

EAST RENFREWSHIRE COUNCIL26 April 2023Report by Director of EnvironmentLOCAL DEVELOPMENT PLAN 2 (SUPPLEMENTARY GUIDANCE)**PURPOSE OF REPORT**

1. The purpose of this report is to update the Council in relation to progress with the Local Development Plan 2 (LDP2) Supplementary Guidance documents and to seek approval to submit the 3 statutory documents to Scottish Ministers for Adoption.

RECOMMENDATIONS

2. The Council is asked to:
- a) Approve the proposed responses and recommendations to representations;
 - b) Approve the submission of the Affordable Housing, Development Contributions and Green Network Finalised Supplementary Guidance to Scottish Ministers for Adoption as attached in Appendices 1, 2 and 3;
 - c) Approve the publication of the non-statutory Householder Design Planning Guidance as attached in Appendix 4; and
 - d) Delegate to the Director of Environment to approve any minor inconsequential changes to the documents, in line with Council policy, prior to submission to Scottish Ministers.

BACKGROUND

3. The purpose of Supplementary Guidance is to provide detailed guidance in respect of specific policies or proposals set out in the adopted Local Development Plan (LDP 2) (March 2022). Supplementary Guidance sits apart from the Local Development Plan (LDP) and allows the Plan to focus on providing a vision, spatial strategy and other key policies and proposals which set the framework for the growth and development of East Renfrewshire up to 2031 and beyond. Supplementary Guidance is an important tool in the Development Management process.

4. Section 22 of the Planning etc. (Scotland) Act 2006 made provision for the preparation of statutory Supplementary Guidance in connection with a Local Development Plan. This part of the 2006 Act has now been repealed and the status of Supplementary Guidance changed under the Planning (Scotland) Act 2019.

5. The transitional arrangements set out in the Chief Planner's Letter published on 8th February 2023, however, allow for local authorities to continue to prepare and adopt statutory supplementary guidance associated with LDPs until 31 March 2025. Supplementary Guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

REPORT

6. A series of statutory Supplementary Guidance documents were adopted alongside Local Development Plan 1 (June 2015). LDP1 has now been replaced by the adoption of LDP2. A review of the existing Supplementary Guidance has commenced, however, until the Supplementary Guidance for LDP2 have been adopted, the existing documents will be used as non-statutory guidance and continue to provide more detailed guidance on the planning policies contained in LDP2.

7. 3 statutory Supplementary Guidance documents have so far been prepared and consulted upon as follows:

- Affordable Housing (Appendix 1)
- Green Network (Appendix 2); and
- Development Contributions (Appendix 3).

8. In addition, a Householder Design Guide (Appendix 4) was also consulted upon over the same period. This is a non-statutory planning guidance and will not form part of the adopted LDP2. This document will however be a material consideration in the determination of planning applications.

9. The 2015 Supplementary Guidance documents were updated to reflect the revised policies set out in LDP2 and other relevant national and regional policy updates. The most significant of these being the updated policy framework and direction set out in National Planning Framework 4 (NPF4 February 2023). There were no major changes of the Council's approach / methodology proposed in the updates to the Supplementary Guidance.

10. The documents were published for a 6-week consultation period from 8th June until 20th July 2022. The Council is required to consider every representation received and offer a response to each. A summary of the representations received to each document, the Council's response and the Finalised Supplementary Guidance is set out in Appendices 1-4 to this report. Officers have made some minor changes to documents to reflect responses received and to reflect the most up-to-date policy position such as the recent adoption of NPF4.

11. A copy of each finalised Supplementary Guidance and a statement setting out the publicity measures undertaken will be submitted to Scottish Ministers together with the representation's summary and responses.

12. 28 days after the Supplementary Guidance has been submitted to Scottish Ministers, the Council may adopt the guidance unless directed by Ministers not to do so.

FINANCE AND EFFICIENCY

13. There will be costs associated with the printing of Adopted Supplementary Planning Guidance and these will be met from within existing budgets.

CONSULTATION

14. The Planning etc. (Scotland) Act 2006 sets out specific requirements in relation to publicity and consultation of Supplementary Planning Guidance. All documents have met these requirements and been subject to consultation with external agencies, statutory consultees and Council Services.

PARTNERSHIP WORKING

15. As described within this report and appendices, the preparation of Supplementary Guidance has been the subject of ongoing consultation with a wide range of stakeholders.

IMPLICATIONS OF THE PROPOSALS

16. There are no other staffing, property, IT, sustainability or equalities implications arising from this report. The policies will generally have a positive impact upon the environment and climate change objectives.

17. An Equalities and Human Rights Impact Assessment was prepared alongside LDP2 to assess the impact of policies and functions of the LDP on particular identified equality groups, identifying negative and positive impacts. It considered the potential consequences of policies and functions on identified equality groups with outcomes being positive or neutral. It is viewed that this Impact Assessment Report accords with legislative requirements and a further Equality, Fairness and Rights Impact Assessment (EFRIA) is not required.

18. A Strategic Environmental Assessment was prepared to inform LDP2. The assessment highlights any adverse impacts that land use change and development, brought about by the policies and proposals contained within the Plan, may have on the environment. As a result, its policies and proposals are considered to have a positive environmental focus. It is viewed that this Assessment accords with legislative requirements and a further climate change impact assessment is not required.

CONCLUSIONS

19. Supplementary Guidance forms an important and statutory part of the Local Development Plan and provides an opportunity for the Council to provide detailed guidance on key matters that shape and influence the growth and change of East Renfrewshire up to 2031 and beyond. The documents will be formally adopted as Supplementary Guidance alongside the adopted Local Development Plan 2.

RECOMMENDATIONS

20. The Council is asked to:

- a) Approve the proposed responses and recommendations to representations;
- b) Approve the submission of the Affordable Housing, Development Contributions and Green Network Finalised Supplementary Guidance to Scottish Ministers for Adoption;
- c) Approve the publication of the non-statutory Householder Design Planning Guidance; and

- d) Delegate to the Director of Environment to approve any minor inconsequential changes to the documents, in line with Council policy, prior to submission to Scottish Ministers.

Director of Environment

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April 2023

APPENDICES:

Appendix 1: Summary of Consultation Responses and Recommendations and Finalised Affordable Housing Supplementary Guidance

Appendix 2: Summary of Consultation Responses and Recommendations and Finalised Green Network Supplementary Guidance

Appendix 3: Summary of Consultation Responses and Recommendations and Finalised Development Contributions Supplementary Guidance

Appendix 4: Summary of Consultation Responses and Recommendations and Finalised Householder Design Guide Planning Guidance

APPENDIX 1 - SUPPLEMENTARY GUIDANCE (SG): AFFORDABLE HOUSING

Summary of Consultation Responses and Recommendations and Finalised Affordable Housing Supplementary Guidance

This Appendix provides a summary of the publicity and consultation undertaken, the representations received, the Council's response and the Finalised Supplementary Guidance.

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PUBLICITY AND CONSULTATION

The Council is required to demonstrate that appropriate engagement has been undertaken on the Supplementary Guidance and submit this to Scottish Ministers, together with the comments received and how they have been taken into account.

The consultation period ran for 6 weeks from 8th June until 20th July 2022.

The following provides a summary of the participation methods used by East Renfrewshire Council:

- Notice placed in Evening Times and Barrhead News outlining where, how and when to respond to the document and how it could be viewed, allowing **6** weeks for responses;
- Email/Letter notifications sent to those on the LDP consultees database - this included Scottish Government, Key Agencies, statutory consultees, other stakeholders and Community Councils notifying of launch of SG for consultation outlining where, how and when to respond to the document and how it could be viewed;
- Copies of document and response forms deposited at the Council's Planning and Building Standards offices at: East Renfrewshire Council, Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG; and Council Headquarters, 211 Main Street Barrhead, G78 1SY;
- Copies of document and response forms deposited at all local libraries; and
- Document and response forms, including a Citizen Space response option, made available to view and download on the Councils website - dedicated Supplementary Planning page created.

SUMMARY OF CONSULTATION RESPONSES

The table provides a summary of representations received and the response (including reasons) by the planning authority:

Body or person who submitted representation
<p>Scottish Environmental Protection Agency (SEPA) (001-01) Historic Environment Scotland (004-01) Persimmon West Scotland (006-01) The Coal Authority (007-02) Dawn Homes (008-01) Homes for Scotland (009-01) Barrhead Housing Association (010-01) Surplus Property Solutions (011-01) Cala Homes (West) Limited (012-01) Nature Scot (013-01)</p>
Planning authority's summary of the representation (s)
<p><u>Scottish Environmental Protection Agency (SEPA) (001-01)</u></p> <ul style="list-style-type: none"> • No specific comments on the contents. <p><u>Historic Environment Scotland (004-01)</u></p> <ul style="list-style-type: none"> • Welcome the opportunity to review and comment, however no comments to offer on this occasion. <p><u>Persimmon West Scotland (006-01)</u></p> <ul style="list-style-type: none"> • Query the timing of updating the SG - National Planning Framework 4 is expected to be published later this year which will be supported by new Development Management Regulations both of which will influence the status and content of the SG. Also the Council is due to review the Local Housing Strategy. SG should be postponed until NPF4 and the new regulations have been published. • Welcome the certainty that retaining the existing affordable housing thresholds provides for developers. • Support the principle that allows for flexibility in the application of the policy given that all sites and viabilities are different. • Support the use of hybrid affordable housing contributions where some can be on-site and some a commuted sum. • Note that the Housing Need and Demand Assessment set a target of 880 affordable homes between 2012-29. To date, based on Scottish Government completion data only 307 affordable homes have been delivered in East Renfrewshire. Suggest to increase the delivery of affordable housing units further Green Belt release be considered in the future as we move to 10 year Local Development Plans. These sites have less abnormal costs and are likely to achieve the desired 25% on-site provision.

The Coal Authority (007-02)

- No specific comments to make on this consultation document.

Dawn Homes (008-01)

- Conjoined sites of less than 4 - it is unreasonable to apply an affordable housing requirement on any single applicant unless both sites come forward together.
- Sites of 20 or more dwellings - the decision to require a commuted sum in such circumstances cannot be left solely at the discretion of officers. If a developer is agreeable to on-site provision via a contract with an RSL then they should be permitted to proceed.
- Needs to be some recognition that 25% on site provision does not mean 25% of the developable site. Affordable Housing is traditionally built at a higher density, comprising smaller units and some recognition of this should be included.
- Integrated Development: guidance on mixed tenures should have regard to the comments of a partner RSL and not just the preference of the Planning and Housing Services.
- The timing of the delivery of serviced land will depend upon the configuration of the site. It may not be possible for reasons of design, layout and indeed health and safety for the affordable housing element to come forward at the same time.
- Encouraging that there is recognition of serviced land for affordable having a value. Any assessment by the District Valuer should be on the basis that the affordable land is responsible for its own contributions and that "serviced" and "free of constraints" does not mean free of obligations to pay developer contributions.
- The table showing density of units per hectare does not specify whether the density is calculated on a gross or nett basis. At 16.9 dwellings per ha this would not be appropriate on a net developable basis.
- Should be acknowledged that the DV is not in fact "independent" nor can they take instruction jointly from the Council and applicant. For this reason it is important that an alternative to the DV is included as an option. It would help if the full details of the terms of instruction are included in the SG i.e. red book valuation etc.
- The content of a development appraisal should be set out as an appendix to the SG to avoid uncertainty. Regardless, any valuation surveyor should have regard to legitimate extraordinary abnormal costs in providing a valuation.

Homes for Scotland (009-01) and Cala Homes (West) Limited (012-01)

- Although submitted separately, Homes for Scotland and Cala Homes (West) Ltd have made the same comments.
- Surprised at the timing of the SG update prior to National Planning Framework 4 (NPF4) and the anticipated new Development Management Regulations and ahead of the council's own review and update of its Local Housing Strategy 2022-27. It could be argued that the revision of the SGs is premature.
- The council should consider moving straight to publication of non-statutory SPGs as South Lanarkshire Council has done.
- The statement that developers should factor in the provisions of the draft SGs as part of any site purchase demonstrates a lack of appreciation of the nature and variety of arrangements between land owners and developers as well as the time horizons involved in reaching such agreements. It is important that the council always allows for a degree of flexibility in the application of individual SGs to take account of individual circumstances.
- Welcomes no change to the level of affordable housing provision required by the council. However concerned with the '4 or more units' threshold as strict application represents a disproportionate burden on SMEs with the result that some such developments can be unviable. Strongly of the opinion that the threshold should be

raised to 12 or more units and that there should be an element of flexibility in the application of the policy.

- Welcomes the council's confirmation that it accepts that offsite provision or commuted sums may be more appropriate in some circumstances, particularly on smaller developments of 19 units and under. Early confirmation regarding the level of any commuted sum is essential so that developers can factor this into their feasibility exercises.
- If the DV is to be involved in determining the appropriate commuted sum on any project it should be possible for this to be dealt with at pre-application stage. The method used to determine the commuted sum must be transparent and should be appended to the proposed new SG. Commuted sums should only be considered where it is the applicant that deems the site unsuitable for onsite delivery or the provision of serviced land.
- Welcome the council's acknowledgement that with the transfer of serviced land such land will hold a value and that this is a factor that requires to be taken into account. We would, however, welcome further guidance on what the council means by statements such as 'free from constraint' and 'capable of being delivered promptly'.
- On Page 9 development densities - the figures presented appear to be on the low side, particularly for the Eastwood area. Note that the table of densities is exactly the same as contained with the 2015 SG. In light of this apparent discrepancy, HfS would welcome updated figures on completions ahead of the new SG being finalised. Would also welcome further disaggregation of the 'Housing' category to show densities being achieved where development consists of detached, semi-detached or terraced housing.

Barrhead Housing Association (010-01)

- The draft states that the Council will continue to apply a flexible policy approach to the provision of affordable housing and will work actively with developers and affordable housing providers to find and apply appropriate solutions to affordable housing delivery on a case by case basis. Whilst there is a need to take a realistic view on what is practical and feasible, that this needs to be balanced with a clear ambition and intention to meet the 25% target and aims of LDP2. The wording should more clearly focus on achieving 25% affordable housing contribution.
- The policy allows the Council to accept the payment of a commuted sum in lieu of on-site provision. Ask the Council to consider a presumption towards off site provision rather than a commuted sum. Where a commuted sum is accepted, a commitment in the policy to allocation of this resource solely for delivery of other housing projects, and introduction of a mechanism to provide transparency as to what and where the resources are utilised, would be welcomed.
- Agree that where developers have worked with RSLs to deliver affordable housing units on site, through a negotiated contract, has been successful; and the Association has a strong track record in delivering through this model.
- Strongly support the statement that as far as possible, there should be no discernible difference between affordable housing and market housing and always work with developers to fulfil a tenure blind approach.
- Positive to see encouragement of early pre-application discussions on proposals for developer led affordable housing to ensure that this is considered at the outset of projects. Would welcome a discussion on innovative ideas for affordable housing delivery, including development of intermediate housing options.
- Delivery is linked to the availability of funding through the SHIP. The current national policy and funding environment is relatively favourable and it will be essential to maximise the programme of delivery during the next few years as there is no certainty regarding levels of future funding in the medium or longer term.

Surplus Property Solutions (011-01)

- The Affordable Housing SG should be in accordance with the Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits.
- Support in principle the flexibility offered by the SG to deliver affordable homes through a variety of means. It is important that this flexibility remains in the SG to ensure that delivery of affordable homes is undertaken in the most appropriate way for site circumstances.
- Welcome the draft SG's position that the delivery of affordable housing be assessed on a case by case basis with the option for this to be delivered on site, through on-site provision, off-site provision or a commuted sum, or a mix of the aforementioned. This flexibility is important to ensure the policy does not hinder the delivery of housing on sites.
- Although the draft SG suggests that for sites of 20 or more dwellings the developer will normally require to make provision for a minimum capacity of 25% affordable dwellings on site, the acknowledgement that on-site provision may not always be possible and the flexibility offered by the SG to assess applications on a case by case basis is welcomed.

