensure that essential education infrastructure is provided.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> </ul>
		<ul style="list-style-type: none"> <li>Threshold for contributions should be increased to 20 units.</li> </ul>	<ul style="list-style-type: none"> <li>Any change to the</li> </ul>	<ul style="list-style-type: none"> <li>Change</li> </ul>

		<ul style="list-style-type: none"> <li>• Front funding of projects is supported subject to the caveat that it would be more reasonable for payment to be made on completion of houses in order to reflect the developer's cash flow on a project.</li> <li>• Review might be required should planning applications or master plans for major sites result in different densities to those assumed by the calculations in the policy.</li> <li>• For Armadale a further option for contributions should be considered based on a sliding scale according to house size.</li> </ul>	<p>threshold would mean an increase in contributions to compensate. It is proposed to alter the exemptions to make the SPG fairer.</p> <ul style="list-style-type: none"> <li>• The triggers for payments will be assessed on a case by case basis.</li> <li>• The SPG will be kept under review and changes made if necessary. At the present time, no change is necessary to address this matter.</li> <li>• Noted. The policy however becomes too complex if further distinctions are made.</li> </ul>	<p>exemptions.</p> <ul style="list-style-type: none"> <li>• Consider through development control process.</li> <li>• Keep SPG under review.</li> <li>• No change policy.</li> </ul>
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		<ul style="list-style-type: none"> <li>• Fuller justification of the costs of the denominational school is required.</li> </ul>	<ul style="list-style-type: none"> <li>• It is considered that a full justification has been given. Costs are</li> </ul>	<ul style="list-style-type: none"> <li>• No change policy.</li> </ul>
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		<ul style="list-style-type: none"> <li>Concern that while developers will presumably be expected to pay the contribution regardless, they may still face unreasonable restrictions on their planning applications, and the possible refusal or deferral of otherwise acceptable land-use proposals. House type, size and price are not generally matters which are competent to be regulated by planning conditions.</li> <li>WLC should understand that there are limits on the ability of developments to support contributions to infrastructure and amenities.</li> </ul>	<p>indicative only at this stage. As the project progresses, cost information can be shared with developer/landowners and contributions adjusted if necessary.</p> <ul style="list-style-type: none"> <li>The need for any restrictions will be considered on a case by case basis. The council will have regard to FWLLP Policy IMP3 when considering planning applications. This policy was modified in June 2008 to delete reference to house type.</li> <li>Noted. However, this is more a reflection of land values than any unreasonableness in the policy. The policy is consistent with the terms of policy HOU5 of the ELSP.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> <li>No change to policy.</li> </ul>
Persimmon Homes		<ul style="list-style-type: none"> <li>WLC has rushed into preparing the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Guidance needed to be in place to achieve</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> </ul>

		<ul style="list-style-type: none"> <li>WLC is ignoring the already significant constraints on the deliverability of some existing schemes in terms of ground conditions and other infrastructure requirements.</li> <li>Not convinced by school roll projections.</li> <li>Disappointed that the council has based contributions on a notional cost.</li> </ul>	<p>developer contributions.</p> <ul style="list-style-type: none"> <li>Developers have been made aware for some time of the requirement to fund schools. Policy HOU5 of the E&amp;LSP refers.</li> <li>The council's view is that it's methodology for producing projections is robust. There is, however, a need to update projections from time to time.</li> <li>Costs are indicative only at this stage. As the project progresses cost information can be shared with developer/landowners and contributions adjusted if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> <li>Projections to be revisited as part of policy review.</li> <li>No change to policy.</li> </ul>
Stirling Developments	15/06/05	<ul style="list-style-type: none"> <li>Policy supported in principle.</li> <li>Use of Section 75 agreements and the guidelines of the mechanism proposed to calculate the apportionment of cost amongst developments are endorsed.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted.</li> </ul>	<ul style="list-style-type: none"> <li>No change to policy.</li> <li>No change to policy.</li> </ul>

