

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 12 OCTOBER 2005

EAST AYRSHIRE LOCAL PLAN: DEVELOPER CONTRIBUTIONS

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

1.1 To provide information regarding the range and type of development contributions that are likely be requested from prospective developers through the local plan alteration process and through Section 75 Agreements linked to planning applications; and to seek authorisation, in principle, for a Development Contributions Officer to be appointed to administer contributions received.

2. BACKGROUND INFORMATION

2.1 A report on Developer Contributions / Planning Gain was considered by the Development Services Committee at its meeting in December 2004 and it was agreed at that meeting to authorise the Head of Planning, Development and Building Standards to examine the opportunities for expanding the Council's policies and procedures in relation to planning gain or developers' contributions.

2.2 The proposal outlined in this current report reflects current national advice and is based on the work and experience of Aberdeenshire Council which has pioneered the use of developer contributions to overcome infrastructure and other problems being experienced as a result of approved development. The approach taken by Aberdeenshire Council has been very successful, to date, in levering in substantial financial contributions primarily from housing developers and the contributions received have been administered by a dedicated Planning Gain Co-ordinator.

3. CIRCULAR 12/1996: PLANNING AGREEMENTS

3.1 The Developer Contributions / Planning Gain Report of December 2004 outlined the various tests that Planning Agreements need to satisfy to accord with Circular 12/1996: Planning Contributions and the role that the new East Ayrshire Local Plan, currently being produced by the Council, could play in determining the content of any Planning Agreement that may be required. The Circular recommends that development plans should give precise guidance on the particular circumstance in which planning authorities will seek to use planning agreements. It also states that, by incorporating policies in local plans at the

earliest opportunity on planning agreements, the development industry can anticipate early in the development process the financial implications for their particular development projects. Early agreements can also ensure that there is no undue delay at the planning application stage of a development.

3.2 The Circular makes it clear that where a proposed development would, if implemented, create a need for particular facilities or have a damaging impact on the environment or local amenity, and where these matters cannot be resolved through the use of appropriate planning conditions, it will generally be reasonable for planning authorities to seek a planning agreement to overcome these difficulties. It is stressed, however, that developer contributions are only payable to address the impact of the development itself and that the level of contribution made will reflect the scale of the particular development proposed. Contributions may also be phased over an agreed period of time and both financial contributions and contributions in kind will be considered acceptable.

3.3 Where the combined impact of a number of developments identified in the local plan creates the need for supporting infrastructure, developer contributions can be pooled. In cases where infrastructure improvements necessitated by the cumulative impact of a series of developments are provided before all developments have been completed, the later developments within the series will still be required to contribute their relevant proportion of costs.

3.4 In the local plan alteration process, the Council will investigate what steps it can take to enable particular developments detailed in the local plan to be effectively implemented. In particular, consideration will be given as to what steps the Council can take to overcome infrastructure constraints, in order to facilitate windfall housing development opportunities, not specifically identified in the local plan, through pooled developers' contributions.

4. ASSESSING THE IMPACT OF DEVELOPMENTS

4.1 As outlined in the Spatial Development Options Paper approved by Committee in December 2004, substantial new housing allocations will be required to meet the draft replacement Ayrshire Structure Plan's intention to 'maintain (Ayrshire's) population at or about current levels.' The Options Paper estimated that approximately 12,500 houses would be required within East Ayrshire to meet that objective and that 9,250 would be required on Greenfield land by 2025.

4.2 The extent and distribution of new housing and other sites to meet the above objective will be detailed in the Consultative Draft of the East Ayrshire Local Plan Alteration and will be recommended in accordance with the following:

- the finalised replacement Ayrshire Structure Plan;

- conclusions reached through the Strategic Environmental Assessment Process;
- information obtained from various consultees and other public comment and representations received by the Council to date; and
- other information gathered by the Planning, Development and Building Standards Division.

4.3 In addition to dealing with land allocations, the local plan will assess the possible impact of particular development proposals on services and facilities within the immediate community concerned and in the wider area, enabling developers to gain an insight into the likely level of contributions that can be expected to be requested by the Council in order to meet the wider development impacts of those proposals.

4.4 It is impossible to detail in the emerging local plan all of the potential impacts anticipated as a result of implementing all of the development proposals it contains. However, all proposals will be expected to meet the Council's design and layout policies contained in the local plan alteration and any supplementary guidance to ensure that the highest possible standards of development are achieved. For larger sites identified in the local plan alteration, sites adjacent to listed buildings or sites within conservation areas, a master plan or design statement for the site, in accord with PAN68: Design Statements, will be expected.

4.5 The impact of identified developments beyond their site boundaries (other than those impacts which are covered by the Council's design and layout policies) will generally be assessed on a settlement by settlement basis. To assist in this process, a facilities survey will be carried out prior to the production of the draft local plan alteration for each community and an estimate of the current degree of use of these facilities against their potential capacity will be made. A summary of the survey information will be incorporated in the local plan or will be made available as a background paper to the document.