Nature Scot (013-01)

- Note that affordable housing should be "well integrated into the overall development and should, as far as possible, be indistinguishable from the general mix of other housing on a site in terms of style and layout, use of materials, architectural quality and detail." Welcome and support this approach.

Summary of responses (including reasons) by Planning Authority**Scottish Environmental Protection Agency (SEPA) (001-01)**

- No response required.
- It is not proposed to modify the guidance based upon the above.

Historic Environment Scotland (004-01)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Persimmon West Scotland (006-01)

- The Council welcomes the support for the maintaining the existing affordable housing thresholds and the flexibility provided by the policy.
- It is not proposed to modify the guidance based upon the above.
- It is acknowledged that the status of Supplementary Guidance will change under the Planning Scotland Act (2019). There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and

adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

- It is not proposed to modify the guidance based upon the above.
- In terms of affordable housing delivery, the 880 affordable homes target does not need to be met by only new build homes. 511 affordable homes were delivered in the period 2012/13 to 2021/22, the majority were new build homes however this figure also includes additional units brought into affordable housing supply through other delivery mechanisms e.g. rent of the shelf homes funded via the SHIP programme. The Council are on track to deliver the affordable homes target by 2029. The Council awaits the publication of NPF4 which will set out minimum housing targets for future local development plans.
- It is not proposed to modify the guidance based upon the above.

The Coal Authority (007-02)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Dawn Homes (008-01)

- The Council feel that it is reasonable to include within the guidance that where sites of less than 4 conjoin, and the cumulative capacity exceeds 4 dwellings, the developer or developers will be expected to combine to make provision for affordable housing in line with the stipulations for large or small housing sites. The proposals would be expected to come forward together. This requirement has been included to try and deal with attempts to circumvent the policy.
- It is not proposed to modify the guidance based upon the above.
- In the majority of cases, on larger sites where a developer puts forward a proposal for on-site provision with an RSL partner and funding is available, this is likely to be considered acceptable (subject to all necessary statutory consents and assessment of the specifics of the affordable proposal against local housing need and demand). However there may be the odd case where sites are considered unsuitable for affordable housing; where conversions do not lend themselves to affordable housing; where the site is not ideally located for affordable housing provision; or where there are advantages to considering the payment of a commuted sum (for example where this would achieve more, higher quality, or better-located affordable housing elsewhere; help support the delivery of a preferred tenure or type of affordable housing elsewhere; or where it would support the delivery of non-new build affordable housing projects throughout the area). The Council considers it appropriate to consider all cases on an individual basis and does so in consultation with housing services and where appropriate, local RSL partners.
- It is not proposed to modify the guidance based upon the above.
- The policy clearly states that in the case of onsite provision, the minimum 25% requirement will be based on the **total capacity** of the site. The minimum percentage requirement (25%) is applied to the total number of units proposed, for example, if the application for the entire site proposes 100 units, 25 of these must be acceptable as affordable. This may or may not equate to 25% of the developable site, depending on the particular proposal.
- It is not proposed to modify the guidance based upon the above.
- The Council considers all cases on an individual basis in consultation with housing services and local RSL partners. This includes discussion on the funding of projects

via the Strategic Housing Investment Plan, local housing need and demand and suitability of proposals in terms of unit type, size and tenures proposed.

- It is not proposed to modify the guidance based upon the above.
- Comments made on the timing of delivery of serviced land are noted. This is discussed and negotiated with the developers / landowners via the drafting of a section 75 agreement, having regard to phasing, layout, design, developer preference, RSL / Council preference, funding and other relevant matters.
- It is not proposed to modify the guidance based upon the above.
- Development contributions are dealt under a separate policy – Strategic Policy 2 of the Council’s adopted Local Development Plan 2. It is the Council’s view that 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. Therefore where affordable housing is linked to other private sector housing, the Council expects the development contributions required of affordable housing units to be met by the private sector element of the development. This is outlined in the Development Contributions Supplementary Guidance (both that adopted in 2015 and draft 2022).
- It is not proposed to modify the guidance based upon the above.
- The Council note the comments made in relation to the table of densities included in the SG. As a result of these comments has Council updated and included further detail around densities. It is proposed to update the density section on page 9 of the SG as follows (revised text in italics):
The tables below shows the average densities for all completed residential development in East Renfrewshire from 1997 2012-2022. This will provide guidance to the valuer. Data is from the East Renfrewshire Council Housing Land Audit.

Densities

- Gross figures based upon total area and total number of completions
- Only completed sites included 2012-2022.

ERC Density

	<i>Total Completions</i>	<i>Total Ha</i>	<i>Density DPH*</i>
<i>ERC</i>	2597	131.2	19.79

House Density

	<i>Total Completions</i>	<i>Total Ha</i>	<i>Density DPH*</i>
<i>ERC</i>	777	53.8	14.44
<i>EW</i>	584	42.89	13.62
<i>LV</i>	193	10.91	17.69

Flat Density

	<i>Total Completions</i>	<i>Total Ha</i>	<i>Density DPH*</i>
<i>ERC</i>	462	9.26	49.88
<i>EW</i>	400	6.8	58.81
<i>LV</i>	62	2.46	25.2

Mix Density

	<i>Total Completions</i>	<i>Total Ha</i>	<i>Density DPH*</i>
<i>ERC</i>	1358	68.14	19.93

<i>EW</i>	1090	54.15	20.13
<i>LV</i>	268	13.99	19.16

**DPH - dwellings per hectare*

- The Council would disagree with the consultee's statement on the independence of the District Valuer. The Council's approach to commuted sum valuation is in line with Scottish Government Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits which states: "Best practice is that the value should be independently determined by the District Valuer or a chartered valuation surveyor suitably experienced in the type of property and the locality". The DV is asked to value the commuted sum in line with Planning Advice Notes 2/2010 and the Council's Supplementary Planning Guidance on affordable housing only. The Council provides no other terms of instruction to the District Valuer for their independent determination. An alternative to the DV is available where the draft SG states "... unless the applicant requests otherwise, in which case it will be determined by a chartered valuation surveyor suitably experienced in the type of property and the locality and appointed by mutual agreement between the parties...".
- It is not proposed to modify the guidance based upon the above.
- Although normal practice would be for the Council to appoint the DV, the Council considers the text in relation to the providing instruction to valuers in paragraph 8 of page 9 is appropriate and covers both the use of the DV and other mutually agreed valuers.
- It is not proposed that the guidance is modified as follows.
- The majority of developers will be well versed in the contents of a full development appraisal. The Council feel it is sufficient to state that advice on the content of a development appraisal can be provided, as this will encourage contact and discussion with the Council on this important issue, should it be a factor.
- It is not proposed to modify the guidance based upon the above.

Homes for Scotland (009-01) and Cala Homes (West) Limited (012-01)

- It is acknowledged that the status of Supplementary Guidance will change under the Planning Scotland Act (2019). There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.
- It is not proposed to modify the guidance based upon the above.
- The Council would disagree with the comment that there is a lack of appreciation of the nature and variety of arrangements between landowners and developers. The Council's affordable housing policy has been in place and applied to all planning applications for residential developments of 4 or more units since 2006, therefore the

majority of local and national landowners and developers are well aware of the policy requirements. The Council will continue to consider all cases on an individual basis, however consider it critical that developers and landowners take the affordable housing policy requirement into account in their financial appraisal of sites and would continue to encourage consultation with the Council early in the development process.

- It is not proposed to modify the guidance based upon the above.
- The Council welcomes the support for the maintaining the level of affordable housing provision. The Council considers that there is sufficient affordable housing need, identified and evidenced in Clydeplan, Strategic HNDA, LHS and the Proposed Plan to maintain the Council's policy position of seeking affordable housing contributions where planning permission is sought for residential development of 4 or more dwellings. This threshold is now new and been in place since the policy's implementation in 2006. The Council will continue to apply a flexible approach to the provision of affordable housing and work actively with developers to find and apply appropriate solutions to affordable housing delivery on a case by case basis and the policy will maximise provision to meet identified local housing need without threatening the viability of sites. This approach was recently tested through examination with the reporter finding that the threshold of four or more units is reasonable in these circumstances without the need to increase it to 12 units as promoted by Homes for Scotland.
- It is not proposed to modify the guidance based upon the above.
- The support for the policy's approach to smaller developments is welcomed. We encourage developers to engage with the Council as early as possible in the development process. The SG advises that in agreement with the applicant, the Council will request the valuation at the earliest opportunity after the planning application has been submitted and it has been determined that the affordable housing requirement should take the form of a commuted sum. The Valuer would need access to all detailed plans and supporting documentation for the application, therefore it is felt appropriate that plans are finalised and submitted in their final form before a valuation is instructed. This avoids any unnecessary additional costs or delays involved with changes to proposals. The Council's approach to commuted sum valuation is in line with Scottish Government Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits which states: "Best practice is that the value should be independently determined by the District Valuer or a chartered valuation surveyor suitably experienced in the type of property and the locality". The DV is asked to value the commuted sum in line with Planning Advice Notes 2/2010 and the Council's Supplementary Planning Guidance on affordable housing only. The Council provides no other terms of instruction to the District Valuer for their independent determination. In cases where on site provision is preferred by the applicant, this will be duly considered, however there may be some cases where on site provision may be considered unsuitable, as listed in the guidance. All cases will be considered by the Council on an individual basis and discussed fully with the applicants.
- It is not proposed to modify the guidance based upon the above.
- The Council suggests that detailed information on what is meant by free from constraint is contained within PAN 2/2010. It is not considered that further detail is required in terms of the statement '*capable of being developed promptly and at least in the same timeline as the market units*'. It is therefore suggested that the guidance is modified as follows: On Page 7 in the 3rd paragraph of the section on Transfer of Serviced Land for Affordable Housing, paragraph 3 where it states:
*The serviced land transferred or sold must be **free from constraint** and be **capable of being developed promptly and at least in the same timeline as the market units**.*

Insert a footnote reference number 4 after the word *constraint* with the following footnote added at the bottom of the page (revised text in italics):

4 Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites

www.scotland.gov.uk/Publications/2010/08/31111624/5

And renumber the following footnotes within the document accordingly.

- The Council note the comments made in relation to the table of densities included in the SG. As a result of these comments has Council updated and included further detail around densities. It is proposed to update the density section on page 9 of the SG as follows (revised text in italics):

The tables below shows the average densities for all completed residential development in East Renfrewshire from 1997 2012-2022. This will provide guidance to the valuer. Data is from the East Renfrewshire Council Housing Land Audit.

Densities

- Gross figures based upon total area and total number of completions
- Only completed sites included 2012-2022.

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*DPH - dwellings per hectare

Barrhead Housing Association (010-01)

- The Council has a clear aim and intention of meeting its affordable housing target as set out in the LDP and is on track to do so. The Council has consistently applied its affordable housing policy since its adoption back in 2006. The draft guidance is clear that it seeks to achieve a minimum 25% affordable housing contribution and that the affordable housing contribution should normally be delivered on site, however in some cases off site provision or payment of a commuted sum in lieu of

on site provision may be appropriate. The Council takes a realistic approach to the provision of affordable housing whilst continuing to recognise the pressing need within this area to improve the range and choice of affordable housing for the residents of East Renfrewshire.

- It is not proposed to modify the guidance based upon the above.
- The Council's feels that it is important to continue to apply a flexible approach to the provision of affordable housing and work actively with developers to find and apply appropriate solutions to affordable housing delivery on a case by case basis. In the Council's experience it is rare that proposals for offsite come forward, as it relies on a developer having an alternative site within the same housing market area as the principle development site that is within the developer's ownership or control and is in a location where housing is supported in principle. In addition detailed proposals for both sites would require to be put forward simultaneously for assessment by the Council and the proposed alternative site would need to be capable of accommodating the transferred requirement as well as any requirement arising from its own development. This can certainly be considered, however the Council does not feel it appropriate to consider presumptions towards off site provision rather than a commuted sum.
- It is not proposed to modify the guidance based upon the above.
- Where commuted sums as considered to be the appropriate contribution, the Council will seek a commuted sum of a value equivalent to the dis of providing the percentage of serviced land required by the policy. In line with PAN 2/2010, commuted sums will be used to help meet an identified need in the same housing market area. Information on the collection and use of commuted sums is set out in the Council's Strategic Housing Investment Plan.
- It is not proposed to modify the guidance based upon the above.
- The RSL's support for the policy's approach to integrated, tenure blind development is welcomed.
- It is not proposed to modify the guidance based upon the above.
- The RSL's support for the Council's encouragement of early pre-application discussions is welcomed. The Council's planning and housing services are always open to discussing and exploring new innovative ideas for affordable housing delivery. Regular meetings with RSL partners take place throughout the year in relation to the SHIP programme but can also take place on an ad hoc basis.
- It is not proposed to modify the guidance based upon the above.
- The Council is keen to maximise its affordable housing delivery programme over the coming years and will continue to explore all opportunities both within and out with its ownership in line with the LDP2. The Council's Strategic Housing Investment Plan is currently being reviewed and will be submitted to the Scottish Government before the end of this year.
- It is not proposed to modify the guidance based upon the above.

Surplus Property Solutions (011-01)

- The Council welcomes the support for the flexibility provided by the policy.
- It is not proposed to modify the guidance based upon the above.
- The Council is firmly of the view that both Policy SG4 Affordable Housing of the adopted LDP2 and this draft supporting supplementary guidance is consistent with, and has been developed in accordance with, the advice provided by Scottish Government Planning Advice Note 2/2010.

- It is not proposed to modify the guidance based upon the above.

Nature Scot (013-01)

- The support for this approach is welcomed.
- It is not proposed to modify the guidance based upon the above.

**Finalised Supplementary Guidance:
Affordable Housing
April 2023**

Introduction

The Council's Supplementary Guidance on Affordable Housing (2015) was prepared under Section 22 of the Planning etc. (Scotland) Act 2006 and formed part of the Local Development Plan (LDP1 2015). This part of the Act has now been repealed and the status of Supplementary Guidance changed under the Planning Scotland Act (2019). However, transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates. This SG has been prepared under these regulations and will form a statutory part of LDP2.

This guidance supplements Policy SG4 of the East Renfrewshire Local Development Plan 2 (LDP2) in relation to the delivery of affordable housing and sets out how the planning system can facilitate the development of affordable homes. It should be read in conjunction with the Policies and Proposals of the Local Development Plan, National Planning Framework 4 and Scottish Government Planning Advice Note 2/2010: Affordable Housing.

National Planning Framework 4 defines affordable housing as “[housing of a reasonable quality that is affordable to people on modest incomes](#)”.

The Council's Local Housing Strategy (2017-22) identifies a significant need for affordable housing throughout East Renfrewshire. This guidance aims to assist in meeting this need by increasing the supply of affordable homes, whilst providing clear guidance to housing developers on the terms of the affordable housing policy.

The policy will be applied to the consideration of all new housing proposals in East Renfrewshire.

The policy requires an affordable housing contribution from all new residential developments of [4 or more units](#). The desired outcome is to increase delivery of affordable homes on the ground, to increase tenure choice for our residents and to respond flexibly to changes in the wider economy and in the residential market. The Council also wants to see the creation of mixed and diverse communities where there is a choice of good quality housing to rent or buy, available to all residents, including those on modest incomes.

The Council considers that policies on affordable housing provision should be realistic and take into account considerations such as development viability and the availability of funding. Therefore in practice each site will be examined on a [case by case basis](#) in order to determine the most appropriate affordable housing provision in that specific location to meet local circumstances and housing needs.

Experience of implementing our affordable housing policy has shown it is essential that the policy allows flexibility and provides discretion for Council staff to explore, negotiate and secure different and innovative solutions to affordable housing delivery.

Developers and landowners should take this affordable housing policy requirement into account in their financial appraisal of sites, therefore consultation with the Council early in the development process is advisable.