		<ul style="list-style-type: none"> <li>• Acknowledgement that residential development can take place providing funding is committed is welcomed as are the opportunity to build the school in 2 phases.</li> <li>• Numbers used in the calculations will require further analysis.</li> <li>• Total estimated cost to deliver the school may need revision.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> <li>• Noted.</li> <li>• This is acknowledged in para 7.8 of the policy.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> <li>• No change to policy.</li> <li>• No change to policy.</li> </ul>
Walker Group	27/05/05	<ul style="list-style-type: none"> <li>• Questions the need for a denominational school to be provided at this stage if extension of St Kents will provide capacity until 2008/9 and the FWLLP05 sites are still to be approved.</li> </ul>	<ul style="list-style-type: none"> <li>• Completion of St Kent's will not provide sufficient capacity to support the development plan strategy.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> </ul>
		<ul style="list-style-type: none"> <li>• Is granting of planning permission envisaged for sites that are in the FWLLP05 in advance of the LP procedure?</li> </ul>	<ul style="list-style-type: none"> <li>• The public inquiry into objections has now concluded and the council has responded to the inquiry reporters recommendations. The FWLLP (as modified in July 2008) will be a material consideration in the determination of planning applications.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> </ul>



		<ul style="list-style-type: none"> <li>• Uncertainty exists with regard to final costs and developers' ability to accept risk associated with a potentially moving budget. It further suggests that a degree of discussion is required with the developers now to establish how this risk can be managed.</li> <li>• Conflict between para 2.5 and table 2 in relation to how housing can progress.</li> </ul>	<ul style="list-style-type: none"> <li>• The need for discussion with developers is accepted.</li> <li>• The FWLLP has been modified to remove the text which stated that no new housing can proceed in the CDA's until a new denominational secondary school is provided or committed.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> <li>• Adjust SPG when wider review is complete.</li> </ul>
		<ul style="list-style-type: none"> <li>• Further explanation of the figures quoted in relation to additional capacity in the medium-long term is required.</li> <li>• Concern that the new school is over-sized and that this issue needs to be further explained and discussed prior to implementation of any policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Para's 6.4 and 7.8 of the policy allow for future re-assessment. WLC recognise the need to explain assumptions behind projections. Assumptions are based on the agreed WLC Housing Model.</li> <li>• School size is based on the best estimate available at present. Para 6.4 of the policy allows for review and possible amendment at a future date.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy. The figures will be updates when the policy is reviewed.</li> <li>• No change to policy.</li> </ul>

		<ul style="list-style-type: none"> <li>• Build into the policy some ability for the Council to apply contributions now but these to be the subject of individual negotiations or a figure established at a later date.</li> <li>• Difficult to understand how a figure per house can be established at present when it is acknowledged that the eventual size of the school is still to be determined.</li> </ul>	<ul style="list-style-type: none"> <li>• The Policy is applicable from date of committee approval. However, the policy is to be kept under review as more information becomes available on costs and will be adjusted accordingly.</li> <li>• Para's 6.1 and 7.5 of the policy indicate how figures are derived. However, the policy allows for regular review as further information becomes available (Para 7.8 refers).</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> <li>• No change to policy.</li> </ul>
		<ul style="list-style-type: none"> <li>• Prior to agreeing costs a brief needs to be established to allow preliminary costings to be established.</li> <li>• Developers need to be comfortable with the level of specification and the efficiencies of design as costs are established.</li> <li>• Fundamental issues regarding the scale of provision, the risk associated with committing to an unknown end figure, the brief and spec for the provision, and that which is to apply to the different projects. Further dialogue is necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• A brief has now been prepared.</li> <li>• Para 7.5 of the policy refers.</li> <li>• Scale of provision is based on best available information currently available. Policy allows for update and</li> </ul>	<ul style="list-style-type: none"> <li>• No change to policy.</li> <li>• No change to policy.</li> <li>• Amend policy accordingly.</li> </ul>

			amendment as new information becomes available. The need for further dialogue between WLC and the developer is accepted and this will be clarified in the policy.	
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## APPENDIX 2

