

# Supplementary Planning Guidance

## Development Contributions

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## 1. FOREWORD

### 1.1. Introduction

- 1.1.1. This Supplementary Planning Guidance (SPG) has been prepared under Section 22 of the Town and Country Planning (Scotland) Act 1997 (the principal planning act) and forms part of the Local Development Plan.
- 1.1.2. This planning guidance supplements Strategic Policy 3 of the Local Development Plan (LDP) in relation to development contributions, and will be applied to all new development proposals in East Renfrewshire.
- 1.1.3. The Council's LDP aims to strike a balance between facilitating development whilst preserving and enhancing our high quality built and natural environment. This requires the consistent and equitable application of robust planning policy.
- 1.1.4. The Council firmly believes that new development should not adversely impact upon existing levels of service provision, infrastructure, or the quality of the environment. Therefore through Strategic Policy 3, new developments which individually or cumulatively generate a requirement for new or increased infrastructure or services, will be required to deliver, or contribute towards the provision of, supporting services, facilities and enhancement of the environment. This ensures that the costs of such required mitigation is funded by the development and not the general public.
- 1.1.5. This SPG provides a consistent and transparent framework by which the planning system can support the delivery of development while alleviating any potentially negative impacts on land use, the environment and infrastructure that would make it unacceptable in planning terms. It outlines how development contributions are calculated and provides information on securing requirements by planning obligation or legal agreement
- 1.1.6. Development contribution requirements which are identified by applying this SPG, will guide negotiations with developers on the infrastructure needs of a specific site. East Renfrewshire Council's approach to development contributions is intended to facilitate and assist negotiations around contributions from development proposals, rather than prohibit or add barriers to development.
- 1.1.7. This SPG aims to help inform decision making by those involved in the development process. We would strongly advise and encourage consultation with the Council as early as possible in the development process, as the financial implications of **this policy should be factored into development appraisals prior to land deals and commercial decisions being taken.**
- 1.1.8. It should be noted that this Policy requirement is **in addition** to the requirements of the Council's Policy SG5 'Affordable Housing' and its supporting SPG on Affordable Housing.

## 1.2. Policy Context & Legal Basis

1.2.1. This Supplementary Planning Guidance has been developed in the context of the following policy, strategy and guidance frameworks and government advice:

- National Planning Framework 3
- Scottish Planning Policy (2014)
- Circular 3/2012 Planning Obligations and Good Neighbour Agreements (2012)
- Glasgow & Clyde Valley Strategic Development Plan (2012)
- East Renfrewshire Local Development Plan

Further information is available on the Scottish Government Website:

[www.scotland.gov.uk/Topics/Built-Environment/planning](http://www.scotland.gov.uk/Topics/Built-Environment/planning)

1.2.2. The key legislation pertinent to development contributions is:

- Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006
- Section 69 of the Local Government (Scotland) Act 1973

## 2. POLICY PRINCIPLES

### Strategic Policy 3: Development Contributions

The Council wishes to secure community infrastructure and environmental benefits arising from new developments to mitigate their impacts.

New developments that individually or cumulatively generate a requirement for new or enhanced infrastructure or services will be expected to deliver, or contribute towards the provision of, supporting services and facilities. Developer contributions will be agreed in accordance with the five tests of Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. Planning permission will only be granted for new development where the identified level and range of supporting infrastructure or services to meet the needs of the new development is already available or will be available in accordance with an agreed timescale.

The master plans for the areas for change are required to identify the infrastructure requirements and development contributions required to support development. The master plans should identify how the infrastructure or services will be delivered to support the proposed development.

For all proposals viability will be a key consideration when determining the suitable level of development contributions.

Further detailed information and guidance is provided in the Development Contributions Supplementary Planning Guidance.

## 2.1. Guiding Principles

- 2.1.1. Developments cannot be supported unless the necessary services, infrastructure and facilities are in place, or can be provided, to accommodate them. Every new development proposal will therefore be assessed in its own right to determine the projected impacts on infrastructure service delivery that may result from development activity.
- 2.1.2. Where new developments either individually or cumulatively generate a requirement for new or enhanced infrastructure or services, as a matter of principle the Council will seek to secure the necessary mitigation on site through planning conditions.
- 2.1.3. Where on site mitigation is not possible, mitigation or alleviation measures can take the form of development contributions, being financial payments or other off site contributions. These can include contribution not only towards the provision of services, facilities and infrastructure but also, where appropriate, their on-going associated costs.
- 2.1.4. The provision of development contributions should never be used as a reason to approve a development proposal that is unacceptable on planning grounds. However the Council will seek to secure development contributions wherever a development, which is otherwise acceptable in planning terms, requires mitigation which cannot be secured through planning conditions. In such cases the release of planning permission may be conditional upon a legal agreement between the Council and the applicant being entered into. The agreement would regulate the delivery of appropriate development contributions required to alleviate the anticipated increased burdens resulting from the proposed development.
- 2.1.5. Development contributions will be agreed in accordance with the five tests of Circular 3/2012 'Planning Obligations and Good Neighbour Agreements' or any replacement thereof. Contributions required are to be proportional to the scale and kind of development and so closely related to the impact of the proposed development that it should not be permitted without them.
- 2.1.6. In applying the policy, consideration will be given to the cumulative effect of development. Where a number of sites in an area would not in themselves create an impact on local infrastructure or services, but together would create an impact for which mitigation is required, the Council will proportion the relevant contribution requirements between the sites, rather than imposing the costs solely on the last application to be received. This will not be in order to resolve a pre-existing deficiency. Contribution requirements and methodologies are set out in section 3 below.
- 2.1.7. In order to meet the policy objective of meeting housing need through the provision of affordable housing, it is necessary to remove any infrastructure constraints that would prevent those affordable houses from being occupied. Where affordable housing is linked to other private sector housing, the Council therefore expects the development contributions required of affordable housing units **to be met by the private sector element of the development.**