Policy Context

This Supplementary Guidance has been developed in the context of the following policy and strategy frameworks and government advice, and any subsequent updates/replacements:

- National Planning Framework 4
- Planning Advice Note 2/2010: Affordable Housing & Housing Land Audits (2010)
- Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements (2012)
- East Renfrewshire Local Housing Strategy 2017-22 (2017)
- Adopted East Renfrewshire Local Development Plan 2 (2022)

Further information is available on the Scottish Government Website:

www.scotland.gov.uk/Topics/Built-Environment/planning

Local Context

The current Strategic Housing Need and Demand Assessment identified ongoing significant pressure for affordable housing throughout the Council area, particularly for social rent.

House prices have risen significantly, making home ownership less attainable or not affordable for many residents, especially older people, one person households and young families. The Housing Need and Demand Assessment estimates that in East Renfrewshire there is a total need for 880 affordable homes during the period 2012 to 2029, although this does not always have to be from new build homes. Both the Local Housing Strategy and the Local Development Plan 2 will continue to address this issue.

East Renfrewshire has two distinct housing market areas within the Council boundary, Eastwood and Lavern Valley, and although there are significant affordable housing needs in each, the scale of the problem is greatest in the Eastwood area.

The Council will continue to apply a flexible policy approach to the provision of affordable housing and work actively with developers to find and apply appropriate solutions to affordable housing delivery on a case by case basis. The Council will also continue to work closely with affordable housing providers to provide new affordable homes throughout the Council area.

The main requirement is for new social rented housing, with homes of every type and size required in Eastwood, and a mix of specific property types and sizes required in Lavern Valley to meet existing gaps in provision. There is also need for affordable homes to buy for first time buyers and older people.

These priorities are reflected in the Local Housing Strategy and Strategic Housing Investment Plan. The Council will continue to target Affordable Housing Investment Programme funding to those areas of greatest need.

GUIDANCE**Policy SG4: Affordable Housing**

The Council will require residential proposals of 4 or more dwellings, including conversions, to provide a minimum 25% affordable housing contribution. This contribution may be made on site; or by means of a commuted sum payment; or off site. The affordable housing must be well integrated into the overall development. All proposals will require to comply with Strategic Policy 2 and Policy D1.

Further detailed information and guidance is provided in the Affordable Housing Supplementary Guidance.

The Council will support the implementation of the affordable housing sites listed in Schedule 16.

Policy SG4 is considered to set a realistic and achievable framework that will maximise provision to meet identified local housing need, without threatening the viability of sites or delivery of affordable and private housing in general.

General

Information on Housing Needs and the justification for Policy SG4 is set out in the Local Development Plan 2 (2022) and Local Housing Strategy 2017-22 (2017).

The policy will apply to all planning applications for residential developments of 4 or more units, including applications for conversion of buildings to residential use. The policy seeks to achieve a minimum 25% affordable housing contribution, based on the total number of new housing units proposed on a site. For the avoidance of doubt the policy will be applied to the gross number of units proposed within the planning application.

The affordable housing policy will apply without exception for renewals, revisions and amendments. Although there is a shortened application process for a renewal, the assessment of the application has to be in full (de-novo). First-and-foremost the application is to be assessed against the Development Plan as it stands at the time that the new application is assessed; thus against all up-to-date policies including Policy SG4 Affordable Housing. The concept of an affordable housing requirement has been part of Scottish planning policy since the introduction of Scottish Planning Policy 3 Planning for Housing (2003) and Planning Advice Note 74 Affordable Housing (2005) and has been the subject of Supplementary Planning Guidance in East Renfrewshire since January 2006. Therefore this requirement has been long established and any permission originally granted before the policy was first approved (19th January 2006) has not only had its original permission, but has had more than 1, if not several, renewals. All applicants in this situation have therefore had ample opportunity to implement their permission, without having to provide affordable housing.

The Council will adopt a realistic approach to the provision of affordable housing whilst continuing to recognise the pressing need within this area to improve the range and choice of affordable housing for the residents of East Renfrewshire. It is at the discretion of Council staff to negotiate with applicants and determine an appropriate, fair and reasonable contribution taking all matters, including development viability into account.

The affordable housing contribution should normally be delivered on site, however in some cases off site provision or payment of a commuted sum in lieu of on site provision may be appropriate.

In all cases planning applications should clearly set out proposed mechanisms for contributing to local affordable housing needs. We would encourage pre-application discussions in all cases, but particularly where developers wish to discuss proposals for developer led affordable housing with limited or no public sector subsidy, or where there are no proposed Registered Social Landlord partners.

Sites of less than 4 dwellings

On sites with capacity for less than 4 dwellings there will be no requirement for an affordable housing allocation. However, where sites of this size conjoin, and the cumulative capacity exceeds 4 dwellings, the developer or developers will be expected to combine to make provision for affordable housing in line with the stipulations for large or small housing sites.

Where a proposal is for fewer than 4 units but is clearly part of a phased development of a larger site which would be subject to the affordable housing policy, an affordable housing contribution will be required.

Where it is proposed to split a site into individual house plots, it is expected that an application for Planning Permission in Principle (PPP) will be submitted. This will then be assessed and where appropriate, the terms of the affordable housing policy will be applied and a legal agreement entered into to secure an appropriate affordable housing contribution, should 4 or more housing plots be created.

Where a PPP application has not been submitted, and planning applications are instead submitted separately for residential units on individual plots, or for fewer units than can clearly be accommodated on site, the first application to be submitted (if minded to grant) will be subject to the successful conclusion of a legal agreement with the landowner(s) covering the entire site allocated / area of land involved. This will ensure that appropriate development contributions are secured should 4 or more housing plots be created and applied for and that the requirement for development contributions is directed at the landowner creating the plots and not individual applicants/home owners.

Sites of 4-19 dwellings (small housing sites)

Planning Advice Note 2/2010 recognises that on smaller sites, on site provision will often be possible. However where sites may be unsuitable for affordable housing for example due to the small scale of the proposal, practical or locational circumstances, or where there are advantages to considering the payment of a commuted sum (for example where this would achieve more, higher quality, or better-located affordable housing elsewhere; help support the delivery of a preferred tenure or type of affordable housing elsewhere; or where it would support the delivery of non-new build affordable housing projects throughout the area) the Council may accept the payment of a commuted sum, or off site provision.

Sites of 20 or more dwellings (large housing sites)

On sites, capable of accommodating 20 or more dwellings, the developer will normally require to make provision for a minimum capacity of 25% affordable dwellings on site, therefore applicants should refer to the guidance for on-site delivery set out below.

It is accepted that on site provision may not always be possible, and the Council may need to consider the payment of a commuted sum or off site provision. This may be appropriate

where sites are unsuitable for affordable housing; where conversions do not lend themselves to affordable housing; where the site is not ideally located for affordable housing provision; or where there are advantages to considering the payment of a commuted sum (for example where this would achieve more, higher quality, or better-located affordable housing elsewhere; help support the delivery of a preferred tenure or type of affordable housing elsewhere; or where it would support the delivery of non-new build affordable housing projects throughout the area).

It may also be appropriate on some larger sites for the contribution to form a mixture of on site provision and commuted sums, to ensure that diverse, mixed communities result.

The policy allows flexibility for applications to be assessed on a case by case basis, and it will be at the discretion of Council staff to determine and secure the most appropriate form of contribution for each particular case, taking all matters, including development viability, into account.¹

Affordable Housing Delivery Approach

All cases will be assessed on an individual basis, and a balanced and realistic view will be taken when making a recommendation on the appropriateness of affordable housing contributions, ensuring that any affordable housing burden placed on the site is reasonable and does not prevent the successful delivery of the market housing on the site.

It will be at the discretion of Council staff to determine and secure the most appropriate form of contribution for each particular case, taking all matters, including development viability, into account and ensuring that the solutions agreed will meet housing needs and be affordable to those on modest incomes.²

On Site Provision

The Council retains the aim of achieving affordable housing delivery *promptly* and *on site* as this encourages mixed and diverse communities. The approach to on site delivery will respond to the different needs of the two local housing market areas. Within the *Eastwood* housing market area, the greatest need is for on-site delivery of social rented accommodation.

On site provision can either be in the form of integrated development or the transfer of serviced land. It will be based on the *total capacity* of the site, with the minimum percentage requirement (25%) being applied to the total number of units proposed, for example, if the application for the entire site proposes 100 units, 25 of these must be acceptable as affordable. The Council will remain open to pre-application discussions on the forms of delivery that may be acceptable on a site by site basis and applicants are encouraged to adopt this approach.

Integrated Development

A successful affordable housing delivery mechanism in East Renfrewshire has been where developers have worked with Registered Social Landlords to deliver affordable housing units on site, through a negotiated contract (within the Scottish Government's quality standards,

¹ The Director of Environment has delegated authority and flexibility to negotiate and agree an affordable housing package in relation to each application and to secure it through planning condition(s) or legal agreement(s) as appropriate.

² See note 1 above.

subsidy & development cost benchmarks). Here the developer builds the units as an integral part of the wider development, and the units are then sold to the Registered Social Landlord for onward management and maintenance. In this case the Council does not have a direct input into the valuation of the units transferred; rather this is agreed between the two parties involved, however, the land element involved should be valued based on its end use for affordable housing, or lower. Where this option is proposed, we would encourage developers to engage early with the Council and local Registered Social Landlords.

Where the integrated affordable housing is to be delivered by the developer for the Council as part of the Council's New Build Programme, it is likely that the Council would require to purchase completed affordable housing units on an 'off the shelf' basis³.

The Council has a stated aim of creating mixed and diverse communities and for this to succeed, it is recognised that there is a need to provide a range of housing choices that meets the needs of a range of households within the area, including first time buyers, those seeking to move, the needs of the increasing elderly population and those with particular needs. Therefore where the option of social rented housing is not deliverable, perhaps through lack of public sector subsidy, or is not practical, the Council will consider other models where it can be clearly demonstrated that they will meet the needs of, and are affordable to, groups of households identified through the strategic Housing Need and Demand Assessment.

It is accepted that developer led affordable delivery will be important in a time of restricted public sector funding. The Council will adopt a collaborative approach, exploring new methods of delivery and encouraging long term economic sustainability. The development industry has shown an understanding of the need for on-site delivery but has stressed that the Council should be flexible in approach and take account of development viability. The Council has responded positively to this, however, to avoid any ambiguity, the Council retains the aim of achieving prompt delivery of affordable housing on site, the benchmark 25% affordable housing contribution will remain and each site will be considered on a case by case basis, ensuring that the solutions agreed will meet housing needs and be affordable to those on modest incomes.

Guidance on the [mix of tenures, dwelling types and sizes needed to meet the affordable housing needs](#) of the area can be obtained from the Planning and Housing Services and early consultation is advised. The proposal should aim to meet identified need in the locality as set out in the Local Housing Strategy, the Strategic Housing Investment Plan, and the strategic Housing Need and Demand Assessment. The range of affordable tenures that can contribute to the range and choice available within East Renfrewshire are set out in Appendix A.

In line with Planning Advice Note 2/2010, the affordable housing component should be [well integrated into the overall development and should, as far as possible, be indistinguishable from the general mix of other housing on a site in terms of style and layout, use of materials, architectural quality and detail](#). Planning Advice Note 2/2010 advises that both 'pepper potting' of individual affordable housing throughout a development and large groupings of housing of the same tenure are best avoided. Concentrating affordable housing for rent in small groups will ease the subsequent management of the homes by a Registered Social Landlord and contribute towards providing mixed communities.

In most cases the affordable housing contribution will be secured by legal agreement, usually under section 75 of the Town and Country Planning (Scotland) Act 1997. The

³ East Renfrewshire Council has to conduct all procurement activity in line with its Contract Standing Orders and Public Contract Scotland Regulation

contents of the agreement will vary depending on what type of affordable housing is to be delivered, however the terms could include:

- The mechanism and timescales for delivery (to ensure the affordable housing is not back loaded);
- Standard specifications and definitions for the number type and tenure of housing to be provided;
- If unsubsidised for sale or rent - agreed sales prices or max rental prices (in line with the Strategic Housing Need and Demand Assessment), eligible purchasers, and methods for retaining contributions in over the medium if not long term;
- Provision for an alternative contribution, for example the payment of a commuted sum if for any reason the agreed method of delivery cannot be achieved.

This is not an exhaustive list and contents will vary depending on the specifics of the case. Discussions with applicants on appropriate heads of terms will take place throughout the application process.

Transfer of Serviced Land for Affordable Housing

On site delivery can also be achieved through the transfer or sale of **serviced** and **accessible** land **within** a housing development to a Registered Social Landlord or the Council. The area of land to be transferred or sold must be accepted by the Council as capable of providing a minimum of 25% of the number of residential units contained within the application as affordable dwellings. This refers to the situation where the entire site is held by one developer and the land to be transferred will come from within that one site. This will be calculated by assessing the total capacity of the site (based on the total number of units proposed within the planning application) and ensuring that the site to be transferred can accommodate the required number of affordable homes, of a size and mix to meet local housing need and demand. To be clear this means if for example the total on site capacity (market units plus affordable units) is 100 units, the land transferred must be deemed capable of accommodating an appropriate mix of 25 affordable units. Care will be taken in assessing a reasonable area of land to be transferred and how this is assessed is a matter for the Council to negotiate on a site by site basis, taking into account the particulars of the specific proposal.

It should be noted that it will be for the Council/Registered Social Landlord to determine the appropriate end use of the site transferred i.e. the type, mix, size and number of affordable units to be developed on the land transferred or sold.

The serviced land transferred or sold must be **free from constraint⁴** and be **capable of being developed promptly** and at least in the same timeline as the market units. The Council's overall aim is to see integration of the affordable units within the overall development and wider community. It is appreciated, however, that this desire must be balanced against practical requirements for the efficiency of the development and effective housing management. Where a serviced land transfer/sale is proposed, the Council will accept that a defined part of the site, rather than a mix throughout the site, may be the best option. This is particularly the case where each 'part' of the site will be developed by two separate companies. Nevertheless, design will remain important and as far as possible, there should be no discernible difference between affordable housing and market housing.

⁴ Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites www.scotland.gov.uk/Publications/2010/08/31111624/5

The value of the land to be transferred will be independently assessed by the District Valuer (or other) and the [value based on its end use for affordable housing](#). In any event it should be transferred at less than the value for mainstream housing for sale in line with Planning Advice Note 2/2010 (para 19).

The transfer of serviced land will be secured by legal agreement, usually under section 75 of the Town and Country Planning (Scotland) Act 1997. The trigger points for the land transfer will be clearly laid out in the agreement to ensure the affordable housing is not back-loaded.

Off Site Provision

When an application proposes off site provision, it must be demonstrated that the alternative site is within the same housing market area as the principle development site, is within the developer's ownership or control and is in a location where housing is supported in principle. The proposed alternative site will require to make an equally satisfactory contribution to meeting unmet local housing needs as the principal development site, and there will need to be an agreed mechanism for delivering the requisite number of affordable units (for example through an agreed partnership with an Registered Social Landlord).

Off Site Provision Example:

The proposed alternative site must be capable of accommodating the transferred requirement as well as any requirement arising from its own development:

The principle development site proposes 20 units (Site A). The developer owns another development site within the same housing market area, which proposes a total of 40 units (Site B). The developer proposes that the affordable contributions from both Sites A & B be located on Site B.

Content of the two applications:

Site A proposes 20 market units

Site B proposes 25 market units and 15 affordable units (25% of 20 + 25% of 40)

Detailed proposals for both sites would require to be put forward simultaneously for assessment by the Council. The developer would require to guarantee the delivery of off site provision within a timescale agreed with the Council. The development of both sites would require to be linked by means of a legal agreement (usually under section 75 of the Town and Country Planning (Scotland) Act 1997), to secure the delivery of affordable housing at the alternative site.

We would strongly advise that developers wishing to propose this option seek early pre-application advice before embarking on any firm plans or proposals that include off site provision of affordable housing.