### DEVELOPER CONTRIBUTIONS POLICY – ARMADALE ACADEMY – CONSULTATION RESPONSES

SOURCE		SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Dunbar Builders	23/12/06	<ul style="list-style-type: none"> <li>It does not seem logical or fair to ask developers within the catchment area of the Academy to contribute to the cost of replacing the school and then not be able to guarantee places at particular schools. There must be a reasonable expectation that if a developer contributes to a replacement school then children from that development ought to have a place at that school. The principles of Circular 12/96 are that developer contributions secured through planning agreements should be reasonable in all respects and if places at the school are not guaranteed it would seem to be at odds with this principle.</li> </ul>	<ul style="list-style-type: none"> <li>The allocation of school places requires to be in accordance with the requirements of the Education (Scotland) Act 1980. The inquiry reporters who considered objections to the Finalised West Lothian Local Plan (FWLLP) were satisfied that the council's policy on developer contributions for Armadale Academy accords with Circular 12/1996.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Communities Scotland	12/01/07	<ul style="list-style-type: none"> <li>Concerned that the consequence of developer contributions policy could have a negative impact on the ability of public funds (through the Communities Scotland development programme) to secure the</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Affordable housing will generate demand for</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>

		required amount of affordable housing.	school places. It is, therefore, necessary for contributions to be secured which ensure that adequate education infrastructure is provided.	
Communities Scotland		<ul style="list-style-type: none"> <li>Developer contributions of the nature set out in the council's policy are not HAG eligible and as a result Communities Scotland is not allowed to fund local authorities, even in an indirect manner, for requirements not related to the provision of affordable housing. It is worth noting that other councils are taking this into account in their application of developer contributions.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Affordable housing will generate demand for school places. It is, therefore, necessary for contributions to be secured which ensure that adequate education infrastructure is provided.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Dawn Homes		<ul style="list-style-type: none"> <li>The decision to withdraw the extension to Armadale Academy in favour of a new build only accentuates concerns already raised with the council.</li> </ul>	<ul style="list-style-type: none"> <li>The replacement school is under construction.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Dawn Homes		<ul style="list-style-type: none"> <li>The concept of developer contributions is acceptable in principle but cannot understand the cost placed by the council on building a new school. A new school should not cost as much as £26 million. Further information on these costs needs to be made available and the contributions per house reduced.</li> </ul>	<ul style="list-style-type: none"> <li>Further information about the cost of the project are in the public domain.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>
Homes for Scotland	Undated	<ul style="list-style-type: none"> <li>Introducing a policy at short notice, even applying only to sites without extant planning consent, cause problems because Missives or Legal Agreements may already be in place between landowners and</li> </ul>	<ul style="list-style-type: none"> <li>Potential developer contribution requirements should</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>

		<p>developers. This is one factor which can result in impacts on the overall viability of a contribution. The policy should acknowledge that there will be circumstances, including the existence of binding agreements, where flexibility is required when viability is threatened.</p>	<p>be factored into negotiations on land value. To amend the policy to allow for the flexibility sought would weaken it's terms. Contributions are necessary to ensure that essential education infrastructure is provided.</p>	
Homes for Scotland		<ul style="list-style-type: none"> <li>The application of developer contributions policy to small sites is always problematic because of the proportionally greater impact on viability on smaller sites. The threshold for contributions should be increased to 20 units.</li> </ul>	<ul style="list-style-type: none"> <li>Any increase in the threshold would mean an increase in contributions to compensate. It is proposed to alter the exemptions to make the SPG fairer</li> </ul>	<ul style="list-style-type: none"> <li>Change exemptions.</li> </ul>
Homes for Scotland		<ul style="list-style-type: none"> <li>It would be more reasonable for payment to be made on the completion of houses rather than use prudential borrowing powers to front-fund the projects and collect contributions as and when planning applications for housing are approved, in order to reflect the developer's cash flow on a project. This is far easier to manage the finances of projects.</li> </ul>	<ul style="list-style-type: none"> <li>The triggers for payments will be assessed on a case by case basis.</li> </ul>	<ul style="list-style-type: none"> <li>Consider through Development Control process.</li> </ul>
Homes for Scotland		<ul style="list-style-type: none"> <li>The policy distinguishes between the level of contributions required for flats and those for houses. Review of this might be required should the applications or master plans for major sites result in different proposals for densities or numbers to those assumed by the calculations in the SPG.</li> </ul>	<ul style="list-style-type: none"> <li>The SPG will be kept under review and changes made if necessary . At the present time, no change is necessary to address this</li> </ul>	<ul style="list-style-type: none"> <li>Keep SPG under review.</li> </ul>