### 3. POLICY IMPLEMENTATION

#### 3.1. General

- 3.1.1. The policy will apply to all planning applications for the following:
- Residential development of 4 or more units (including applications for conversion of buildings to residential use).
  - Non-residential developments of over 1000m<sup>2</sup>.
- 3.1.2. The policy will generally not apply to sites with capacity for less than 4 dwellings. However, where sites of this size are so closely linked that they ought to be considered together, and the cumulative capacity exceeds 4 dwellings, the terms of the policy shall be applied.
- 3.1.3. In cases where extant permissions are renewed, revised or amended, the policy will be applied to the net gain in unit numbers applied for.
- 3.1.4. Relevant applications will be assessed to determine whether it is necessary for a development contribution to be made to mitigate against the anticipated impact that the development will have upon services, infrastructure and facilities.
- 3.1.5. Any impacts will be reported back to the applicant and where these cannot be mitigated, through planning conditions, the necessary contributions will be advised. Where appropriate, the figures given will represent the starting point for the Council's negotiation with the developer.
- 3.1.6. A negotiation will be carried out with the developer in order to reach an agreement and identify heads of terms for an appropriate legal agreement.
- 3.1.7. There are a wide range of facilities and infrastructure requirements that may be necessary in order to make a development acceptable in planning terms, such as:
- Education
  - Roads and Transportation
  - Community Facilities & Libraries
  - Sports
  - Parks and Open Space
  - Green Network and Access
- 3.1.8. The above list aims to capture the main contributions that may be required from developments, however individual applications will be assessed on a case by case basis and in some cases this may result in requirements that could not have been foreseen. Not all requirements listed will be relevant to every development. Wherever possible, known specific infrastructure requirements associated with a site will be outlined within planning briefs.
- Strategic Development Opportunities*
- 3.1.9. The development contribution requirements for each of the Strategic Development Opportunities (SDOs) identified in the LDP, will be set out

separately within the LDP and the specific Supplementary Planning Guidance for each SDO; however the base data and methodology used to calculate the majority of these contributions will be as detailed in this SPG. For the avoidance of doubt, although the SDO areas are referred to within the education section of this SPG, these sites will not be required to contribute twice.

#### *Community Benefits*

- 3.1.10. Developers are encouraged to engage with the Council's employability service to support the Council's economic and social regeneration objectives focusing on employability and local supply chain.
- 3.1.11. The priority objective of the Council's economic strategy 'A Place to Grow' is to create a vibrant and sustainable local economy. Major developments will generate significant inward investment during their construction stage creating an opportunity to support a dynamic and competitive local economy providing local jobs and creating further inward investment opportunities.
- 3.1.12. The Council offers comprehensive business support with a full recruitment service, training opportunities, funding and grant access and procurement support. Support is also provided to local individuals to develop their skills to specific opportunities. Developers are encouraged to engage with the 'Place to Grow' strategy at the earliest stage to maximise the benefits to the community and developer that can be realised by the strategy.
- 3.1.13. It is expected that the Council's own Community Benefits that is applied to all Council contracts will be used as a benchmark of good practice to determine the level of community benefits that should be delivered by development. This policy demonstrates the level of community benefits to be delivered based upon contract value and the support that can be provided by the Council to achieve this.

## 3.2. Education

- 3.2.1. East Renfrewshire Council is renowned for the quality of its education and the high performance of its establishments. The quality of Education provided within East Renfrewshire contributes significantly to its desirability as a place to live, and in turn is a key contributor to the marketability of new homes in the area. Education is a high priority for the Council.
- 3.2.2. Our Education department currently provides an education service for the local area through 7 secondary schools, 22 primary schools, 17 pre-five establishments and 1 school for children with complex additional support needs (for both primary and secondary aged children).
- 3.2.3. Residential development proposals require to be assessed with regard to their impact on the capacity of the education estate to accommodate the pupils generated by the development. All residential developments of 4 or more units will be assessed with regards to their impact on the education estate.
- 3.2.4. The following types of development will be exempt from **education** development contributions:
- Class 8 Residential Institutions i.e. nursing home, hospital, residential school or college etc.
  - Residential developments with occupancy restrictions, secured by section 75 agreement or condition, that would prevent or reasonably restrict opportunity for children of school age to live there;
  - 100% subsidised affordable housing development sites (those identified under Policy SG1 and listed in schedule 9).

### *Primary & Secondary Contributions*

- 3.2.5. With regards to primary and secondary education, the Council is seeking to secure contributions for necessary improvements in education infrastructure arising from the **cumulative impact** of all the emerging housing sites within the Council's LDP.
- 3.2.6. To ensure that this is achieved in a fair and equitable manner the cumulative impact assessment, upon which likely education contributions are based, has taken account of the anticipated phasing of housing delivery up to 2021 as agreed within the Housing Land Audit (2014) and the LDP.
- 3.2.7. The Council's notional maximum occupancy, over which development contributions will be sought, is 90% for pre-school, primary and secondary schools. Above this level, efficient operation of the school is significantly compromised and facilities are pushed beyond optimum utilisation. A list of schools where it is likely that this level of occupancy will be breached due to cumulative impact, and therefore development contributions are likely to be sought, is provided below.
- 3.2.8. In general development contributions may be required to contribute towards the cost of providing capacity improvements to existing schools, for example permanent additional classrooms, modifications to the existing school,

ancillary accommodation and sports facilities; however in some cases the provision of a new school may be required.