Commuted Sums in Lieu of On Site Provision

The policy allows flexibility to allow the Council to accept the payment of a commuted sum (paid by the applicant/developer to the Council) in lieu of on-site provision of affordable housing. This will usually be on sites which are unsuitable for affordable housing, or where there are advantages to the Council accepting commuted sums - for example where this would achieve more, higher quality, or better-located affordable housing elsewhere; help support the delivery of a preferred tenure of affordable housing elsewhere; or support the delivery of non-new build affordable housing projects throughout the area.

In cases where the payment of a commuted sum is deemed acceptable, in line with Planning Advice Note 2/2010, the Council will seek a commuted sum *of a value equivalent to the cost of providing the percentage of serviced land required by the policy*, and at a reasonable density for the end use as affordable housing. Commuted sums will be used to help meet an identified need in the same housing market area.

The tables below show average densities for all completed residential development in East Renfrewshire from 2012-2022. This will provide guidance to the valuer. Data is from the East Renfrewshire Council Housing Land Audit.

Densities

- Gross figures based upon total area and total number of completions
- Only completed sites included 2012-2022.

ERC Density

	Total Completions	Total Ha	Density DPH*
ERC	2597	131.2	19.79

House Density

	Total Completions	Total Ha	Density DPH*
ERC	777	53.8	14.44
EW	584	42.89	13.62
LV	193	10.91	17.69

Flat Density

	Total Completions	Total Ha	Density DPH*
ERC	462	9.26	49.88
EW	400	6.8	58.81
LV	62	2.46	25.2

Mix Density

	Total Completions	Total Ha	Density DPH*
ERC	1358	68.14	19.93
EW	1090	54.15	20.13
LV	268	13.99	19.16

*DPH - dwellings per hectare

In line with Planning Advice Note 2/2010, the value of the commuted sum will be determined *independently by the District Valuer* unless the applicant requests otherwise, in which case it will be determined by a chartered valuation surveyor suitably experienced in the type of

property and the locality and appointed by mutual agreement between the parties, failing which the chairman of the Royal Institution of Chartered Surveyors in Scotland. The Council believes this to be a robust approach to the question of equivalent value.

In agreement with the applicant, the Council will request the valuation at the earliest opportunity after the planning application has been submitted and has been determined that the affordable housing requirement should take the form of a commuted sum.

The valuer will be asked to value the commuted sum in line with Planning Advice Notes 2/2010 and the Council's Supplementary Planning Guidance on affordable housing.

Throughout the area the percentage requirement of the Council's policy is 25% of the total units applied for and at a reasonable density for the end use as affordable housing. For the avoidance of doubt, where the application of the 25% requirement results in fractions of units, no rounding will occur and the Council will ask the valuer to use the exact number, for example 1.75 units, in the commuted sum valuation.

The valuer will be asked to produce a report detailing the commuted sum required, a copy of which will be sent to the applicant.

Where a developer wishes to dispute a valuation by the mutually agreed valuer, the Council will be prepared to consider a further valuation by a mutually agreed valuer.

In all cases, instructions to valuers will be provided by the Council or jointly by the Council and developer. Valuation costs will be borne by the developer/applicant.

Viability & Reduced Contributions

It is expected that the developer will have accounted for both the costs involved with any site constraints, and the requirements of the affordable housing policy in the purchase of a site.

A reduced affordable housing contribution will only be considered favourably where the policy requirement is demonstrated to threaten the viability of the development due to either the small scale of the proposal (where less than 20 houses) or to exceptional development costs resulting from unusual site constraints such as decontamination, reclamation requirements or access difficulties.

The developer will be required to [provide evidence in the form of a full development appraisal](#) in support of this argument. The Council will refer this to the District Valuer for an independent assessment by the District Valuer (or other agreed valuation surveyor). The valuer will take account of any legitimate extraordinary costs and this will be reflected in the final valuation of the contribution required. Advice on the content of a development appraisal can be provided. Valuation costs will be borne by the developer/applicant.

Exceptions

Exemptions to the requirement for a minimum 25% Affordable Housing may be acceptable where higher components of owner occupied housing may be required to improve tenure choice or to facilitate the regeneration of Barrhead. This will be determined by the Council in discussion with the developer and *must be* supported by [appropriate evidence](#). Based on the evidence submitted, the Council may decide that an affordable housing contribution is not required, or accept a reduced contribution. This will be subject to the final approval of the Director of Environment.

Legal Agreements

Affordable housing contributions (on site, off site, and commuted sums) will normally be secured by means of a legal agreement required as part of the planning process, usually in the form of a section 75 agreement under section 75 of the Town and Country Planning (Scotland) Act 1997. This can include a unilateral obligation.

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, the type of affordable housing contribution agreed, the way in which affordable housing is to be provided and retained (if appropriate).

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.

Legal agreements relating to commuted sums will specify the exact sum involved and when it is to be paid, including indexation from the date of valuation to the date of payment. Phasing of payments can be discussed with the Council on a case by case basis.

Retention of Affordable Housing

The retention of affordable housing can most effectively be achieved through the delivery of social rented housing. Where other types of affordable housing are proposed, they should include mechanisms to retain the affordable housing, over the medium, if not long term. These mechanisms will be set out in a legal agreement.

In cases where unsubsidised discounted for sale units are proposed, legal agreements will include clauses to ensure that either:

- a) the discount on market value remains in perpetuity - secured by way of the legal agreement and the title, the wording of which would be agreed with the Council and a copy supplied; or
- b) the affordable housing contribution is not lost upon resale – instead the percentage discount would be repaid to the Council upon resale secured by a standard security in favour of the Council (this sum would then be recycled into the affordable housing fund and used for delivery of affordable housing elsewhere in the housing market area).

The particulars of each proposal, including the proposed mechanisms and duration of retention, will be assessed on a case by case basis. It will be at the discretion of Council staff to determine the suitability or otherwise of each proposal.

Priority Client Groups

Affordable housing for rent will be directed at priority client groups. Existing mechanisms include the allocations policies of the Council and Registered Social Landlords which are regulated by The Scottish Housing Regulator.

Where possible affordable housing for sale should be directed towards local people (or people with a local connection) in housing need and on modest incomes, who would not be able to purchase a property on the open market in the local area.

Council Assistance

Where necessary and appropriate, and to assist housing providers in the delivery of affordable housing the Council will undertake the measures outlined below.

The Council will work in partnership with other third parties including other public agencies and housing providers to secure the delivery of affordable housing.

The Council will assist housing providers in establishing priority client groups and forms of affordable housing which will best meet housing need.

The Council will consider the possibility of making unallocated surplus Council owned land available for affordable housing at the appropriate value relating to its end use as affordable housing. The Council will consider using compulsory purchase powers to secure opportunities for new supply and regeneration where a suitable housing provider underwrites the acquisition costs. However this can only be considered when Council resources are available.

The Council will engage early in the development process with developers and housing providers to discuss identified housing needs in the area, advise on the availability of subsidy and resources and the suitability of development proposals for meeting local housing needs.

The Council will negotiate with developers and housing providers on any necessary legal agreements for the provision and retention of affordable housing as a condition of planning permission being granted.

Where any development is proposed that comprises or includes housing, early contact with the Council is highly recommended.

Contact Details

For further advice on the affordable housing policy and its application, please contact:

Strategic Planning
Planning & Building Standards
Environment Department
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank, G46 8NG
Email: ldp@eastrenfrewshire.gov.uk

APPENDIX A

Affordable Housing Tenure Types

In accordance with Planning Advice Note 2/2010, East Renfrewshire Council will accept the following categories of development as falling under this definition of affordable housing:

Social Rented

Housing provided at an affordable rent and usually managed locally by a Registered Social Landlord such as a Housing Association, Housing Co-operative, local authority or other housing body regulated by The Scottish Housing Regulator.

Subsidised Low Cost Housing for Sale

Subsidised low cost sale - A subsidised dwelling sold at an affordable level⁵. Discounted serviced plots for self build can contribute. A legal agreement can be used to ensure that subsequent buyers are also eligible buyers.

Shared ownership - The owner purchases part of the dwelling and pays an occupancy payment to a Registered Social Landlord on the remainder.

Shared equity - The owner pays for the majority share in the property with the Registered Social Landlord, local authority or Scottish Government holding the remaining share under a shared equity agreement. Unlike shared ownership, the owner pays no rent and owns the property outright.⁶

Unsubsidised Low Cost Housing for Sale

Entry level housing for sale - A dwelling without public subsidy sold at an affordable level⁷. Conditions may be attached to the missives in order to maintain the house as an affordable unit to subsequent purchasers.

Shared equity- The owner purchases part of the dwelling with the remaining stake held by a developer⁸

Mid-market or Intermediate Rented

Private rented accommodation available at rents below market rent levels in the area and which may be provided either over the medium or long term.⁹

The Council will in principle accept the '[National Housing Trust model for Registered Social Landlords](#)' as counting towards the requirements of the affordable housing policy, provided that the units are available as affordable housing over the medium or long term (the majority of housing provided should be provided for a period greater than 5 years). The suitable timeframe and mechanism for securing the units as affordable would require to be agreed with the Council.

Other Proposals

The policy provides flexibility to enable new and innovative ideas to be considered; therefore the Council welcomes discussion with developers on any new and innovative ideas for affordable housing delivery, including developer led solutions with limited or no subsidy requirement, or non new build proposals.

The Council will carry out affordability assessments in line with the Strategic Housing Need and Demand Assessment to ensure that any proposals would be affordable to local people on modest incomes.

⁵ For such housing to count as affordable housing, the appropriate sale price should be informed by the Strategic Housing Need and Demand Assessment and agreed by the local authority

⁶ In the Eastwood area of the authority due to pressured nature of the housing market, there will be a requirement for a 'golden share' in order to retain the property as affordable in perpetuity as long as a need remains in the local housing strategy. This means that purchasers will not be able to purchase 100% equity in the property over time, and the Registered Social Landlord/Council/ Scottish Government will always retain an equity share in the property.

⁷ See footnote 5

⁸ See footnote 4

⁹ For such housing to count as affordable housing the appropriate rent should be informed by the Strategic Housing Need and Demand Assessment and agreed by the local authority or be in line with Scottish Government Requirements.

The particulars of each proposal, including the proposed mechanisms and duration of retention, will be assessed on a case by case basis. It will be at the discretion of Council staff to determine the suitability or otherwise of each proposal.

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APPENDIX 2 - SUPPLEMENTARY GUIDANCE (SG): GREEN NETWORK

Summary of Consultation Responses and Recommendations and Finalised Green Network Supplementary Guidance

This Appendix provides a summary of the publicity and consultation undertaken, the representations received, the Council's response and the Finalised Supplementary Guidance.

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PUBLICITY AND CONSULTATION

The Council is required to demonstrate that appropriate engagement has been undertaken on the Supplementary Guidance and submit this to Scottish Ministers, together with the comments received and how they have been taken into account.

The consultation period ran for 6 weeks from 8th June until 20th July 2022.

The following provides a summary of the participation methods used by East Renfrewshire Council:

- Notice placed in Evening Times and Barrhead News outlining where, how and when to respond to the document and how it could be viewed, allowing **6** weeks for responses;
- Email/Letter notifications sent to those on the LDP consultees database - this included Scottish Government, Key Agencies, statutory consultees, other stakeholders and Community Councils notifying of launch of SG for consultation outlining where, how and when to respond to the document and how it could be viewed;
- Copies of document and response forms deposited at the Council's Planning and Building Standards offices at: East Renfrewshire Council, Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG; and Council Headquarters, 211 Main Street Barrhead, G78 1SY;
- Copies of document and response forms deposited at all local libraries; and
- Document and response forms, including a Citizen Space response option, made available to view and download on the Councils website - dedicated Supplementary Planning page created.

SUMMARY OF CONSULTATION RESPONSES

The table provides a summary of representations received and the response (including reasons) by the planning authority:

Body or person who submitted representation
SEPA (01/02) Scottish Forestry (02/01) SPT (03/03) Historic Environment Scotland (04/03) Network Rail (05/02) Persimmon Homes (06/03) The Coal Authority (07/03) Homes for Scotland (009/03) Barrhead Housing Association (0010/03) Icen Projects Ltd (0011/02) Cala Homes (012/03) Nature Scot 013/03 Scottish Government (014/01) Sport Scotland (015/01)
Planning authority's summary of the representation (s)
<p><u>SEPA (01/02)</u></p> <ul style="list-style-type: none"> • As the issues covered by the guidance are mostly out-with our remit we don't have any specific comments on the contents. • However, we support measures to promote delivery of good quality green networks as described in the Green Network SG. We agree the design of greenspace should be considered at the start of the development process, that these should build on existing connections and promote the retention, protection and improvement of existing features (such as watercourses) and also should integrate SUDS measures. <p><u>Scottish Forestry (02/01)</u></p> <ul style="list-style-type: none"> • p. 11: The Woodland Trust for Scotland provide a good resource for planning in relation to ancient and veteran trees/ woodland: https://www.woodlandtrust.org.uk/publications/2019/07/planners-manual-for-ancient-woodland-and-veteran-trees-scotland/ • p. 23: Suggest rephrasing this section along the lines of: • <i>Trees and woodland can bring a strong sense of place to a new development, particularly those that are mature and open grown. Site appraisal should identify important trees and tree groups that should be considered for inclusion within the design. Retention of healthy trees is strongly supported.</i> • BS5837 Trees in relation to Design, Demolition and Construction (2012) is the current British Standard guidance for trees from conception to construction phase. A tree survey in line with this guidance can provide information on tree health, viability for retention within the development as well as mitigation solutions within the design. It can also advise on the protection measures required to keep retained trees and woodland safe during the construction phase. If there are trees on or adjacent to the proposed site, it is advised that a tree survey is done as part of the initial site appraisal.

- p. 23: Suggest native woodlands rather than deciduous as this can include Scot's pine (a native conifer) which has great biodiversity value. I would also say that native woodlands have significant amenity and biodiversity value and can offer important ecosystem benefits such as screening, noise and pollution attenuation as well as aiding health and well-being.
- p. 36: Colours appear to be the same – difficult to distinguish between the two

SPT (03/03)

- We have no comments to make on the Green Network

Historic Environment Scotland (04/03)

- Having considered the draft guidance documents for our historic environment interests we can confirm that we have no comments to offer on this occasion.

Network Rail (05/02)

- We have no comments to make on “Green Networks”.

Persimmon Homes (06/03)

- This SG is heavily linked to the policies within the draft NPF4 and it is suggested that it would be premature to update this SG until after NPF4 is published. This will allow the guidance to complement NPF4 by providing a local context.

The Coal Authority (07/03)

- No specific comments to make on this consultation document.

Homes for Scotland (009/03)

- The draft SG appears to be based full-square on draft NPF4 which, it is recognised, remains in draft form and may well be amended in the near future. Given that the final version of NPF4 could be produced prior to adoption of the new SG, it would appear sensible to wait for publication of NPF4.
- While HFS does not object to the principle of ‘biodiversity enhancement’, there is currently insufficient information as to precisely what this will mean in practice. Draft NPF4 indicates that Scottish Ministers are still considering this themselves and it therefore appears likely that there will be further national guidance on the matter in the final version of NPF4.
- It is clear that issues such as ‘climate change’ and the ‘nature crisis’ are of fundamental importance but further work is required to consider how priority is given to such issues

Barrhead Housing Association (0010/03)

- The Association welcomes this guidance, in particular
- Consideration of mental and physical health and well-being as a core component of development, so that residents can live healthy and active lives
- Addressing green and blue infrastructure at the start of the development process to inform the design, capacity and form of development
- Remediation and redevelopment of vacant and derelict land and buildings to support regeneration, improve the surrounding environment and reduce the need to develop greenfield sites.

Iceni Projects Ltd (011/02)

- We request that the Draft Green Network SG be updated to acknowledge that development within the green network area can play a significant role in meeting the Council's aspirations for providing infrastructure to support communities (e.g. schools, community facilities, green space, housing etc) and delivering development which can support the Council's sustainability aspirations such as renewable energy developments of a reasonable scale which cannot easily be accommodated on brownfield sites.
- The SG should be updated to acknowledge that where development is promoted in green network locations, there is an opportunity for the green network to be enhanced as part of the development proposals, in conjunction with new built development. These enhancements could include creation of access routes, opportunities for biodiversity enhancement and green areas with a clear purpose for community use.