		<ul style="list-style-type: none"> <li>There is an issue of fairness in applying a flat rate contribution for houses.</li> </ul>	<p>matter.</p> <ul style="list-style-type: none"> <li>It is proposed to change the SPG to make it fairer. There is a need to ensure that the SPG is not overly complicated so that it is easy to implement. That is the reason why a flat rate applies to all houses.</li> </ul>	<ul style="list-style-type: none"> <li>Change exemptions.</li> </ul>
		<ul style="list-style-type: none"> <li>Phasing of the new school may not fit exactly with the phasing of new school capacity. HfS is concerned that, while developers will presumably be expected to pay the contribution regardless, they may still face unreasonable restrictions on their planning applications, and the possible refusal or deferral of otherwise acceptable land-use proposals. House type, size and price are not generally matters which are competent to be regulated by planning conditions.</li> </ul>	<ul style="list-style-type: none"> <li>The need for any restrictions will be considered on a case by case basis. The council will have regard to FWLLP Policy IMP3 when considering planning applications. This policy was modified in June 2008 to delete reference to house type.</li> </ul>	<ul style="list-style-type: none"> <li>No change to SPG.</li> </ul>
		<ul style="list-style-type: none"> <li>HfS is concerned that the council should understand that there are limits on the ability of developments to support contributions to infrastructure and amenities.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. However, this is more a reflection of land values than any unreasonableness in</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>

			the policy. The policy is consistent with the terms of policy HOU5 of the ELSP.	
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APPENDIX 3

DEVELOPER CONTRIBUTIONS POLICY – TRAVEL PLAN CO-ORDINATOR

SOURCE	DATE	SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Ogilvie Homes	03/10/08	<ul style="list-style-type: none"> <li>• It is not reasonable to retain the requirement for such a contribution by merely transferring the method of collection to another piece of legislation.</li>   <li>• If WLC is of the view that the Travel Plan Co-ordinator is an essential investment, then the cost should be borne by the council with the person retained as a member of staff in the normal manner.</li>   <li>• If the council continue with the proposed course of action a very dangerous precedent will be set for key members of staff to be paid for by the development industry.</li>   <li>• The council is aware of the extreme</li> </ul>	<p>Scottish Government Reporters have indicated that the council could seek to use general powers.</p> <p>Scottish Government Reporters recommended to the council that it should consult with the development industry to explore innovative ways in which the industry could contribute.</p> <p>See above.</p> <p>Comments noted. To assist the</p>	<p>Note comments.</p> <p>Note comments.</p> <p>Note comments.</p> <p>Suspend developer contributions for</p>

		difficulties being faced at the present time by developers across the country, whereby employees have already been made redundant; it would be unreasonable for the council to seek a contribution at this time to the direct employment cost of council employees!	development industry during these difficult times, it is proposed that contributions for a travel co-ordination service should not be sought for a temporary period.	travel co-ordinator for all planning applications determined within next two years. Review position thereafter.
<b>Drumbow Homes Ltd.</b>	10 <sup>th</sup> October	<ul style="list-style-type: none"> <li>• Generally Drumbow Homes are in complete disagreement with the principle of a Travel Plan Co-ordinator. This should be undertaken as part of the local plan and not a burden on housing developers.</li> <li>• West Lothian has the biggest suite of contributions required by developers and in view of the current economic climate this will probably result in marginal sites not being developed.</li> <li>• It should be considered when payments are to be made in respect of these policies – WLC request them at an early stage; this greatly increases the burden of service charge.</li> </ul>	<p>It is not possible to implement and monitor travel plans as part of local plan preparation. Travel plans are prepared for individual projects.</p> <p>To assist the development industry during these difficult times, it is proposed that contributions for the travel co-ordinator should not be sought for a temporary period.</p> <p>Concerns noted.</p> <p>Concerns noted. See action proposed.</p>	<p>Note comments.</p> <p>Suspend requests for developer contributions for travel co-ordinator for all planning applications determined within next two years. Review position thereafter.</p> <p>See above.</p>