#### *Pupil Product Ratio*

3.2.9. Contributions are based on the anticipated propensity of residential units to generate children of school age (the anticipated propensity is represented as a pupil product ratio per property). An audit of recent and established developments, carried out by the Council's Education Service, demonstrates the Pupil Product Ratios (PPR) for East Renfrewshire as follows:

- Non Denominational Primary: 0.23
- Denominational Primary: 0.10
- Non Denominational Secondary: 0.17
- Denominational Secondary: 0.07

3.2.10. The recent audit was carried out across over 1600 properties covering both the Eastwood and Levern Valley areas, and included two established areas and 3 recent developments (which included areas of mixed house types, sizes and tenures).

3.2.11. This approach updates that of the previous 2012 SPG, removing the need to apply increases or reductions depending on bedroom size, and allowing the establishment of a **cost per residential property** (regardless of size and type).

#### *Calculation*

3.2.12. The cumulative impact assessment identifies those schools where it is anticipated that the pupils generated by housing allocations as yet without planning permission (programmed up to 2021 in the 2014 Housing Land Audit), will increase school capacity beyond 90%. Development contributions will be sought for development within these school catchment areas towards the projected pupils generated above 90% of the school capacity. The cost of these pupils is shared across the residential units (programmed up to 2021) within the catchment area generating a cost per residential property.

3.2.13. The cumulative calculation methodology and baseline data used is detailed below:

### **Education Cumulative Calculation – Up to 2021**

#### **Stage 1**

The appropriate Pupil Product Ratio (PPR) is applied to the number of un-built units with planning permission (consented) within the catchment of each school. The consented pupil numbers are added to the existing 2014 School Roll to provide **base numbers** and a new percentage occupancy for each school.

#### **Stage 2**

Within each catchment area the notional number of units without planning permission, that are planned to be delivered up to 2021 is calculated. This is based on the estimated per hectare capacity as agreed in the Housing Land Audit and reflected in the LDP. The appropriate PPR is applied to these units within each catchment giving **notional additional pupils** for each school. This is added to the base numbers and an overall percentage capacity for each school is calculated. If the percentage occupancy is over 90% then a contribution will be required. If below 90% then a contribution is unlikely.

#### **Stage 3**

The number of pupils above the 90% trigger point for each school is calculated. In some cases the 90% trigger will already have been reached with the base numbers, therefore contributions will be required for all notional additional pupils in these schools. In other cases the number of pupils that can be accommodated in the school, without reaching the trigger point, will be calculated. Then the **number of pupils per school over the trigger point**, from which contributions will be required, will be calculated.

#### **Stage 4**

For each school, the number of pupils for which contributions are required will be multiplied by the cost per pupil for adding additional occupancy. This gives the total cost for additional accommodation per school.

#### **Stage 5**

The total cost for each school is divided by the notional number of properties (programmed up to 2021) to be built in the catchment, giving a cost per residential unit. Each site will therefore have (if required) **a cost per house for each of the 4 school types** (denominational and non-denominational primary and denominational and non-denominational secondary). The cost per residential unit is then applied to the number of units within a development proposal to determine the level of contribution required.

#### *Costs per pupil*

3.2.14. The Cost per pupil to be used in the cumulative calculations is as follows:

<b>Total Build Cost per Pupil - As at June 2014</b>		
	<b>Capacity Improvement</b>	<b>New Build</b>
<b>Primary</b>	£7,916.67	£20,407.41
<b>Secondary</b>	£7,916.67	£22,817.39

3.2.15. The build costs per pupil have been based upon recently completed or currently budgeted developments within the Council education estate as listed below. These costs include build, fit out and professional fees, but **exclude land costs**.

- Primary and secondary capacity improvement - extension to St Marks Primary School, Barrhead (completed in 2014)
- Primary new build cost - estimated cost for construction of a 4,204m<sup>2</sup> 2 stream primary school with 60:60 nursery provision
- Secondary new build - Eastwood High School (completed and opened in 2013).

*List of Schools where a Contribution is Likely*

3.2.16. The following list shows whether it is likely that development contributions will be sought, due to the cumulative impact of allocated residential sites within the LDP resulting in the 90% threshold being breached.

<b>Primary Schools - Development contribution required</b> (based on cumulative assessment of housing allocations to 2021)	
<b>Barrhead High Catchment Area</b>	
Carlibar Primary	Likely
Cross Arthurlie Primary	Unlikely
Springhill & Auchenback Primary	Unlikely
<b>Eastwood High Catchment Area</b>	
Crookfur Primary	Likely
Mearns Primary	Unlikely
Neilston Primary	Unlikely
Uplawmoor Primary	Unlikely
<b>Mearns Castle High School Catchment Area</b>	
Eaglesham Primary	Likely
Kirkhill Primary	Likely
Mearns Primary	Likely
<b>St Luke's High Catchment Area</b>	
St John's Primary	Unlikely
St Mark's Primary	Likely
St Thomas's Primary	Unlikely
<b>St Ninian's High Catchment Area</b>	
Our Lady of the Missions Primary	Likely
St Cadoc's Primary	Likely
St Joseph's Primary	Likely
<b>Williamwood High Catchment Area</b>	
Netherlee Primary	Unlikely
Busby Primary	Likely
Carolside Primary	Likely
<b>Woodfarm High Catchment Area</b>	
Braidbar Primary	Unlikely
Giffnock Primary	Likely
Thornliebank Primary	Unlikely