Cala Homes (012/03)

- The draft SG appears to be based on draft NPF4 which, it is recognised, remains in draft form and may well be amended in the near future. Given that the final version of NPF4 could be produced prior to adoption of the new SG, it would appear sensible to wait for publication of NPF4.
- Cala supports the aim of 'biodiversity enhancement' but requests that more information is provided to fully understand the council's aspirations. Draft NPF4 indicates that Scottish Ministers are still considering this themselves and it therefore appears likely that there will be further national guidance on the matter in the final version of NPF4.
- It is clear that issues such as 'climate change' and the 'nature crisis' are of fundamental importance but further work is required to consider how priority is given to such issues whilst ensuring that other social and economic requirements, including housing provision, are also addressed.
- Finally, in relation to 'blue infrastructure', ask that the final SG pays due attention to Scottish Water policy and guidance regarding SUDS facilities to ensure that they can be approved and adopted.

Nature Scot 013/03)

- We strongly support this Supplementary Guidance, which emphasises the importance and value of green networks as "an essential component of a successful, healthy and sustainable neighbourhood." We are pleased to see a well-designed green network recognised as key to creating high-quality places for people, as well as addressing the twin nature and climate crises. We consider that master plans and development briefs play a key role in protecting and enhancing green networks, and we are pleased that this is reflected in the guidance.
- We welcome the focus of the guidance on delivering green networks that provide nature-based solutions with multifunctional benefits, such as active travel routes, amenity, recreation and play opportunities for people, alongside sustainable drainage, habitat enhancement and connectivity, and carbon sequestration.
- The images included in the guidance effectively illustrate both good practice to be replicated, and poor practice to be avoided. We suggest that Plan 1, showing the green network of the entire East Renfrewshire area, could be accompanied by maps focusing on smaller areas. In particular, it would be helpful to include smaller-scale maps of the settlements, showing the existing green network as well as opportunities for new or enhanced provision.

Scottish Government (014/01)

- It would be useful if larger scale maps of the green network are provided (compared with Plan 1 in the draft SG) to make it easier to see the detail and extent of the areas of the green network.
- On page 12 for the section headed – Woodland and Forestry.
- Amend title to “Trees, Woodland and Forestry” in order to highlight the value of all trees, this also better aligns with draft National Planning Framework 4 policy text on the subject matter.
- In the first paragraph of this section amend “Woodland Strategy” to “Forestry and Woodland Strategy” to align with the language used in the Planning (Scotland) Act 2019.
- In the second paragraph rather than refer to the “Government’s policy” refer to “Scottish Government’s Control of Woodland Removal Policy” for clarity.
- The examples shown on page 20 and 21 whilst improvements from the fenced off single purpose SUDs basins, remain very engineering-driven and not that well integrated into the site as accessible, useable green spaces. In particular the one on page 19 could be much improved with added seating / boardwalks, and a variety of wetland planting to create more interests and biodiversity.
- Page 26 - Observations / suggestions for consideration:
Welcoming: consider aspects of accessibility for a range of users getting to the space and within the space
Distinctive: consider existing landscape features, built heritage, aspects and potential views etc
- Page 30 - Appendix 1: General Guidance, Criterion 1: consider omitting “wherever appropriate”
- Amenity Open Space Requirement for Residential Proposals, p30, refers to SUDS areas and structural landscaping that are designed to be publicly accessible can contribute towards the required area of open space –the meaning of “publicly accessible” is key. For such greenspaces to serve as meaningful amenity, they have to be accessible most of the time during normal weather conditions and they have to be useable – for example the design needs to incorporate features of greenspaces such as seating, play features, paths / boardwalk for walking / crossing etc.
- Amenity Open Space (including Active Open Space), Criterion 2, p32 indicates that play equipment must conform to the appropriate European Standard... - there may be flexibility to promote natural play as well as equipped play and provision should give consideration to children of different ages and abilities.

Sport Scotland (015/01)

- It would be useful to have a contents page to help readers navigate the guidance.
- The recognition of the importance of the green network in providing spaces for sport, recreation and physical activity is welcomed. It is noted that whilst the green network map covers a substantial area of greenspace, it does not comprehensively cover all greenspace used for sport and some facilities are also not included as ‘urban greenspace’ in the proposals map (e.g. Eaglesham Bowling Club green). We would note that the provisions of Scottish Planning Policy continue to apply to all outdoor sports facilities as defined by the Development Management Regulations regardless of their inclusion on any mapping.
- The reference to multi-functionality of greenspace and the blue/green network is generally welcomed. This can be particularly relevant to multi-use paths and path networks which can facilitate active travel and recreation opportunities for a variety of users - including for wheeled access and horse riders. There are, however, instances where more restricted use of greenspace is required to meet demand for a particular sporting use, for example a bowling green or pitch. Whilst these can

provide other greenspace functions, such as surface water drainage, they will inherently be more limited in terms of other functions they can serve, such as biodiversity improvement planting, and their contribution to the green network should not be underestimated on this basis.

Summary of responses (including reasons) by Planning Authority

SEPA (01/02)

- The support for the guiding principles is welcomed.
- It is not proposed to modify the guidance based upon the above.

Scottish Forestry (02/01)

- The suggestion that the word “woodland” is inserted after “mature trees” on page 22 is accepted, the addition of the word “woodland” better realises the intention of the policy which is to promote the inclusion of existing trees and woodland into new development. The same suggestion was also made by the Scottish Government. It is proposed that the SG is modified as follows (revised text in italics):
- Insertion of the words on page 22 ...and woodland after “mature trees” in the first sentence on page 22 to read ‘*Mature trees and woodland can bring.....*’.
- The suggestion that where there are trees on site or adjacent a tree survey to BS5837 should be undertaken adds clarity to the policy on page 22 and is accepted. It is proposed that the SG is modified as follows (revised text in italics):
- Insertion of the following sentence on page 22 after the 2nd sentence to read: The site appraisal should identify important trees in the landscape and these should be considered for inclusion into the design. *Where there are trees on site or adjacent to the site a tree survey should be undertaken.*
- The suggestion that the word “native” replaces deciduous on page 22 is a more accurate description of woodland in Scotland. This change is accepted. It is proposed that the SG is modified as follows (revised text in italics):
- Replacement of the word *deciduous* with “*native*” to read *Deciduous Native woodlands have wildlife value.....*
- The issue of legibility of the plan on page 6 is noted, the design of Plan 1 will be reviewed for the adopted SG.
- It is proposed that the design of Plan 1 is revised as requested.

SPT (03/03)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Historic Environment Scotland (04/03)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Network Rail (05/02)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Persimmon Homes (06/03)

- It is acknowledged that the status of Supplementary Guidance will change under the Planning (Scotland) Act 2019. There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.
- It is not proposed to modify the guidance based upon the above.

The Coal Authority (07/03)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Homes for Scotland (009/03)

It is acknowledged that the status of Supplementary Guidance will change under the Planning (Scotland Act) 2019. There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

- It is not proposed to modify the guidance based upon the above.
- The publication of NPF4 has provided clarity on how the concept of biodiversity enhancement will work at policy level. This addresses the concern that there was insufficient information on how this concept might work for it to be included in the SG. Further details of what types of biodiversity enhancements may be appropriate are provided in LDP 2 policy D7 on page 11, policy d5 on page 9 and policy D4 on page 8.
- It is not proposed to modify the guidance based upon the above.
- Homes for Scotland raise the concern that there is insufficient information on what balance should exist between social, economic, biodiversity and climate policies.

The publication of NPF4 provides a suite of policies covering these all of these topics. NPF4 states that it represents a package of policies which should be read as a whole. NPF4 has therefore provided the necessary information.

- It is not proposed to modify the guidance based upon the above.
- The comment on the need to cross reference with Scottish Water's guidance on SUDS is noted. Reference to this document will be added to the text.
- It is proposed that the guidance is modified as follows. Reference to Sewers for Scotland is added on page 15

Barrhead Housing Association (010/03)

- The support of Barrhead Housing Association is welcomed.
- It is not proposed to modify the guidance based upon the above.

Iceni Projects Ltd (0011/02)

- Iceni Projects comment that the SPG should be updated to state that development within the green network can provide infrastructure such as schools and community facilities. The Council would respond that there are policies that cover this possibility and a degree of flexibility within these policies. Development proposals can be considered within the green network but will be subject to Policy D4 which will protect and enhance the green network. Where any proposal impacts adversely on the green network then that proposal may be required to contribute to green network enhancements on any remaining green network or create green network elsewhere. Where a development proposal affects urban greenspace protected by policy D5 then such proposals will be resisted unless it can be demonstrated there are no significant adverse impacts. The inclusion of policy D4 and D5 are deemed sufficient to address this comment.
- It is not proposed to modify the guidance based upon the above.
- Iceni Projects suggestion that the SG should be updated to acknowledge that where development is promoted in green network locations, there is an opportunity for the green network to be enhanced is noted. This possibility is already acknowledged with the SPG and the supporting policies D4 and D5.
- It is not proposed to modify the guidance based upon the above.

Cala Homes (012/03)

- It is acknowledged that the status of Supplementary Guidance will change under the Planning (Scotland) Act 2019. There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.
- It is not proposed to modify the guidance based upon the above.

- The publication of NPF4 has provided clarity on how the concept of biodiversity enhancement will work at policy level. This addresses the concern that there was insufficient information on how this concept might work for it to be included in the SG. Further details of what types of biodiversity enhancements may be appropriate are provided in LDP 2 policy D7 on page 11, policy d5 on page 9 and policy D4 on page 8.
- It is not proposed to modify the guidance based upon the above.
- Homes for Scotland raise the concern that there is insufficient information on what balance should exist between social, economic, biodiversity and climate policies. The publication of NPF4 provides a suite of policies covering these all of these topics. NPF4 states that it represents a package of policies which should be read as a whole. NPF4 has therefore provided the necessary information.
- It is not proposed to modify the guidance based upon the above.
- The comment on the need to cross reference with Scottish Water's guidance on SUDs is noted. Reference to this document will be added to the text.
- It is proposed that the guidance is modified as follows. Reference to Sewers for Scotland added on page 15

Nature Scot (013/03)

- Nature Scot's supportive comments are welcomed.
- It is not proposed to modify the guidance based upon the above.
- The comment regarding the legibility of Plan 1 on page 6 has been repeated in other representations. The design and layout of Plan 1 will be reviewed for the adopted SG.
- It is proposed that the design of Plan 1 is revised as requested.

Scottish Government (014/01)

- The comment regarding the legibility of Plan 1 on page 6 has been repeated in other representations. The design and layout of Plan 1 will be reviewed for the adopted SG.
- It is proposed that the design of Plan 1 is revised as requested.
- The suggestion that the word "woodland" is inserted after "mature trees" on page 22 is accepted, the addition of the word "woodland" better realises the intention of the policy which is to promote the inclusion of existing trees and woodland into new development. The same suggestion was also made by the Scottish Government. It is proposed that the SG is modified as follows (revised text in italics):
- Insertion of the words on page 22: *...and woodland* after "mature trees" in the first sentence on page 22 to read 'Mature trees *and woodland* can bring.....'.
- On page 12 for the section titled – Woodland and Forestry - the suggestion to add the word "trees" to the title in order to highlight the value of all trees is accepted. This addition will better align with draft National Planning Framework 4 policy text on the subject matter.
- It is proposed that the SG is modified as follows (revised text in italics):
Page 12 - The word "*trees*" will be added to the title to read– "Woodland, *Trees* and Forestry"

- On page 12 the suggestion to amend “Woodland Strategy” to “Forestry and Woodland Strategy” is accepted. The amendment will align with the language used in the Planning (Scotland) Act 2019.
- It is proposed that the SG is modified as follows (revised text in italics):
Page 12 should be amended to read “Woodland Strategy” to “*Forestry and Woodland Strategy*”
- The suggestion in the second paragraph of Page 12 to change “Government’s policy” to “Scottish Government’s Control of Woodland Removal Policy” is accepted. The suggested amendment brings greater clarity.
It is proposed that the SG is modified as follows revised text in italics):
1st sentence of paragraph 2 on page 12 should be amended to read:
The ~~Government’s policy on woodland removal~~ *Scottish Government’s Control of Woodland Removal Policy* states that....
- The comments on the content and suitability of the images on pages 20 and 21 showing examples of SUDS are noted. A review of images used in the document will be undertaken before publication of the adopted version.
- It is proposed that the SG is modified as requested.
- The Council notes the suggestion that on page 26 in Table 1 under the welcoming column a new reference is made to the importance of accessibility for a wide range of users. The topic of inclusive design for all users is already covered in Table 1 under the column easy to move around. The Council believes that in this instance this is sufficient.
- It is not proposed to modify the guidance based upon the above.
- The Council notes the suggestion that on page 27 in Table 1 under the column Distinctive a reference is added to existing landscape features, built features, aspects and views. The importance of landscape features is already detailed in the text in this column but the Council accepts that this section would be enhanced by the addition of references to built heritage and aspects.
- It is proposed that the SG is modified as follows (revised text in italics):
Add references to built heritage aspects to Table 1, on page 26 to read
“It is important to capitalise on key natural features and characteristics of the existing landscape and *built heritage aspects*”.
- The Council notes the suggestion that on Page 30 - Appendix 1: the words “wherever appropriate” are removed from point 1 of the General Guidance. The current wording reflects instances such as town centre gap site development or development adjoining existing greenspace where it might not be practical or desirable for provision of new open space. The SG in conjunction with the adopted LDP2 provide adequate policies to ensure that where it is appropriate new open space is provided. No amendment is deemed necessary.
- It is not proposed to modify the guidance based upon the above.
- The Council notes the comment regarding the Amenity Open Space Requirement for Residential Proposal on p30 and the statement that where SUDS areas and structural landscaping are designed to be “publicly accessible”, they can contribute towards the open space requirement. This is an important policy that is reiterated in the adopted LDP2, the comments regarding what defines publicly accessible are noted, and the content of the SG reflects the suggestions made by the Scottish Government. No amendment is deemed necessary.
- It is not proposed to modify the guidance based upon the above.

- The comment regarding the inclusion of the European Standard (BSEN 1176 & 1177) in Amenity Open Space (including Active Open Space), Criterion 2 on p32 is noted. This reference refers only to manufactured play equipment indicates bought and installed by professional suppliers. This reference is not intended to preclude opportunities for spontaneous natural play. The importance of Informal play is referenced in other sections of the SG. It is not considered necessary to amend the document in response to this comment.
- It is not proposed to modify the guidance based upon the above.

Sport Scotland (015/01)

- The comment requesting a contents page is noted. It is intended to include a contents page in the adopted SG.
- It is proposed that the SG is modified with the inclusion of a contents page.
- The comment regarding the coverage of sports facilities on Plan 1 is noted. The scale of the plan does not permit smaller spaces to be shown in detail. Sports facilities are covered by policy D13 in the LDP2. NPF4 covers sports and play under the provision of Policy 21
- It is not proposed to modify the guidance based on the above.
- The comment regarding the varying degrees of multi-functionality of different green spaces is noted. The merit of each greenspace on its own terms is also noted.
- It is not proposed to modify the guidance based on the above.

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**Finalised Supplementary Guidance:
Green Network
April 2023**

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Introduction

The Council's Supplementary Guidance on Green Network (2015) was prepared under Section 22 of the Planning (Scotland) Act 2006 and formed part of the Local Development Plan (LDP1 2015). This part of the Act has now been repealed and the status of Supplementary Guidance changed under the Planning Scotland Act (2019). However, transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates. This SG has been prepared under these regulations and will form a statutory part of LDP2

This SG describes the policies and measures that development proposals must consider with regards to protecting and enhancing the green network. This guidance should be used to inform the design process for proposals integrating the green network with built environment. The guidance should be read in conjunction with the East Renfrewshire Local Development Plan 2 (LDP2).