		<ul style="list-style-type: none"> <li>Request that West Lothian Council reconsider the merits of this policy and more importantly revisit all developer contribution policies.</li> </ul>	The need for developer contributions is kept under review on a regular basis.	See above.
<b>Homes for Scotland</b>	5 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>Homes for Scotland is pleased to note that the recommendations of the Reporters clearly recognises that the funding of council staff costs is not an essential requirement for the granting of consent to planning application.</li> <li>The proposal to use Section 69 (S69) is unacceptable and unworkable. The council should not be seeking contributions which serve no valid planning purpose by any route.</li> <li>S69 contributions are a matter for negotiation and voluntary agreements with developers; Homes for Scotland would suggest there is no obligation on a developer to agree to any contribution under S69 and, in the current market conditions, no developer is likely to agree to these contributions. However, that lack of agreement cannot then be used by the council as a reason to refuse consent.</li> <li>WLC should consider the sensitivity of its proposals in the current climate. House builders have made redundant 30-50% of their staff in recent months. It would be a crass and insensitive council which thought it right to ask developers to fund the staff costs</li> </ul>	<p>Noted.</p> <p>Scottish Government Reporters have indicated that the council could seek to use general powers.</p> <p>It is not the council's intention to refuse planning permission if there is no agreement about contributions being secured under s69.</p> <p>Concern noted. To assist the development industry during these difficult times, it is proposed that contributions for</p>	<p>Note comments.</p> <p>Note comments.</p> <p>Note comments.</p> <p>Suspend requests for developer contributions for travel co-ordinator for all planning applications determined within next two years.</p>

		<p>of another body while simultaneously making redundant their own staff. The council might wish to consider carefully the adverse publicity this could generate.</p> <ul style="list-style-type: none"> <li>The SPG on Travel Plan Co-ordinator should be withdrawn.</li> </ul>	<p>travel co-ordinator should not be sought for a temporary period.</p> <p>See comments above.</p>	<p>Review position thereafter.</p> <p>See comments above.</p>
<b>LXB</b>	5 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>It is essential that travel needs of the other major settlements expansions be properly identified and costed to ensure an equitable contribution is made from each location.</li> <li>Any proposal for funding such a post must be directly proportional and related to the proposed future strategic development of Winchburgh and the contributions/impact that it will have on travel patterns in West Lothian and beyond.</li> <li>It is considered acceptable that Winchburgh contributes a reasonable share of such costs over a fixed period of time for a specified purpose. As such, it is considered that the future strategic development of Winchburgh make a reasonable and appropriate contribution to the position of Travel Plan Co-ordinator.</li> </ul>	<p>Travel plans will be required for all major developments.</p> <p>Comments noted.</p> <p>Further discussion is required between LXB and the council to establish how travel plans for the Winchburgh CDA should be monitored.</p>	<p>Note comments.</p> <p>To assist the development industry during these difficult times, it is proposed that contributions for travel co-ordinator should not be sought for a temporary period.</p> <p>Further discussion required.</p>
<b>Stirling Developments</b>	7 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>S75 agreements are considered an inappropriate method for securing funds towards council services. If the need for a</li> </ul>	<p>Voluntary s69 agreements do not need to satisfy the</p>	<p>Note comments.</p>