<b>Secondary Schools - Development contribution required</b> (based on cumulative assessment of housing allocations to 2021)	
Barrhead High School	Unlikely
Eastwood High School	Likely
Mearns Castle High School	Unlikely
St Luke's High School	Unlikely
St Ninian's High School	Likely
Williamwood High School	Likely
Woodfarm High School	Unlikely

3.2.17. The following list details the level of development contribution sought for those schools where a contribution is likely.

<b>Primary &amp; Secondary Schools</b> <b>Development contribution requirement per housing unit</b> (based on cumulative assessment of housing allocations to 2021)	
Carlibar Primary	£720.77
Crookfur Primary	£1,820.83
Kirkhill Primary	£1,820.83
Our Lady of the Mission Primary	£791.67
St. Cadoc's Primary	£791.67
Giffnock Primary	£1,820.83
St Mark's Primary	£177.44
Eastwood High School	£1,345.83
St Ninian's High School	£554.17

3.2.18. Not all schools 'Likely' to require contributions have 'per housing unit' sums listed in the table above. In most cases this is because there are no allocated LDP sites within the catchment area of the school; otherwise contributions are being dealt with separately under the SDO SPG master plans. Any windfall sites within these catchments will be required to make contributions towards these schools. Individual calculations will be carried out at the point of application.

3.2.19. Although the above tables list only 15 schools where a contributions is likely, other schools listed may require contributions if they are impacted by windfall development (sites that come forward for planning permission outwith the LDP). These sites will be assessed on a case by case basis as per paragraph 3.2.31.

#### ***Pre-five Contributions***

3.2.20. With regards to pre-five provision, the Council is seeking to secure contributions for necessary improvements in education infrastructure arising from the cumulative impact of all the emerging housing sites within the LDP. The same cumulative impact methodology as described above, has been carried out to ensure that this is achieved in a fair and equitable manner.

3.2.21. The cumulative impact assessment identifies those pre-five facilities where it is anticipated that the children generated by housing allocations as yet without planning permission (programmed up to 2021 in the 2014 Housing Land Audit), will increase the facilities occupancy beyond 90%. Development

contributions will be sought from development within these facilities catchment areas towards the children generated above the 90% threshold for the facility. The cost of these children is shared across the residential units (programmed up to 2021) within the catchment area generating a **cost per residential property**.

3.2.22. The baseline data used is as follows:

- Pre-five PPR of 0.047 - This has been calculated as one seventh of the total PPR for denomination and non denominational primary (0.33)
- And based on 2013/14 session facilities occupancy.

<b>Total Build Cost per Pre-Five Pupil - As at June 2014</b>	
<b>Capacity Improvements to Existing Pre-five facilities</b>	£7,916.67
<b>New Build Pre-Five within New build Primary School</b>	£10,719.69
<b>New Stand Alone Pre-five establishment</b>	Assessed on a case by case basis

3.2.23. The following list shows whether it is likely that development contributions will be sought due to the cumulative impact of allocated residential sites within the LDP resulting in the 90% threshold being breached.

<b>Pre-5 Establishments - Development contribution required</b> (based on cumulative assessment of housing allocations to 2021)	
Arthurlie Family Centre	Unlikely
Braidbar Nursery Class	Unlikely
Busby Nursery Class	Likely
Calderwood Lodge Nursery Class	Unlikely
Carlibar Family Centre	Likely
Carolside Nursery Class	Likely
Crookfur Nursery Class	Likely
Eaglesham Nursery Class	Likely
Giffnock Nursery Class	Likely
Glen Family Centre	Unlikely
Glenwood Nursery Class	Unlikely
Hazeldene Nursery Class	Likely
Isobel Mair Family Centre	Unlikely
Netherlee Nursery Class	Unlikely
Madras Family Centre	Unlikely
Mearns Nursery Class	Likely
Thornliebank Nursery Class	Unlikely

3.2.24. The following list details the level of development contribution sought for those pre-5 facilities where a contribution is likely.

<b>Pre-Five Establishments</b> <b>Development contribution requirement per housing unit</b> (based on cumulative assessment of housing allocations to 2021)	
Carlibar Nursery Class	£378.11
Crookfur Nursery Class	£494.79
Giffnock Nursery Class	£494.79
Hazeldene Nursery Class	£989.58

- 3.2.25. Not all pre-five establishments 'Likely' to require contributions have 'per housing unit' sums listed in the table above. In most cases this is because there are no allocated LDP sites within the catchment area of the nursery; otherwise contributions are being dealt with separately under the SDO SPG master plans. Any windfall sites within these catchments will be required to make contributions towards these pre-five establishments. Individual calculations will be carried out at the point of application.
- 3.2.26. As per paragraph 3.2.19, although other nursery classes are listed as contributions being unlikely, they may require contributions if they are impacted by windfall development. These sites will be assessed on a case by case basis as per paragraph 3.2.34.
- 3.2.27. All education tables above reflect only the existing programming up to 2021 (as per the agreed 2014 Housing Land Audit) and are likely to change when post 2021 programming is assessed.