East Renfrewshire Council places the highest value on its environment. The green network is considered an essential component of a successful, healthy and sustainable neighbourhood. All development proposals will be required to protect and enhance the green network's wildlife, biodiversity, recreational use and landscape value.

A green network must form a core component of any master plan or development brief. As well as providing high quality places for people to live, a well-designed green network addresses head-on the dual threats of the nature crisis and climate change. The role of planning in tackling these two threats is a central policy theme in the National Planning Framework 4 (NPF4).

Functions of the Green Network

The principal functions of the green network are to provide:

- An Access Network – facilitating the movement of people between communities through greenspace and active travel networks; and
- A Habitat Network – facilitating the movement of wildlife and habitats.

Green Infrastructure is a component of the green network, elements such as sustainable urban drainage (SUDS) have specific roles to play.

What is the Green Network?

The Planning Act Scotland 2019 provides the following definitions.

- Green infrastructure means features of natural and built environments and the connections between them that provide a range of ecosystem and social benefits.
- Green networks are connected areas of green infrastructure and open space.

The East Renfrewshire green network is made up of natural, semi natural and manmade greenspace including parks and gardens, active travel and recreational routes, playing fields, watercourse and reservoirs, and woodlands and trees. It is centred in and around the urban area and provides connectivity to the surrounding green belt and countryside.

A good example of a green network is the Capelrig Way in Newton Mearns. This green corridor running between Barrhead Road and Leslie Avenue is a mile long corridor of woodland, the Capelrig Burn, floodplain wetlands, foot paths and amenity grass open space. The network is well used by pupils from three different schools and provides recreational greenspace for the residents of Crookfur and Westacres. The flood plain of the Capelrig Burn holds large volumes of flood water helping to prevent flooding of properties downstream.

Policy Guidance

Planning Act Scotland 2019 New Requirements

The 2019 Act places a number of new requirements on planning authorities which will have some bearing on the Council's position on the green network during the lifespan of LDP2 and this special guidance.

The Planning (Scotland) Act 2019 requires planning authorities to prepare and publish an Open Space Strategy (OSS). The OSS is to set out a strategic framework of the planning authority's policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks. An open space strategy must contain an audit of existing open space provision an assessment of current and future requirements. The Act also introduces a requirement for planning authorities to prepare a Forestry and Woodland Strategy and to carry out a Play Sufficiency Assessment.

The 2019 Act defines open space as:

Open space is the space within and on the edge of settlements comprising green infrastructure or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.

The Open Space Strategy will be adopted within the lifecycle of the current LDP2. Once adopted it will provide detailed direction on the future requirements for open space provision including proposals for the green network. Further details on requirements and proposals for children's outdoor play will be provided in the Play Sufficiency Statement which will also adopted in the cycle of this LDP2.

The 2019 Act also introduces Local Place Plans. These are community-led plans setting out proposals for the development and use of land, these plans will set out a community's aspirations for its future development. Once completed and then registered by the planning authority, they are to be taken into account in the preparation of the relevant local development plan. There is the possibility that local place plans will identify protection and enhancement of the green network as local priorities, in which case these aspirations will feed into LDP3.

National Planning Framework 4 (NPF4)

The NPF4 puts the nature crisis and climate change at the heart of national planning policy. In particular NPF4 Policy 3the Nature Crisis has a focus on delivering:

- Enhanced connectivity – green networks at all scales
- Nature based solutions
- Onsite enhancement where development takes place

Policy 3: Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 20 of NPF 4 relates to the green network.

Policy 20: Blue and Green Infrastructure

- a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.
- b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.
- c) Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.
- d) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park. Development proposals for temporary open space or green space on unused or under-used land will be supported.
- e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

The NPF4 identifies the well-established Central Scotland Green Network (CSGN) as a National Development. The CSGN was also a policy priority in NPF3.

This national development is one of Europe's largest and most ambitious green infrastructure projects. It will play a key role in tackling the challenges of climate change and biodiversity loss including by building and strengthening nature networks. A greener approach to development will improve place-making, can contribute to the roll-out of 20-minute neighbourhoods and will benefit biodiversity connectivity. This has particular relevance in the more urban parts of Scotland where there is pressure for development as well as significant areas requiring regeneration to address past decline and disadvantage. Regeneration, repurposing and reuse of vacant and derelict land should be a priority.

Regional Spatial Strategy

With NPF4 now in place Clyde Plan the Strategic Development Plan ceases to exist. The Strategic Development Plan will be replaced with the duty to prepare a Regional Spatial Strategy. Unlike the Strategic Development Plan, the Regional Spatial Strategy will not form part of the statutory development plan system. The regulations detailing the role and functions of the Regional Spatial Strategy have not yet been issued. Supporting and coordinating action between the eight authorities covered by the region will remain a key role.

The Glasgow and Clyde Valley Green Network is a large scale and ambitious initiative that will transform Glasgow and the Clyde Valley by improving local communities, promoting healthier lifestyles, connecting and enhancing natural habitats, transforming perceptions and by attracting and retaining investment in the area.

The Glasgow and Clyde Valley Green Network Partnership (GCVGN) co-ordinates the work of Clyde Plan translating regional green network priorities into local action by supporting work across the eight constituent local authorities. The GCVGN have produced the regional Blueprint which identifies the green network across the entire city region.

The GCVN Blueprint incorporates the fundamental functions of a Green Network:

- **A Strategic Access Network** – facilitating the off-road movement of people around and between communities through Green Active Travel routes and greenspace.
- **A Strategic Habitat Network** – facilitating the movement of wildlife through the landscape

The Blueprint identifies for both Networks:

- existing Green Network assets that should be protected and managed
- where there are gaps in the networks
- opportunities to address those gaps

New development should be seen as an opportunity to address the infill of gaps identified by the Blueprint through the careful integration of development proposals with their surroundings and well-planned onsite enhancement.

Local Development Plan Policies

The Local Development Plan 2 will ensure that national and regional policies are delivered through local policies that protect and secure enhancement of East Renfrewshire's green network, open spaces, protected sites, trees and woodlands and the paths and networks which connect them.

The LDP2 promotes development on brownfield or vacant sites within the urban area with a strategy of regeneration and consolidation of existing communities. National policy stresses that such sites are the most sustainable locations for new housing. Notwithstanding a key element of LDP2 continues to promote major areas of change on greenbelt land due to limited land availability in the urban area. Given the sensitivity of greenbelt locations it is all the more essential that proposals include well designed green network.

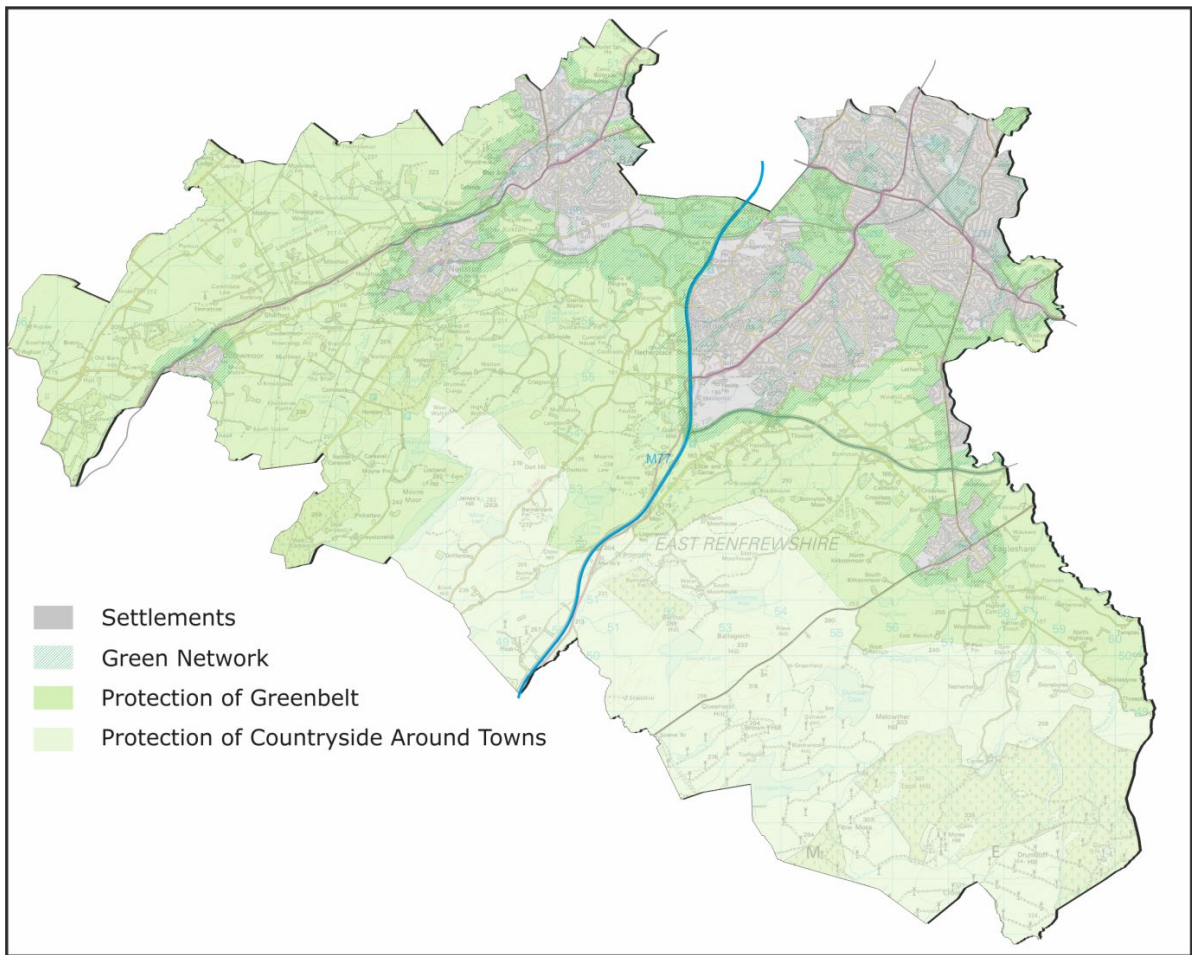
LDP2 Strategic Policy 1: The Development Strategy states in criterion 7:

7. Protection, creation and enhancement of an integrated multi-functional green network and connected green spaces within and around the urban areas which actively contribute to local amenity, recreation, active travel and biodiversity objectives in accordance with Policies D4 and D6.

Green Networks and Green Infrastructure

Plan 1 shows the land covered by Policy D4. All proposals in the area identified will be assessed against Policy D4.

Plan 1: The Green Network



Policy D4 Green Networks and Green Infrastructure

The Council will protect, promote and enhance a multi-functional and accessible green network across the Council area, as shown on the Proposals Map, which contributes to healthy lifestyles and wellbeing and links to the wider green network across the Glasgow City region.

Proposals will be required to protect and enhance the green and blue network, its value and multiple functions including wildlife, biodiversity, recreational, landscape and access. Proposals should also meet the requirement of Policy D7.

The provision of a green network will be required to form a core component of any master plan or development brief.

Where a proposal impacts adversely on the character or function of the green network, proposals may be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with Strategic Policy 2 and D6.

The Council will support the implementation of the proposals listed in Schedule 3.

Further detailed guidance and information will be set out in the Green Network Supplementary.

The green network shown in Plan 1 follows the typology of greenspace set out in the Scottish Government's Planning Advice Note 65: Planning and Open Space which includes the following habitat types:

- Urban greenspace including parks (Policy D5)
- Natural Environment Features (Policy D7)
- Tree Preservation Orders (Policy D7.2)
- River catchments at all scales in urban areas
- Core woodland, wetlands and grassland
- Golf courses in urban areas
- Railway lines in urban areas
- Land identified as the greenbelt (Policy D3)

Whilst access is a significant element of the green network, core paths were not specifically included when identifying the designated green network because with the green network's focus on the urban and urban fringe areas a strong correlation already exists between access routes and areas designated under Policy D4.

Policy D5: Protection of Urban Greenspace

The East Renfrewshire urban greenspace as shown on the LDP2 proposals identifies land in excess of 1500m². These areas were identified during the most recent greenspace audit in 2016. These include areas of public parks and gardens, amenity greenspace, play spaces, sports areas, green corridors, natural/semi natural greenspaces, allotments and community growing spaces, civic spaces, burial grounds, other functional greenspace. Sites too small to map are also recognised and are of importance providing a localised resource offering opportunities for informal activity and the setting for residential streets and cul de sacs.

Policy D5: Protection of Urban Greenspace

The Council will protect and support a diverse and multi-functional network of urban greenspace, including outdoor sports facilities, shown on the Proposals Map.

Proposals for the loss of outdoor sports will be assessed against Policy D13.

Proposals which would result in the loss of urban greenspace will be resisted unless it can be demonstrated that:

- There is no significant adverse impact on nature conservation/biodiversity or the function of the wider green network, landscape character and amenity of the site and surrounding area;
- The loss of a part of the land would not affect its recreational, amenity or landscape function; and
- Appropriate mitigation is provided as part of the development for alternative provision of at least equal biodiversity, community benefit and accessibility.

Proposals for development on other areas of greenspace not shown on the Proposals Map under Policy D5, will be considered against its biodiversity and recreational value and its contribution to the character and amenity of the area in accordance with Policy D1.

Further detailed guidance and information will be set out in the Green Network Supplementary.

Policy D6 Open Space Requirements in New Development

Proposals will be required to incorporate multi-functional, integrated and accessible on-site green networks and green infrastructure, including open space provision, wildlife habitats and landscaping.

Proposals will be required to meet the following criteria:

1. Demonstrate that the provision and distribution of open space and green infrastructure has been integrated into the design approach from the outset and has been informed by the context and characteristics of the site using key natural and physical features. Proposals should be designed to accommodate users of all age groups, and levels of agility and mobility;
2. Provide a network and hierarchy of open space to create a structured and legible framework for development, which clearly distinguishes public space, semi-public space and private space using appropriate boundary treatments. Design and layout of proposals should encourage species dispersal through improving connectivity and the availability of habitats. New planting must promote and enhance the biodiversity of the area and incorporate native trees where appropriate;
3. Complement, extend and connect existing open spaces and provide links to the wider green network;
4. Make provision for the long-term management and maintenance of open space. Details of maintenance requirements and arrangements must be set out, including who is responsible for these requirements;
5. Integrate Sustainable Urban Drainage Systems (SUDs) features with open space and active travel networks as part of a multifunctional approach to landscape design. SUDs may form part of open spaces subject to their design, provided they are accessible and contribute to the amenity value of the wider open space; and
6. Meet the minimum open space requirements set out in Schedule 4.

Schedule 4: Open Space Requirements

Development Type	Open Space Requirements
Residential Proposals	10 sq. m of open space per habitable room
All other proposals (commercial, industrial, transport, educational)	Provision of open space and contribution to the enhancement of green networks will be assessed on a site-by-site basis

Policy D7: Natural Features

The Council will protect and enhance the natural environment features set out in Schedule 5, and shown on the Proposals Map, and seek to increase the quantity and quality of the area's biodiversity.

1. There will be a strong presumption against development on or adjacent to Natural Features where it would compromise their overall integrity, including Local Biodiversity Sites, Local Nature Reserves, Tree Preservation Orders and ancient and long-established woodland sites. Adverse effects on species and habitats should be avoided with mitigation measures provided wherever this is not possible.
2. Development that affects a Site of Special Scientific Interest (SSSIs) will only be permitted where:
 - a. The objectives of designation and the overall integrity of the area will not be compromised; or
 - b. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, community or economic benefits of national importance to the satisfaction of Scottish Ministers and measures are provided to mitigate harmful impacts.
3. Development affecting trees, groups of trees or areas of woodland will only be permitted where:
 - a. Any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity and character of the area has been incorporated into the development through design and layout; or
 - b. In the case of woodland:
 - i. its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits, in line with the Scottish Government's Policy on Control of Woodland Removal; or
 - ii. in the case of individual trees or groups of trees, their loss is essential to facilitate development and is clearly outweighed by social, environmental, community or economic benefits.