		<p>contribution cannot pass 'first principles' test and be secured under a traditional planning agreement then it is not satisfactory to request direct financial contribution under the more general S69 provision.</p> <ul style="list-style-type: none"> <li>• More emphasis should be placed on considering options where developers can assist in delivering council services rather than be asked to directly finance them.</li> <li>• Prior to preparing amendments on the SPG it would be worthwhile establishing a CDA Working Party between WLC and CDA developers. The working Party would be formalised and meet on a regular basis to ensure that a momentum is built behind the team's objectives.</li> </ul>	<p>tests in circular 12/1996 on planning agreements.</p> <p>The purpose of the consultation was to explore innovative approaches to delivering a travel plan co-ordinating service.</p> <p>Informal discussions have taken place and further discussion will be necessary. The council will consider if formalised arrangements are necessary.</p>	<p>Note comments.</p> <p>Consider whether formal arrangements are necessary.</p>
<b>Walker Group</b>	7 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>• It is difficult to reconcile the position of WLC to continue to seek contributions through revised SPG when the Reporters have recommended deletion of the policies which would have justified the contributions in question. WLC has failed to understand the purpose of SPG or significance of contributions sought under S75 and S69.</li> </ul>	<p>Scottish Government reporters have indicated that the council could seek to use general powers. Voluntary agreements under s69 do not need to satisfy the tests outlined in circular 12/1996 on planning agreements.</p>	<p>Note comments.</p>

		<ul style="list-style-type: none"> <li>Given the recommendation of the Reporters to delete any policy context for seeking contributions towards travel plan co-ordinator, WLC should delete the SPG in question since no revision can legitimise an unjustified contribution.</li> </ul>	<p>To assist the development industry during these difficult times, it is proposed that contributions should not be sought for a temporary period.</p>	<p>Suspend developer contributions for travel co-ordinator for all planning applications determined within next two years. Review position thereafter.</p>
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#### DEVELOPER CONTRIBUTIONS POLICY – PROFESSIONAL SERVICES

SOURCE	DATE	SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Ogilvie Homes	3 <sup>rd</sup> October 2008	<ul style="list-style-type: none"> <li>It is not reasonable to retain the requirement for such a contribution by merely transferring the method of collection to another piece of legislation.</li> <li>If WLC is of the view that Professional Services is an essential investment, then the cost should be borne by the council with the person retained as a member of staff in the normal manner.</li> </ul>	<p>Scottish Government Reporters have indicated that the council could seek to use general powers.</p> <p>Comments noted. Scottish Government Reporters recommended to the council that it should consult with the development industry to explore innovative ways in which the</p>	<p>Note comments.</p> <p>WLC to continue to explore how developers and the council can work together to unlock development constraints.</p>

		<ul style="list-style-type: none"> <li>If the council continue with the proposed course of action a very dangerous precedent will be set for key members of staff to be paid for by the development industry.</li> <li>The council is aware of the extreme difficulties being faced at the present time by developers across the country, whereby employees have already been made redundant, how reasonable would it be for the council to seek a contribution at this time to the direct employment cost of a council employees!</li> </ul>	<p>industry could contribute.</p> <p>Disagree. See comments above.</p> <p>Comments noted. The development industry has to accept that council resources are limited and that this could delay developments. The council accepts that these are difficult times for the development industry. Nevertheless, it is disappointing that the council has asked the development industry to suggest innovative approaches for partnership working that could be explored but none has been suggested.</p>	<p>See above.</p> <p>See above.</p>
<b>LXB</b>	5 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>Accept there is a case for co-ordinating council services in relation to the CDAs and that there is risk that, if this does not happen, there could be delays in the delivery of infrastructure and development.</li> </ul>	The work required is not part of the council's normal duties. The scale of growth is unprecedented and the	Note comments.

		<p>However, it would appear that the council would wish to collect monies for services that should be carried out by council officers as part of its normal public duty.</p> <ul style="list-style-type: none"> <li>• The scale of development proposed within the CDAs is unprecedented however, this was promoted by WLC in the full knowledge of the additional workload that it would entail. This does not arise from developer/landowner pressure, rather from the growth aspirations of WLC.</li> <li>• It is considered inappropriate to request that developers and landowners contribute to the funding of these council-led services.</li> </ul>	<p>work only arises as a result of the scale of growth which is planned.</p> <p>Not accepted. The scale of development accords with the Edinburgh and the Lothians Structure Plan.</p> <p>The development industry needs to realise that their projects could be delayed if the council has insufficient resources to support the scale of growth planned. Limited council resources will require to be prioritised.</p>	<p>Note comments.</p> <p>Note comments.</p>
Homes for	5 <sup>th</sup> November	<ul style="list-style-type: none"> <li>• Homes for Scotland is pleased to note that</li> </ul>	Noted.	None.