### *Strategic Development Opportunities*

- 3.2.28. The LDP identifies three strategic development opportunities (SDO's) that will be delivered through a master planned approach to provide a long term supply of land for housing up to 2025 and beyond. The SDO's have an allocation of circa. 2,575 houses phased to 2025 and beyond. The development contributions policy is central to ensuring that these master plan areas are delivered in a manner that contributes to the strategic objectives of the LDP.
- 3.2.29. The LDP has identified the need for education facilities, with on site provision of 2 primary schools (non-denominational and denominational) and associated pre-five provision required as an early priority within the Malletsheugh / Maidenhill SDO (Policy M2.1 of the LDP). **The application of development contributions required from development within this area towards the part funding and delivery of these schools will be determined through the preparation of a comprehensive master plan shown by Policy M2.1 of the LDP.**
- 3.2.30. The base data used in terms of cost and Pupil Product Ratio (PPR) will be as detailed above. The residential units within the area covered by policy M2.1 **have not** been considered in the pre-five and primary school cumulative impact calculations. This is because these units will contribute towards the need for the two new primary schools required to accommodate the number of primary and pre-five pupils generated as a result of development within this area.
- 3.2.31. Within the Lavern Valley area the LDP housing allocations can currently be accommodated within the existing school estate subject to appropriate development contributions and pre-five capacities being addressed at the early stages of development. Again the mechanisms for delivery of contributions will be detailed within the relevant SDO master plans. It should be noted that whilst a new Barrhead High School is being constructed this was not required as a result of development.

### *Use of Education Contributions*

- 3.2.32. Education contributions received will be allocated for use solely within the catchment area where the development giving rise to the issue is located. Agreements will set out that education contributions will require to be used or committed for use within 7 years of receipt of payment. If the contributions have not been spent or are not committed within the 7 year timeframe, contributions will be repaid to the developer in line with paragraph 3.11.3.
- 3.2.33. The situation may arise where capacity improvements have to be made prior to the full costs required coming forward from developments within the catchment. In these circumstances, if absolutely necessary, the Council may front fund part of the capacity improvements, on the expectation of having the money repaid by future contributions. In such an instance, the cumulative assessment approach ensures that all subsequent developments within the catchment, benefiting from the investment, will contribute to the cost.

### *Additional Education Considerations*

- 3.2.34. Residential windfall sites are those not currently allocated for housing in the LDP, but which come forward seeking permission for residential development. In the case of **windfall sites** within school catchments that require contributions, the unit number applied for would be multiplied by the rate per house already agreed through the cumulative impact calculations (in order that they are treated in the same way as LDP allocations which exceed their notional capacity). Within school catchments where a contribution is not likely in the above lists, the application will be assessed to determine whether the capacity trigger (90%) would be breached as a result of the cumulative effect including the proposed development. If the cumulative effect results in the need for contributions the windfall site will be expected to meet the cost of all pupils over the 90% threshold. If the cumulative effect of a windfall site required the construction of a new school, this approach would not apply and the Council would consider the application on the particular facts and circumstances that existed at the time.
- 3.2.35. Where sites with planning permission amend unit numbers, either through amendments to existing permissions or new development proposals, the net increase in numbers from the planning permission will be treated as windfall as above.
- 3.2.36. Where planning permissions granted prior to the introduction of the Development Contributions SPG have lapsed, and a new application is received, any increase in unit numbers in the new application will be treated as windfall.

## **3.3. Roads and Transportation**

- 3.3.1. The provision of transport infrastructure is an integral part of any development and is expected to be provided by the developer as a standard

development cost. Where necessary transport infrastructure provision will be controlled through either:

- the use of planning conditions
- the use of planning obligations
- legal agreement with the Roads Authority (Section 48, Section 96 of the Roads Scotland Act 1984)
- conditions of the Road Construction Consent

3.3.2. All new development proposals, including change of use or proposals that will result in significant intensification of existing uses, will be assessed with regards to implications for off-site transport infrastructure. For larger development proposals, the requirement for off-site transport infrastructure will be based primarily on the findings of an agreed Transport Assessment. For smaller developments, the requirements for off-site transport infrastructure will be based upon the planning consultation response of the Council's Roads and Transportation Service.

3.3.3. Where a development either individually or cumulatively generates a requirement to provide off-site transportation infrastructure, development contributions will be sought to fund the full costs associated with the delivery of those works including, where necessary but not limited to:

- Acquisition of any necessary land outwith the control of the applicant
- Design and constructions costs
- Legal, professional and administrative costs attributable to the infrastructure
- Costs associated with drafting any necessary legal agreements (Section 48 / Section 96)
- Management, enforcement and monitoring of travel plans

3.3.4. For more detailed information on new roads infrastructure requirements in the Strategic Development Opportunity (SDO) areas of Maidenhill, Barrhead South and Barrhead North, please refer to the specific SPG master plan for each SDO area.

3.3.5. Where a development may have an impact on public transport infrastructure, the Council will determine the requirement in consultation with partner organisations such as Strathclyde Partnership for Transport (SPT) and Network Rail.

3.3.6. The Council encourages applicants to engage in pre-application discussions with the Roads & Transportation Service in order to establish possible transport infrastructure contributions at the earliest possible stage. Applicants are encouraged to use the pre-application planning transport assessment form as appended to the Scottish Government 'Transport Assessment Guidance' (2012) and Planning Advice Note 75 'Planning for Transport'.