Where woodland is removed in association with development, developers will be required to provide compensatory planting which enhances the biodiversity of the area and demonstrates a net gain.

The loss of ancient or semi-natural woodland, or trees covered by Tree Preservation Orders will not be supported. Ancient woodland is an irreplaceable resource and should be protected from adverse impacts arising from development.

4. Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

Further detailed guidance and information will be set out in the Green Network Supplementary

Schedule 5: Natural Environment Features

Site Ref	Location	Description
D7.1	Council area wide	Sites of Special Scientific Interest
D7.2	Council area wide	Tree Preservation Orders
D7.3	Council area wide	Local Biodiversity Sites
D7.4	Waulkmill Glen	Local Nature Reserve

Biodiversity

The Nature Conservation (Scotland) Act 2004 places a statutory duty on all public bodies to further the conservation of biodiversity. Biodiversity is simply the variety of life - all living things around us; the plants, animals, insects in our forests, mountains, rivers, seas, gardens and parks, right down to the things living in our soils.

Geodiversity

Geodiversity is also recognised as forming an important part of the natural environment. Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form and alter them. The diversity of Scotland's rocks and landforms is the basis for most of our landscapes and scenery that are highly valued by visitors and the tourism industry.

Sites of Special Scientific Interest (SSSI)

Sites of Special Scientific Interest and Local Biodiversity Sites provide protection to a range of habitats and species and geology within East Renfrewshire.

A Site of Special Scientific Interest is a statutory designation made by NatureScot under the Nature Conservation (Scotland) Act 2004. Sites of Special Scientific Interest (SSSI) are those areas of land and water that NatureScot considers to best represent our natural heritage - its diversity of plants, animals and habitats, rocks and landforms, or a combination of such natural features.

Local Biodiversity Sites (LBS)

Development proposals should not damage Local Biodiversity Sites. Development proposals should contribute to the restoration of local biodiversity sites and improving connections between sites. While most Local biodiversity sites are privately owned there may be opportunities to create environmental buffer zones where local biodiversity sites adjoin new development.

Protected Species

Although protected areas can safeguard species within their boundaries, some animals and plants are so threatened or vulnerable that they need legal protection wherever they occur. There are several pieces of legislation giving protection to species found in Scotland. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, NatureScot is now responsible for the majority of wildlife licensing in Scotland.

In many cases it is an offence to kill or capture animals including birds, or to uproot plants. The law also protects some wild creatures from disturbance or harassment, or disturbance of their nests or resting places. It also means that it is against the law to pick some plants. Further practical guidance on Natural Features is given within Appendix B.

Woodland Trees and Forestry

The Planning (Scotland) Act 2019 places an obligation on local authorities to adopt a Forestry and Woodland Strategy. Work to produce the woodland strategy will be ongoing as part of the development of LDP3.

The Scottish Government's control of woodland policy states that "there is a strong presumption in favour of protecting Scotland's woodland resources." and "woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefit".

The Council will seek to support forestry and woodland throughout its area, in particular it affords protection to those areas of ancient and long-established woodland and Tree Preservation Orders. Within East Renfrewshire there are 264 hectares of ancient and long-established woodland and 765 hectares of land covered by Tree Preservation Orders.

Dams to Darnley Local Nature Reserve

Local Nature Reserves (LNRs) are places to enjoy and learn more about local wildlife or geology. They are found in a range of locations and associated with a variety of habitats. LNRs provide wild spaces where plants and animals, both common and rare, can thrive. They offer a more natural environment than parks and gardens, but are still readily accessible for a wide range of people. LNRs are of local natural heritage importance, designated and managed by local authorities to give people better opportunities to learn about and enjoy nature close to home. For this reason, LNRs are generally found close to towns and cities.

Policy 9: Access

A key element of green networks is the provision of easy and safe routes for walking and cycling. The Council places great importance on the health and well-being of its residents and acknowledges the important role outdoor access and recreational opportunities can play in encouraging exercise and activity.

Policy 9: Access

The Council will continue to protect, enhance and extend existing and proposed active travel and outdoor access networks including core paths, rights of way, strategic cycle corridors and green networks, shown on the Proposals Map and Schedule 6, and ensure that new development does not adversely impact upon them. The solums of any former railway lines will be safeguarded as future access routes.

The council will support proposals which enhance, extend and create new integrated walking and cycling routes. New and improved routes should be planned at the outset of the design process; should accommodate users for all age groups, and levels of agility and mobility; should link with existing and proposed active travel routes; and contribute to the wider active travel and green networks across the area.

Any future access proposals will be required to satisfy core active travel design principles of safety, coherence, directness, comfort and attractiveness.

There will be a strong presumption against proposals which have an adverse impact upon outdoor access unless a satisfactory alternative route is provided.

The Council will continue to support Dams to Darnley Country Park (D9.1) and Whitelee Access Project (D9.2), shown on the Proposals Map, and the implementation of the relevant management/ access plans for each project.

Core Paths Plan

The core paths together with rights of way (as shown on the Proposals Map) provide a robust network of routes across the area. Projects are ongoing to improve facilities including the construction of new paths, signposting and promotional material.

Development proposals should consider access at the outset of the design process, how to protect existing access provision and seek to enhance access where there are opportunities to make links with the core path network. Where appropriate these new links will be considered for inclusion in future Core Paths Plans. New paths should integrate seamlessly with the green network and road and footway layouts. It is expected that the master planned areas will include an access network as part of the green network.

Green Network Development Contributions

The Supplementary Guidance: Development Contributions for Local Development Plan 2 states that where a proposal impacts adversely on the character or function of the green network, proposals may be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with LDP2 Strategic Policy 1 and LDP2 policies D4 and D6.

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.

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.](#)

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.

DESIGN GUIDANCE

Advice to applicants seeking planning consent for development with green space and green infrastructure.

This section provides examples of both successful and less successful greenspaces. It also provides guidance on how to create high quality green network and successful green infrastructure.

Urban planners and architects developing planning applications for residential developments should read Appendix A: Open Space within New Development which provides guidance on the expected ratios of open space to development size. Appendix A is not intended to produce formulaic layouts but should be used with the guidance below to determine the best layout for greenspace. The guidance endorses quality over quantity.



Pocket park at Polnoon combining play area, SUDS and gateway landscaping. The entire space is under 250 sq. m

It is important that planning applications demonstrate that an analysis of the site and its surroundings has been undertaken. It is anticipated that applicants will submit a design statement which explains their decision-making process and the rationale for the chosen design.

The integration of multifunctional greenspaces is intrinsically linked to the creation of a successful place. Green networks support a sustainable approach to development, creating places that are attractive to residents and businesses, provide opportunities for healthier lifestyles and contribute to the recovery of biodiversity and carbon reduction.

It is expected that proposals will ensure that greenspaces are multifunctional *and* connected to the wider green network. In the past green space provision, play areas, sustainable urban

drainage and landscaping were often considered as separate components within new developments. Contemporary best practice now combines these features to create multifunctional spaces. The ability to provide multiple or 'cross-cutting' functions on individual sites and across a whole green infrastructure network is key to successfully designing new greenspaces.

A design that considers life time maintenance costs, long term sustainability and seeks to reduce the resources required for upkeep, is essential. Establishing and maintaining woodland is generally cheaper per hectare than mowing amenity grassland at approximately 50% of costs over a 50-year period. As part of the planning consent process the Council will require details of the maintenance regime. Provision of a simple, robust long-term maintenance management regime is a crucial factor in establishing a successful scheme.

Making Greenspace Multifunctional



Successful multifunctional greenspace at Cala Homes Newton Mearns. The site is compact, is overlooked and contains SUDS, play area, biodiversity woodland and path links to the wider network. The SUDS area was included in the greenspace requirement calculation because it forms a prominent landscape feature and has a perimeter path network.



This space is less successful. The dramatic landraising renders the SUDS area inaccessible and there is no landscape planting. The steep banking will make future maintenance difficult. The SUDS basin contributes very little to the sense of place. Scottish Water provide guidance of the design of SUDS.

Creating connections to the wider green network

Connections from a new greenspace to the wider green network are important and must always be considered during the design process. Site appraisals for new developments should identify where links to the wider path network can be made. Connections can be made in a number of ways; two examples are given below. One demonstrates how a new development linked to a Right of Way; the other example demonstrates the role East Renfrewshire Council can play to ensure green network connections are completed.



New path constructed by Cala Homes

Cala homes constructed a new path that connected their development in Newton Mearns to a historic Right of Way. The right of way continues to connect to another Cala development at Maidenhill creating a green network that utilises existing paths infrastructure to create new safe and attractive network.



Following investment by Cala homes the right of way was upgraded by East Renfrewshire Council. The historic right of way has been repurposed to connect different neighbourhoods across the wider area. The image shows the junction of the two paths.

Neilston



Dawn Home's new path is overlooked and easy to locate. East Renfrewshire will construct a new path to connect to this route.

In Neilston, Dawn Home's collaborated with East Renfrewshire Council to construct a new path into a neighbouring greenspace which had a long history of informal use. There was no right of way to make a connection with but the council was able to sign a path agreement with the greenspace land owner to construct a new path linking into the new Dawn Homes facility. Dawn Homes created a high-quality path to their boundary, which will connect with the East Renfrewshire Council path.

Land Raising

Land raising or cutting to create development platforms needs careful consideration. There are particular challenges in East Renfrewshire where much of the topography is steep and uneven. Where levels change dramatically, they can have a detrimental impact both on the existing landscape and biodiversity and can prevent the creation of a successful green network.

LDP2 policy has a presumption against land raising Policy D1 (Criterion 12) states that:

There will be a general presumption against all proposals that involve landraising. Where there are justifiable reasons for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted.

High platforms with sudden and steep gradients create barriers for movement. Sudden level changes may require the construction of steps which is strongly discouraged and will not be adopted by the Council's Road's service. Ongoing maintenance for steps will typically become the liability of residents in the development.



In this case largescale land cutting created a steep slope between communities necessitating the construction of steps.

The substantial earth moving required to create platforms erases many if not all existing natural features and biodiversity. In extreme cases entire sites are scraped bare. Where natural features survive earth works these features such as small watercourses or hedgerows may find themselves in the shadow of platforms and their natural functions are much reduced.



Springhill Burn looking west, showing existing hedge and trees growing on south side



Revetments and retaining walls are not conducive to multifunctional greenspace. The four images show the same stretch of the Springhill Burn before and after development. In the top left the gabion wall breaks the green network function of the burn creating a dead space which would not be counted towards the open space requirement required in schedule 4 of the LDP2. The top right image shows the same area of hedge and burn before development.

The bottom images shows where the green network alongside the water course has been used to locate play equipment and seating. This makes some positive use of the space. The site is overlooked by houses and relatively accessible. A more formal play space is located above the gabions to compliment the informal play area. The space is partially successful, but some extra small details such as biodiversity enhancements by planting wetland plants or riparian trees along the burn edge would have added even greater value.

Where land raising is a necessity careful consideration and design is required to ensure platforms do not work against a successful green network or the creation of a successful place. This might require a move towards smaller platforms with less steep or dramatic changes in level. Or orientating platforms so the largest change in gradients are situated at the least sensitive locations in terms of connection, landscape and biodiversity.

Sustainable Urban Drainage and Successful Greenspaces.

Policy D4 allows multifunctional and accessible SUDS schemes to be counted as part of the required openspace provision in new development. Standalone single use SUDs systems are not encouraged and can be wasteful of the valuable land resource.



This simple scheme forms the centre point of an accessible area of greenspace.



Flood Attenuation basin at Barrhead High School.

The attenuation basin was sown with a meadow mix and provides a number of functions. It creates a large shallow basin for flood storage protecting the school buildings from high flow flood events. It is used by the school for outdoor education and field studies. The wild flower component provides a large nectar source for pollinators. The grass is cut just once a year compared to fourteen cuts per year in the neighbouring park. The semi-parasitic yellow rattle plants visible in the image help keep a balance between grass and wild flowers by reducing the vigour of the grass.



New swale constructed at Barrhead south. This simple piece of green infrastructure was cheaper to install than conventional underground piping. The grassy vegetation filters out silt and pollutants before water trickles into a nearby water course. The swale takes water from the near-by road and is maintained by the Road Service.

Natural Features

Water Features



Landscaping Plan at Barrhead South showing green network containing play area, path network, SUDS, biodiversity enhancements and landscaping. The small burn in the image becomes the central feature of the development with houses fronting onto the greenspace created around the water feature.

Taylor Wimpy at Barrhead are constructing a housing development which features a strong green network centred on the two small watercourses which run through the site. These small burns are being both protected and enhanced by the design in figure 2. The wider area will be sown with meadow mixes and planted with riparian trees. The SUDS basins integrate with the watercourses expanding and enhancing the area for biodiversity. A network of paths built into the green network provide attractive and safe shortcuts.

Where development incorporates water courses the East Renfrewshire Whitecart Catchment Opportunities (2017) Report can be requested. The report identifies actions for improvement on every water course in East Renfrewshire. Many of these actions are simple measures such as riparian tree planting and improvements to bank side habitat or placing large boulders strategically within the channel. More elaborate opportunities include, removal of culverting and restoration of watercourses to natural channel. Small measures can result in a better ecological status for the watercourse. Developers should take account of the requirements of the Flood Risk Management Act (2009) and recognise that the use of open space can help manage flood risk sustainably.

Woodland Trees and Forestry



Mature beech tree at Maidenhill

Mature trees and woodland can bring a strong sense of place to new development. The site appraisal should identify important trees in the landscape and these should be considered for inclusion into the design. Where there are trees on site or adjacent to the site a tree survey should be undertaken. Retention of healthy trees is strongly supported. A tree survey can determine if a tree is in healthy condition. Trees should be well protected during construction works using BS5837 the British Standard for Trees in relation to design, demolition and construction. Where there are trees on site or adjacent to the site a tree survey should be undertaken. The latest version of BS5837 was published in 2012 and applies to all trees that could be affected during the design, demolition or construction phase of a development.

Where there are large areas of left-over incidental greenspace this can be efficiently used for woodland planting. Native woodlands have wildlife value and will enhance biodiversity as required by Policy D6.