Scotland	2008	<p>the recommendations of the Reporters clearly recognises that the funding of council staff costs is not an essential requirement for the granting of consent to planning application.</p> <ul style="list-style-type: none"> <li>• The proposal to use Section 69 (S69) is unacceptable and unworkable. The council should not be seeking contributions which serve no valid planning purpose by any route.</li> <li>• S69 contributions are a matter for negotiation and voluntary agreements with developers; Homes for Scotland would suggest there is no obligation on a developer to agree to any contribution under S69 and, in the current market conditions, no developer is likely to agree to these contributions. However, that lack of agreement cannot then be used by the council as a reason to refuse consent.</li> <li>• WLC should consider the sensitivity of its proposals in the current climate. House builders have made redundant 30-50% of their staff in recent months. It would be a crass and insensitive council which thought it right to ask developers to fund the staff costs of another body while simultaneously making redundant their own staff. The council might wish to consider carefully the adverse publicity this could generate.</li> </ul>	<p>Scottish Government Reporters have indicated that the council could seek to use general powers.</p> <p>It is not the council's intention to refuse planning permission if there is no agreement about contributions being secured under s69.</p> <p>Comments noted. The development industry has to accept that council resources are limited and that this could delay developments. The council accepts that these are difficult times for the development</p>	<p>WLC to continue to explore how developers and the council can work together to unlock development constraints.</p> <p>WLC to seek contributions through negotiation and voluntary agreements.</p> <p>See above.</p>
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		<ul style="list-style-type: none"> <li>The SPG on Professional Services should be withdrawn.</li> </ul>	<p>industry. Nevertheless, it is disappointing that the council has asked the development industry to suggest innovative approaches for partnership working that could be explored but none have been suggested.</p> <p>Not accepted for the reasons stated above.</p>	<p>Proceed with changes to SPG to delete reference to section 75 agreements.</p>
<b>Stirling Developments</b>	7 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>S75 agreements are considered an inappropriate method for securing funds towards council services. If the need for a contribution cannot pass 'first principles' test and be secured under a traditional planning agreement then it is not satisfactory to request a direct financial contribution under the more general S69 provision.</li> <li>More emphasis should be placed on considering options where developers can assist in delivering council services rather than be asked to directly finance them.</li> </ul>	<p>Voluntary S69 agreements do not need to satisfy the tests outlined in circular 12/1996 on planning agreements.</p> <p>The council needs to control resources for reasons of transparency.</p>	<p>Note comments.</p> <p>Note comments.</p>

		<ul style="list-style-type: none"> <li>• Prior to preparing amendments on the SPG it would be worthwhile establishing a CDA Working Party between WLC and CDA developers. The working party would be formalised and meet on a regular basis to ensure that a momentum is built behind the team's objectives.</li> </ul>	<p>Informal discussions have taken place and further discussion will be necessary. The council will consider if formalised arrangements are necessary.</p>	<p>Consider if formal arrangements required.</p>
<b>Walker Group</b>	7 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>• It is difficult to reconcile the position of WLC continuing to seek contributions through revised SPG when the Reporters have recommended deletion of the policies which would have justified the contributions in question. WLC has failed to understand the purpose of SPG or significance of contributions sought under S75 and S69.</li> <li>• Given the recommendation of the Reporters to delete any policy context for seeking contributions towards professional services, WLC should delete the SPG in question since no revision can legitimise an unjustified contribution.</li> <li>• Walker Group would be happy to discuss ways in which we can assist with resources targeted at our particular proposals. Any revised SPG produced by WLC would simply provide a framework for such discussions and should not set out specific and generic requirements of contribution levels.</li> </ul>	<p>Scottish Government reporters have indicated that the council could seek to use general powers. Voluntary agreements under s69 do not need to satisfy the tests outlined in circular 12/1996 on planning agreements.</p> <p>Not accepted. Voluntary contributions can be secured via s69 agreements.</p> <p>Welcome suggestion that further discussion takes place.</p>	<p>Note comments.</p> <p>Proceed with changes to SPG to delete reference to section 75 agreements.</p> <p>Arrange meeting.</p>