### 3.4. Community Facilities

- 3.4.1. Community facilities include community halls, sports grounds, sports halls and centres, libraries and community health and care provision. Where it is determined that new development would either individually or cumulatively generate a requirement for new or enhanced community facilities, contributions will be required from residential development in order to improve capacity at these facilities. This may include upgrade or extension work to current facilities. Contributions will not be sought in order to resolve a pre-existing deficiency.
- 3.4.2. These services often share facilities (including those provided out of hours at local schools) therefore in some cases the individual community facilities contributions (sports, libraries and community halls) may be pooled in order to ensure that contributions are expended on a best value basis.

#### *Community Halls & Libraries*

- 3.4.3. In order to provide a level of certainty to developers, the Council has used the current cost for increasing the capacity of libraries - extending and fitting out costs – to determine an appropriate contribution.
- 3.4.4. East Renfrewshire Council has used the museums, libraries and archives Council standards as a benchmark for establishing an acceptable standard for library provision. This indicates an acceptable provision of 35m<sup>2</sup> of library per 1,000 people. Based on current construction costs for horizontal extensions and fit out, the contribution required is **£193 per residential unit**.

#### *Community Halls & Libraries Calculation*

Construction costs for horizontal extensions and fit out is £2,281/m<sup>2</sup> (BCIS Q2, 2014)

£2,281 (per m<sup>2</sup>) x 35 (m<sup>2</sup>) /1000 = £79.84 per person

£79.84 x 2.42 persons per East Renfrewshire household (Census 2011) =

**A contribution of £193 per residential unit**

- 3.4.5. Libraries and community halls often share facilities in East Renfrewshire; therefore this contribution will be associated with all community halls and libraries within 2000m of the development (in line with the council's accessibility framework), and will be expended on a best value basis.

#### *Sports*

- 3.4.6. Contributions will be sought to mitigate the effects that residential development has on existing sports facilities in the area. In order to provide a level of certainty to developers, the Council has used within the calculation a standard cost for upgrading a grass football pitch.
- 3.4.7. The Council's standard for the provision of outdoor sports space is 1.6 hectares per 1000 population. This is in line with the Fields in Trust 'six acre' standard set out in Planning Advice Note 65 'Planning for Open Space'.

- 3.4.8. The National Audit of Outdoor Sports Pitches issued by **sportscotland** identifies a grade 3 category pitch as the desirable standard for natural grass pitches used in education, public recreation and club contexts. A grade 3 category would include a piped drainage system, sand ameliorated topsoil and secondary drainage/gravel slit system. The cost involved in converting an existing standard 100x60m pitch to this standard would be £60,000 (information supplied by ERC Parks Service).
- 3.4.9. Using this standard, where mitigation is required a contribution of **£382 per residential unit** will be sought to upgrade current sports facilities and increase capacity. Contributions will be used on a best value basis in order to mitigate the effects of the development on the area. Whilst based on the upgrade of pitches, contributions may be **used to increase capacity at a range of sports facilities and centres**. The calculation for this requirement is set out below.
- 3.4.10. Where proposals include residential development that is specifically designed for older persons, applications will be assessed on a case by case basis to determine their impact on sports facilities.

### Sports Calculation

1000 people require 1.6 hectares of outdoor sports space

The cost involved in converting an existing standard 100x60m pitch to a grade 3 standard would be £60,000 (this includes - installation of a drainage system, treatment with herbicide cultivate and addition of sand and ameliorate surface, install sand gravel slits and top dress, and establishment costs)

6000m<sup>2</sup> football pitch = 38% of 1.6 hectare requirement

38% of 1000 people = 380 people

380 ÷ 2.42 (persons per household) = 157 households

£60,000 ÷ 157 = **A contribution of £382 per residential unit**

### 3.5. Parks and Open Space

- 3.5.1. Contributions will be sought to mitigate the effects that residential development has on existing parks and informal recreational and play spaces in the area. This requirement is in addition to the Local Development Plan's minimum requirements for active open space and playing space within developments.
- 3.5.2. In order to provide a level of certainty to developers, the Council has again based the calculation on the standard cost for upgrading a grass pitch. However in this case the 0.8ha benchmark standard for children's playing

space has been used in the calculation (in line with the Fields in Trust 'six acre' standard). Using this standard, where mitigation is required a contribution of **£194 per household** will be sought.

- 3.5.3. Contributions will be used on a best value basis and may be directed to a **range of projects which would enhance and increase the capacity of existing parks and open space within the area**, and be of benefit to all residents of the development and the local community (not just children). This could include amongst other things the upgrade of play equipment, new outdoor seating, improved drainage, or replacement planting.
- 3.5.4. Contributions will be collected as associated with parks and open space within 800m (a ten minute walk) of the development.