4.6 As indicated above, the level of contribution will, necessarily, relate to the scale of the proposed development and to the scale of any potential impact. The type of service for which contributions will be requested will be dependant on the assessment of facilities which will be summarised in the local plan. Examples of facilities or services to which contributions will be put include the following:

- transport implications
- schools and community halls
- sports facilities
- open space and footpaths
- water and sewerage facilities
- recycling facilities

4.7 Where it is anticipated that the impact of a proposed development is likely to be felt beyond the boundaries of the settlement within which it is proposed, this will be highlighted in the draft alteration to the local plan. It is expected that impact will likely extend beyond settlement boundaries in matters relating to infrastructure (particularly water and sewerage), town centres, educational facilities at secondary schools, higher level sports and recreational facilities, and roads and traffic management.

5. PARTICULAR CONSIDERATIONS

5.1 A number of issues have been identified as being able to benefit significantly through the making of developer contributions and these are detailed below:

(i) Irvine Valley Sewer

5.2 In conjunction with the Ayrshire Joint Structure Plan Team and North and South Ayrshire Councils, the Council has commissioned a consultants report on the sewerage capacity constraints arising within the catchment of the Irvine Valley sewer. This includes the settlements of Darvel, Newmilns, Galston, Hurlford / Crookedholm, Kilmarnock, Fenwick, Kilmaurs, Knockentiber, Crosshouse, and Gatehead. The final consultants report has yet to be completed but, on the basis of the information so far obtained, it is probable that developer contributions will need to be pooled to enable constraints to be overcome within the sewer catchment area and to meet best value criteria. On this basis, the Council will expect developers to co-operate to enable sewerage constraints to be overcome within a specified timeframe. These are issues that will be explored further through the draft Local Plan alteration but the Council is conscious of the importance of phasing housing land release to enable the infrastructure constraint to be expeditiously overcome.

(ii) Facilities Planning Model

5.3 The Council, in partnership with sportsScotland has commissioned a study to identify current deficiencies in sports facilities throughout East Ayrshire. The results of the study will help inform the local plan alteration of the impact that new development will have. Developers will not be expected to contribute to existing current deficiencies.

(iii) Town Centres

5.4 Significant new housing development within and on the periphery of various communities will have both positive and negative impacts on all town centres but, in particular, on Kilmarnock and Cumnock town centres which are

the main commercial, retail and administrative centres in East Ayrshire. It is important that town centre facilities (e.g. car parks) are provided to meet the needs of the community and that they are well connected to all new development sites. It is the Council's intention to explore the feasibility of creating Town Centre Trusts to receive developer contributions and to enable a co-ordinated package of actions and improvements to be undertaken.

(iv) Road Bypasses and Transport Infrastructure

5.5 The consultative draft of the replacement Ayrshire Joint Structure Plan highlights key locations for bypasses in East Ayrshire, namely for the settlements of Mauchline, Newmilns, Darvel and Cumnock (east-west). As part of the process for preparing the alteration of the East Ayrshire Local Plan, consideration will be given as to whether new housing proposals to meet the structure plan requirement within these communities or within the wider transport corridors within which they are located, could not progress without the development of new bypasses.

5.6 Additionally, consideration will need to be given to the cumulative impact of proposed new development on the road and rail infrastructure, particularly on key transport nodes, arising through major new housing developments.

6. DEVELOPMENT CONTRIBUTIONS OFFICER

6.1 The success of the Aberdeenshire Council approach to obtaining community benefits through developer contributions, as outlined above, would not have been achieved without the appointment of a Planning Gain Co-ordinator. It is recommended that the Committee likewise agrees, in principle, to the appointment of an officer to co-ordinate all matters relating to developer contributions required to help achieve the aspirations of the revised East Ayrshire Local Plan.

6.2 It is anticipated that the key responsibilities of the Development Contributions Officer would include

- negotiating, on behalf of the Council, the level and extent of developer contributions within the context of the East Ayrshire Local Plan and any other documents relating to development impact;
- depositing and ensuring proper accounting of all financial contributions obtained; and
- tracking expenditure and monitoring implementation in accord with any legal agreements

A detailed timetable for appointment would require to be agreed but would need to be linked to progress with the local plan alteration.

7. PERSONNEL / FINANCIAL IMPLICATIONS

7.1 Appointment of a Developers Contributions Officer will incur expenditure initially but it is considered that future costs could be fully met from contributions received.

8. LEGAL IMPLICATIONS

8.1 All contributions received would need to be contained within appropriate legal Agreements under the Town and Country Planning (Scotland) Act 1997; and further examination is required of the ability to make such contributions compulsory.

9. RECOMMENDATIONS

9.1 It is recommended that the Committee

- (i) notes the report and agrees the range and type of services and facilities for which developer contributions will be requested as outlined in Section 4;
- (ii) authorises the Head of Planning, Development and Building Standards to undertake the necessary surveys, studies and assessments to identify development impacts on services and facilities as part of the local plan alteration process and to investigate the role that could be played by the Council in the provision of infrastructure and report back to Committee on the findings;
- (iii) agrees that the report be circulated for comment to those stakeholders who have already expressed an interest in developing in East Ayrshire through consultations to date; and report back the outcome to Committee; and
- (iv) agrees in principle to the post of Development Contributions Officer being created in accord with Section 6 above and that a detailed report be submitted in due course to the Council's Corporate Governance Committee

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Executive Director of Development and Property Services

29 September 2005 (JL/SA)
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LIST OF BACKGROUND PAPERS

- (i) Report to December 2004 Meeting of the Development Services Committee entitled 'Developer Contributions / Planning Gain'**