## DEVELOPER CONTRIBUTIONS POLICIES – GENERAL COMMENTS

SOURCE	DATE	SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
West Lothian Alliance	30 <sup>th</sup> October 2008	<ul style="list-style-type: none"> <li>• Definition of “Developer” - WLC wishes to make the term “Developer” as inclusive as possible. This effectively means that similar contributions are expected from commercial house developers building for profit and from charitable RSLs working in partnership with WLC in supplying affordable housing.</li> <li>• RSLs are dependent upon subsidy from the public purse to enable successful developments to be provided. The Scottish Government Housing Investment Division (SGHID) will NOT provide additional subsidy to meet demands placed by the council for these developer contributions.</li> <li>• If WLC maintains its position that these contributions</li> </ul>	<p>Housing developments proposed by RSL’s will result in increased demand for school places. It is therefore reasonable to require developer contributions for education infrastructure. RSL’s should factor in developer contributions when negotiating land acquisitions.</p> <p>See comments above.</p> <p>The council does not</p>	<p>No change to SPG but WLC will continue to lobby Scottish Government to increase funding for RSLs.</p> <p>See comments above.</p> <p>See comments</p>

		<p>be mandatory from charitable RSLs, and the SGHID continues to insist that such payments are ineligible for grant then the outcome will be that tens of millions of pounds of Housing Association Grant (HAG) investment in social housing in West Lothian will be lost.</p> <ul style="list-style-type: none"> <li>• To maximise investment available for West Lothian the council should: <ul style="list-style-type: none"> <li>- Ensure that the term “developer” for this purpose, excludes not-for-profit housing associations or charitable social landlords; or</li> <li>- Persuade the SGHID that such contributions should be considered for inclusion within the HAG element of individual projects.</li> </ul> </li> </ul>	<p>accept that this need be the case. RSLs should factor in developer contributions when negotiating land acquisitions to avoid schemes being unviable. Additionally, the council's affordable housing policy seeks to ensure that serviced affordable housing land is transferred to RSL's free of any burdens.</p> <p>Housing developments proposed by RSLs will result in increased demand for school places. It is therefore reasonable to require developer contributions for education infrastructure. RSLs should factor in developer contributions when negotiating land acquisitions.</p>	<p>above.</p> <p>No change to SPG but WLC will continue to lobby Scottish Government to increase funding for RSLs.</p>
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### DEVELOPER CONTRIBUTIONS POLICY – TOWARDS THE PROVISION OF A NEW DENOMINATIONAL SECONDARY SCHOOL

SOURCE	DATE	SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Homes for Scotland	5 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>Object to the SPG as introduced. The proposal to make every housing application potentially subject to a contribution is contrary to its view on the appropriate threshold for application of the policy.</li> <li>Also query the practicality of assessing net additional demand for education services arising from the types of changes on site described in proposed exemptions c), d) and e).</li> </ul>	<p>Noted. The intention is to make the SPG fairer by spreading the cost of providing new education infrastructure more widely.</p> <p>This can be established by Education Services who use child per house ratios for different types of housing.</p>	<p>No change to SPG necessary.</p> <p>No change to SPG necessary.</p>

### DEVELOPER CONTRIBUTIONS POLICY – ARMADALE ACADEMY

SOURCE	DATE	SUMMARY OF COMMENTS	PROPOSED RESPONSE	ACTION REQUIRED
Homes for Scotland	5 <sup>th</sup> November 2008	<ul style="list-style-type: none"> <li>Object to the SPG as introduced. The proposal to make every housing application potentially subject to a contribution is contrary to its view on the appropriate threshold for application of the policy.</li> <li>Also query the practicality of assessing net additional demand for education services arising from the types of changes on site</li> </ul>	<p>Noted. The intention is to make the SPG fairer by spreading the cost of providing new education infrastructure more widely.</p> <p>This can be established by</p>	<p>No change to SPG necessary.</p> <p>No change to SPG</p>

		described in proposed exemptions c), d) and e).	Education Services who use child per house ratios for different types of housing.	necessary.
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