#### **Parks and Open Space Calculation**

1000 people require 0.8 hectares of playing space

As above, the cost involved in converting an existing standard 100x60m pitch to a grade 3 standard would be £60,000 (this includes - installation of a drainage system, treatment with herbicide cultivate and addition of sand and ameliorate surface, install sand gravel slits and top dress, and establishment costs)

6000m<sup>2</sup> pitch = 75% of 0.8 hectare requirement

75% of 1000 people = 750 people ÷ 2.42 (persons per household) = 310 households

£60,000 ÷ 310 = **A contribution of £194 per household**

### **3.6. Green Network and Access**

#### ***Green Network***

- 3.6.1. The Council seeks to protect and where appropriate enhance East Renfrewshire's natural heritage and landscape features. The natural environment comprises a range of components which help slow the effects of climate change, encourage health and well being and provide attractive places for people to live and work. Greenspace, opportunities for outdoor access and natural features including trees, habitats and species all contribute to the diversity and success of an area.
- 3.6.2. Within East Renfrewshire a green network has been identified which provides a local network of natural, semi natural and manmade greenspace, active travel and recreational routes, watercourses, woodland and other habitats. It is focussed on the urban area and provides connectivity to the surrounding green belt and links habitats through the protection of a network of sites.
- 3.6.3. National Planning Framework 2 (NPF2) highlights the role of the green network in delivering environmental, economic and social benefits and

highlights the planning system as a key method of delivery. NPF2 identifies the Central Scotland Green Network as a national development and consequently its delivery must be considered and planned for at strategic and local authority levels. At the strategic level, the green network is embedded within the fundamental principles upon which the Glasgow and the Clyde Valley Green Strategic Development Plan is based and which are integral to the decision making process at a local level.

- 3.6.4. All development proposals will require to reflect the guidance contained within Green Network Supplementary Planning Guidance and the provision of the green network will be a core component of any master plan.
- 3.6.5. Proposals for development that are likely to destroy or impact adversely on the character or function of the green network as shown on the Local Development Plan Proposals Map will be discouraged.
- 3.6.6. If a proposal is otherwise acceptable in planning terms, but may have an impact on the green network (including sites which are not part of the identified green network but are in close proximity to it), an assessment will be made in order to ascertain how best to mitigate this.
- 3.6.7. Wherever possible, the effects will be mitigated through planning conditions ensuring on site provision. Where this is not possible, an assessment for a development contribution will be made based on the environmental quality of the open space. Contributions will be based on the cost of replacing lost landscape features, habitats or amenity elsewhere in the locality.
- 3.6.8. Where established green space is lost, a contribution will be sought to enhance other informal green spaces in the area. **The specific costs associated with a development will be assessed on a case by case basis.**
- 3.6.9. Opportunities to enhance and strengthen the network can be achieved in a number of ways, including the protection and enhancement of existing greenspace and through the introduction of green infrastructure within new development e.g. access, greenspace, SUDs. Contributions will be used on a **best value basis** in order to mitigate the effects of the development on the area.

#### ***Access Paths***

- 3.6.10. East Renfrewshire's Core Path Plan identifies a network of paths that connect communities and gives everyone the opportunity to enjoy the outdoors. Paths are perfect for simple everyday exercise, local commuting on foot or bike and can also provide effective routes to school.
- 3.6.11. It is expected that the increased pedestrian activity brought about by new residential development may require the introduction of new paths or the upgrading of the existing path network.
- 3.6.12. The cost of establishing a new path or upgrading a path can vary greatly and the guideline cost of establishing a new path, **£55 per m<sup>2</sup>** represents the

maximum contribution required. Where it can be shown that the work required is not to this standard, a lesser contribution will be acceptable. As a minimum, paths should be 2m wide. Where it is expected that paths will be used for walking and cycling, the minimum standard width is 2.5m, unless there are site constraints which prevent this e.g. biodiversity.

- 3.6.13. Legislation permits the diversion of paths in order that they are not a barrier to development. Development contributions will also be sought in cases where a diversion of a core path or right of way is required as a result of a development.

### *Local Development Plan – Minimum Requirements*

- 3.6.14. **In addition** to the above, the Council's Local Development Plan directs that developments are generally expected to provide for active open space and playing space on site in accordance with minimum standards set out in Appendix 1 of the Green Network and Environmental Management SPG.
- 3.6.15. Where it is not possible to meet these requirements onsite or ensure them through planning conditions it may be acceptable for a developer to make a contribution towards the Council providing these requirements offsite or upgrading existing provision in the local area. The current cost of constructing these requirements is detailed below:

**Local Equipped Area for Play (LEAP)** – to be determined on a case by case basis

**Multi-use Games Area (MUGA)** - £171/m<sup>2</sup>

Based on construction of 30x20m MUGA at a cost of £102,500 (cost includes unit price plus excavation, drainage, construction profile and surfacing, installation costs and professional fees)

## 3.7. Legal Agreements

- 3.7.1. All planning obligations involve planning applicants (and any other parties that have an interest in the land) entering into legally binding contracts with, or obligations in favour of, the Council. Planning permission will not be granted until the relevant agreement has been concluded (or in the case of Section 75 obligations, registered in the Land Register) and development should not start until the planning decision notice has been released.
- 3.7.2. In the case of applications for Planning Permission in Principle (PPP):
- where the maximum unit numbers are known at PPP stage, contribution requirements may be determined and secured by s75 agreement at this stage (maximum unit numbers would be set within the agreement).
  - Where maximum unit numbers are yet to be determined, the Council would require a s75 agreement that sets out general principles to be applied and requires a detailed agreement (specifying the detailed

development contributions) to be entered into prior to approval of the first Approval of Matters Specified in Conditions submission.

- 3.7.3. Applicants are encouraged to consider the risks involved before deciding which type of legal agreement best suits their circumstances. It is also recommended that planning applicants seek appropriate independent legal advice prior to entering into any legal agreement.

### *Section 69 Legal Agreements*

- 3.7.4. Where certain development contributions are to be paid in **full** in one early instalment, **prior** to the release of planning permission, a section 69 agreement under the Local Government (Scotland) Act 1973 may be considered the most appropriate and straightforward mechanism. The terms of these agreements are generally more straightforward and therefore may facilitate a faster conclusion to the application process than the s75 equivalent.
- 3.7.5. As contributions are settled prior to the release of planning permission, there is no need to register the agreement as a burden against the title.
- 3.7.6. There is however an element of risk associated with the use of s69 agreements. If a development contribution has been paid to the Council and the subsequent development does not go ahead, the Council **will not** return the contribution **unless it has not already been spent or committed** for the purpose collected/within timeframes agreed.

### *Section 75 Legal Agreements*

- 3.7.7. Where it is necessary to secure that future owners and occupiers of the land are bound by a planning obligation (for example where phased contributions to infrastructure provision are required) the Council as Planning Authority is entitled to enter into agreements or receive unilateral undertakings under Section 75 of the Town and Country Planning (Scotland) Act 1997. These agreements or undertakings restrict or regulate the use or development of land and can include financial provisions where appropriate.
- 3.7.8. Where possible, examples of agreements used may be provided upon request early in the application process so that developers are aware of the style of legal agreement required. However the appropriate terms of the agreement will vary depending on the specifics of the application.
- 3.7.9. To ensure that the requirement for a legal agreement does not unduly delay the processing of the planning application, heads of terms will be agreed prior to the determination of the application. The drafting of heads of terms, or indeed a legal agreement, prior to determination of an application will in no way affect or influence the outcome of the planning process.

## **3.8. Indexation**

- 3.8.1. In all cases, the relevant sum agreed will be index linked to the date of payment. Typically, the Retail Price Index will be used unless otherwise

agreed. The base date for indexation of most contributions is stated in the SPG, stated against each cost e.g. Education costs are stated as at June 2014. Where no date is given, the date of publication of the SPG (xxxx 2014) will be used as the base date.

- 3.8.2. Wherever possible, the relevant contributions within this SPG will be updated on an annual basis. Updated costs will be published on the Council's website. In these cases, the relevant cost date will be provided and it will be this new date that will be used as the base date in indexation calculations.

### **3.9. Review Periods**

- 3.9.1. The base data supporting this policy will be reviewed on an annual basis and where appropriate updated cost information will be published on the Council's website. It is intended that this annual review will ensure that the application of the policy remains robust for the lifetime of the LDP with a full review of the policy in tandem with the LDP lifecycle (or sooner if required).

### **3.10. Settling Contributions**

- 3.10.1. As above, contributions agreed through Section 69 agreements require to be settled in full prior to release of planning consent.
- 3.10.2. Section 75 agreements will set out terms specifying the level of contribution due and appropriate phasing of the payments. Applicants will be encouraged to settle contributions on time without being specifically requested by the Council. Agreements will require the payment of interest if contributions are not be paid on time. If requested, the Council can issue invoices in respect of contributions due.

### **3.11. Contributions Disbursement**

- 3.11.1. Contributions will be disbursed or allocated in line with the terms of the associated legal agreement. Generally contributions will be disbursed or committed within five years of receipt. However there are occasions where the spend deadlines or commitment timescales will required to be longer (e.g. Education at 7 years).
- 3.11.2. Where a longer period of capital programming is required for major projects, contributions may require to be retained over a longer period.
- 3.11.3. Any contribution or proportion of contribution not disbursed or committed within the agreed timeframe, will be returned to the developer with appropriate interest.

### 3.12. Special Considerations

3.12.1. The Council recognises that development contributions impose costs which may have implications for the viability of a development. Applications will be considered on a case by case basis and viability will be a key consideration when determining the suitable level of development contributions.

3.12.2. It is expected that the developer will have taken into account all costs, including:

- ground conditions and any site constraints;
- exceptional costs associated with developing a difficult site;
- the requirement of this development contributions policy; and
- and the council's affordable housing policy.

and **reflected these costs in any offer made for a development site.**

3.12.3. The timing of development contributions payments can have critical implications in terms of project cash flow. In some cases it may be possible to mitigate this impact by phasing the payment of contributions throughout the development process.

3.12.4. If the impact of a contribution cannot be alleviated in this way, the developer will be required to provide evidence in the form of a full development appraisal in support of this argument. This appraisal will be independently tested by the District Valuer Service (DVS).

3.12.5. All development appraisal submissions will require to detail contribution requirements, acceptable levels of profit, construction, site acquisition, finance and professional costs and fees. They are also expected to openly demonstrate any exceptional site costs associated with a difficult site and the impact that these costs would have upon project viability. The developer will be asked to demonstrate that these costs could not reasonably have been foreseen **prior to entering into the contract for site purchase** and were therefore not reflected in site acquisition.

3.12.6. Where a developer wishes to dispute a valuation carried out by the DVS then the Council will be prepared to consider a further valuation by a mutually agreed and independent valuer. These valuations will inform the negotiation process but will otherwise remain confidential.

3.12.7. Any valuation carried out by the DVS or otherwise will be considered by the Council. It may be deemed acceptable to vary the level of contribution that is required, if the benefits of a development are seen to outweigh the cost incurred by the Council making up any shortfall in infrastructure provision. If the Council is unable to make up any shortfall in necessary infrastructure provision, the application may need to be recommended for refusal. Alternatively it may be appropriate for the scale or intensity of the development to be reduced in order for the development to be recommended for approval with a lower level of contribution.

## 4. CONTACT DETAILS

For further advice on this Supplementary Planning Guidance and its applications, please contact:

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