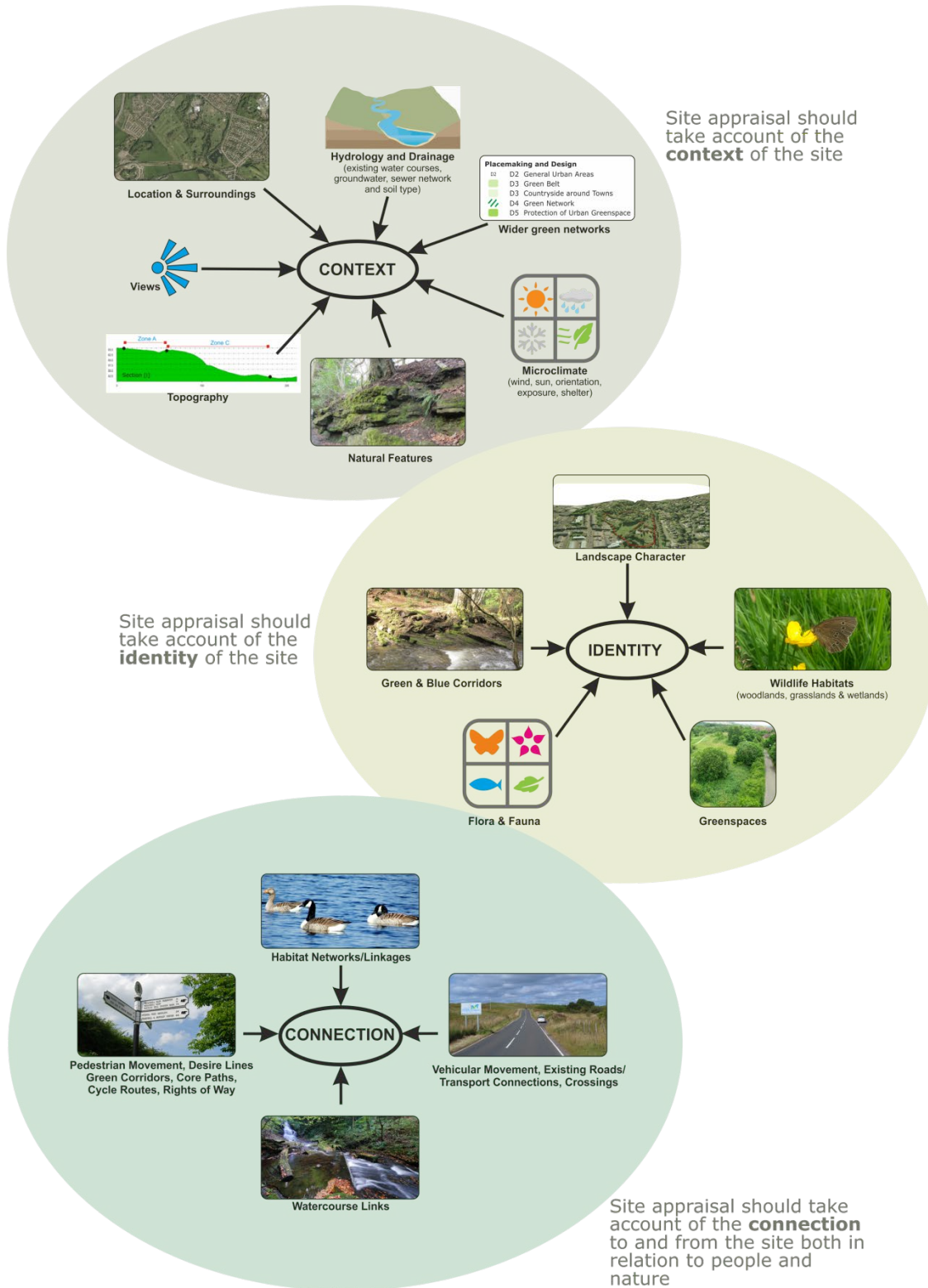
New woodland planted in undeveloped corner at Maidenhill.



All Underused land at Maidenhill has now has all been planted with new woodland. Almost 4 hectares of woodland has been planted, creating a biodiversity net gain for the development.

Site Appraisal

Before designing their green network, applicants should undertake a site appraisal which considers 3 main elements -Context, Identity and Connection:



Applicants should consider the 6 qualities which are a prerequisite to the creation of a place of high quality. These are set out under NPF4 'Policy 14: Design, Quality and Place'.

The six qualities are:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.


Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

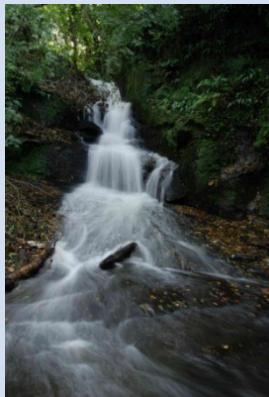
Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Table 1: Six Qualities for Successful Green Networks

Healthy	Distinctive	Pleasant	Connected	Sustainable	Adaptable
<p>Supporting the Prioritisation of women’s safety and improving physical and mental health</p> <p>Designed for:</p> <p>lifelong wellbeing through ensuring green spaces feel safe and welcoming e.g., through passive surveillance and good design</p> <p>healthy and active lifestyles, through the creation of walkable neighbourhoods, food growing opportunities and access to nature and greenspace</p> <p>accessibility and inclusion for everyone regardless of gender, sexual orientation, age, ability and culture</p>	<p>Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into landscape designs that reinforce identity</p> <p>Designed for sense of place including design influences, architectural styles, choice of materials and finishes, detailing, landscape design, vibrancy and cultural context</p> <p>it is important to capitalise on key natural features and characteristics of the existing landscape and built heritage aspects. Water and burns are strong features and can add value to development</p>	<p>Supporting attractive natural spaces</p> <p>Green spaces designed for:</p> <p>positive social interactions including quality of public realm and green spaces ensuring a lively and inclusive experience</p> <p>protection from the elements to create attractive and welcoming surroundings, including provision for shade and shelter, mitigating against noise, air, light pollution and undesirable features, as well as ensuring climate resilience, including flood prevention and mitigation against rising sea levels</p> <p>connecting with nature including natural landscape, existing</p>	<p>-Green Networks designed for</p> <p>active travel by encouraging more walking, wheeling and cycling that allow for simple modal shifts</p> <p>connectivity including strategic cycle routes, local cycle routes, footpaths, pavements, active travel networks, desire lines, permeability, accessibility and catering for different needs and abilities</p> 	<p>Designing for climate resilience and nature recovery including incorporating blue and green infrastructure, integrating nature positive biodiversity solutions</p> <p>community and local living including access to local services and facilities, education, community growing and healthy food options, play and recreation</p>	<p>Supporting commitment to investing in the long-term value of green spaces by allowing for flexibility so that they can meet the changing needs over time</p> <p>Designing for:</p> <p>quality and function, ensuring fitness for purpose, design for high quality and durability</p> <p>longevity and resilience including recognising the role of user centred design to cater for changing needs over time and to respond to social, economic and environmental priorities</p> <p>long-term maintenance</p>

social connectivity and creating a sense of belonging and identity within the community

environmentally positive places with improved air quality, reactivating derelict and brownfield land, removing known hazards and good use of green and blue infrastructure



Mature existing trees can be worked into the design. Hedgerows and walls provide continuity



landforms and features, biodiversity and ecosystems, integrating blue and green infrastructure and visual connection

variety and quality of play and recreation spaces for people of all ages and abilities

enjoyment, enabling people to feel at ease, spend more time outdoors and take inspiration from their surroundings



including effective engagement, clarity of rights and responsibilities, community ownership/stewardship, continuous upkeep and improvements

The design of greenspace should be addressed at the start of the development process. Green infrastructure as it relates to surface water management, the road network, open space and landscaping should inform the design, capacity and form of development.

Green infrastructure can be implemented well ahead of development commencing. Advance greening which requires modest investment is an opportunity to give a head start to slow to establish green infrastructure such as woodland.

If long-term programming issues arise and development is stalled, advance greening combined with temporary greening can be helpful. This can ensure sites do not become derelict and a strain both on owners and on the community within which they are located. The legal complexities and financial models to enable progress on these techniques are still at an early stage. However, there are merits in exploring the possibilities.

Temporary greening can provide a wide range of benefits. It can improve the attractiveness of a site and as a consequence encourage development and investment. The temporary greening can also form part of the final development.

There are various temporary greening options available to landowners:

- Creating temporary growing spaces i.e., allotments;
- Interim sustainable urban drainage sites;
- Tree planting/ short rotation energy crops as part of carbon sink creation, biodiversity; site decontamination or other initiatives;
- Public art space;
- Installing approved landscape design prior to development;
- Wildflower meadows;
- Grassing and maintenance.

Conclusion

Applications for planning permission will require to demonstrate how this Guidance has been applied to their proposals. This Supplementary Guidance provides advice on ways to achieve well planned and designed, multi functioning green spaces that contain green infrastructure and are contribute to the wider green network.

CONTACT DETAILS

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

Strategic Planning
Planning & Building Standards
Environment Department
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank, G46 8NG
Email: ldp@eastrenfrewshire.gov.uk

Appendix A

Open Space Requirements within New Development

Open space within new development should comprise 2 elements:

- Private open space and gardens (where applicable- limited to residential development); and
- Amenity open space (including active open space - limited to residential development)

General Guidance

1. All development should as a starting point encapsulate the design principles laid out within this Supplementary Guidance. Proposals should make provision where appropriate for open space within developments for private and amenity open space.
2. These guidelines aim to ensure that a reasonable provision of amenity space, which can serve a multiple purpose, is provided whilst enabling adequate privacy. The core emphasis is on layouts which are well designed and deliver a successful sense of place.
3. The specific requirements expected for open space provision are detailed below. Innovative design is encouraged.

Private Open Space and Gardens Requirement for Residential Proposals

Detached, semi-detached and terraced properties will require to have gardens in proportion to their size. Private gardens will be expected to be 1½ times the ground floor area of the house or 100m² for detached and semi-detached houses and 50m² in the case of terraces, whichever is the greater.

Standard garden sizes should not be a constraint to imaginative design. The design principles laid out within this guidance are considered the fundamental determinants in achieving a successful layout.

Further guidelines for private gardens are provided below:

1. Rear gardens should have a depth of at least 10m from rear elevation of house to plot boundary in order to maintain adequate privacy.
2. Front garden provision should complement the design of the house.
3. There should be a minimum of 2m from any house to the side plot boundary. A 3m house to side plot boundary will be expected where properties are 3 full storeys.

Amenity Open Space Requirement for Residential Proposals

10 Sq. M of open space per habitable room.

The 10 sq. m must include sufficient active space and cannot be comprised of piecemeal incidental landscaped areas or inaccessible SUDS features. SUDS areas and structural landscaping that are designed to be publicly accessible can contribute towards the required area of open space. Justification for the type and quantity of provision should be given and included within the design statement where appropriate. For smaller scale developments it is expected that applicants will demonstrate how appropriate elements of this Supplementary Guidance have been applied.

If there is an existing play facility within safe walking distance of 250m from a new development. The Council may where appropriately allow a developer to invest in the upgrading of an existing play facility or the creation of a new facility out with the site. Financial contributions would be based on the guidance provided within the Development Contributions Supplementary Guidance (2022)



Micro MUGA at Waterfoot, total area 300 sq. m with play area to side and wildflower meadow in foreground.

Cumulative requirements

The cumulative effect of under provision will be scrutinised.

Where small scale isolated developments, lying in close proximity are proposed, developers will be expected to contribute towards the achievement of these standards.

In circumstances where larger scale developments are compartmentalised /phased by either a consortium or single developer, applicants will be required to apply these standards within the context of a comprehensive masterplan for the development. This will be considered as part of the planning process.

Amenity Open Space (including Active Open Space)

1. Developers will generally be expected to make provision for amenity open (including active open) space in accordance with the standards set out above.
2. Details of the proposed play equipment must conform to the appropriate European Standard (BSEN 1176 & 1177) and should be agreed with the Council at an early stage.
3. Peripheral landscaping of planting and mounding will be required for multi-use games areas. For security reasons, tree and shrub planting should not substantially visually screen the activity zone. The whole site, comprising the activity area and the landscaped buffer zone, should be suitably enclosed e.g., by railings or hedgerow.
4. Multi-use games areas can be located beside local areas for play, other areas of open space or structural landscaping to form a small park, although there should be physical separation between the different play areas.

Ongoing Management and Maintenance of open space areas

Where provision of play areas are proposed (either local areas for play & multi-use games areas), these areas should be clearly defined within a plan. In all cases, the management & maintenance regime will require to be confirmed as part of the planning application process. The location and type of provision should clearly be shown on any marketing material.

High standards of maintenance should be applied to all open space provision whether on-site, off-site adopted by Council or the responsibility of a private maintenance agency. In the event that the Council adopts the open space, the following guidelines will apply:

- The areas will require to be constructed in accordance with the approved plans and to the satisfaction of the Council.
- Legal conveyance of such areas to the Council will be free of charge and free of all burdens and restrictions.
- A payment, in advance, of a sum equivalent to 20 times the estimated annual maintenance costs, as set by the Council will be made.
- Adoption by the Council will take place after fulfilment of a 24-month maintenance / defects liability by the developer, subject to the Council's satisfaction with its condition. Any defects will require remedial action by the developers.
- The Council for its part will undertake to provide adequate maintenance for as long as is required.

Where a private maintenance scheme is agreed the following guideline will apply:

- Details of management and maintenance arrangements will be submitted as part of the planning application process. The developer must demonstrate to the Council that satisfactory arrangements have been put in place for the long-term maintenance of all open space. E.g., through a private maintenance agency by means of a legal agreement with house purchasers.

Non- residential amenity Open-space provision

It is expected that all development proposals (for example residential, commercial, industrial) will incorporate a high quality and well-integrated environment and landscape setting. While there are no open space standards for commercial, industrial, transport or educational proposals, greenspace provision will still be assessed on a site-by-site basis against the six qualities of successful place criteria.

Appendix B

Practical Guide – Natural Features

A Strong legislative basis exists for the protection of protected species and sites. Development likely to impact upon these require to be considered, mitigated and in certain instances consented.

Protected Areas and Protected Species

For protected sites within East Renfrewshire the applicant needs to establish whether their development site impinges on any

- National designations (i.e., Sites of Special Scientific Interest)

Development that affects a Site of Special Scientific Interest (SSSI) will only be permitted where it will not adversely affect the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

Sites of Special Scientific Interest are designated to reflect both habitat and geological interest.

If development could affect a SSSI, the applicant will require to identify the notified features of the SSSI and set out a method by which the development can be achieved without a net adverse impact to the condition of these features.

Information on the notified features located within East Renfrewshire can be found on the NatureScot website at

<https://www.nature.scot/doc/application-consent-form-sssis>

A license/permission should be obtained from NatureScot in advance of any works to a Site of Special Scientific Interest.

Local natural heritage designations (i.e., Local Biodiversity Sites)

- East Renfrewshire Council holds Phase 1 habitat information for Local Biodiversity Sites within its area.

Where there is likely to be an adverse impact on natural features or biodiversity an ecological appraisal will be required. This appraisal should identify measures adequate to mitigate any impacts that are identified.

This SG encourages enhancement of the LBS where practical.

Species Guidance

Protected Animal & Plant Species

Developers will require to establish whether their site supports any protected animal breeding or resting places. In doing so consideration requires to be given to:





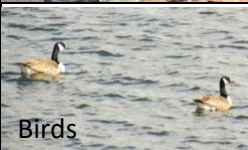
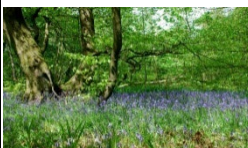
- Internationally protected species – i.e., European Protected Species (EPS). In East Renfrewshire, the only two likely to have protected breeding/resting sites present are [bats](#) and [otters](#).
- Nationally protected species. In East Renfrewshire species that might have protected breeding/resting sites affected by development are [badgers](#), [water voles](#) and [breeding birds](#).

In East Renfrewshire any site with mature trees or buildings could support bats, while any site with a water course could support otters. Best practise advises that it is prudent to establish the presence of Protected Species prior to submission of a planning application.


Otters can be surveyed for at any time of the year; however, bats require to be surveyed at particular times within the year.

A Survey Calendar for natural heritage likely within East Renfrewshire is provided below. This is a general guide only and the timing of surveys can be affected by weather and may be specific to location (particularly vegetation surveys). Surveys should be conducted during suitable conditions, i.e., otter surveys undertaken during normal or low flow and not when water is high.



SURVEY CALENDAR												
Species	January	February	March	April	May	June	July	August	September	October	November	December
 Bat	Hibernation roost survey				2/3 Emergence/re-entry surveys Summer and maternity roost surveys						Hibernation roost survey	
	Habitat Suitability Assessments undertaken throughout the year											
 Otter	Surveys can be conducted throughout the year											
 Badger							Activity surveys					
 Water vole					Activity surveys						Unsuitable survey period	
Habitat Suitability Assessments undertaken throughout the year												
 Birds	Wintering bird species surveys		Breeding bird + migrant bird survey		Breeding bird survey				Migrant bird survey		Wintering bird survey	
 Phase 1 habitat survey only	Phase 1 habitat survey only			Phase 1 and NVC survey					Phase 1 habitat survey only			

 Optimal survey period

 Sub-optimal survey period

 Unsuitable survey period

Surveys should be carried out according to best practise for the habitat or species being surveyed. An Institute of Ecology and Environmental Management (IEEM) accredited surveyor will be able to give advice and more information can be obtained from NatureScot <https://www.nature.scot/>

APPENDIX 3 - SUPPLEMENTARY GUIDANCE (SG): DEVELOPMENT CONTRIBUTIONS

Summary of Consultation Responses and Recommendations and Finalised Development Contributions Supplementary Guidance

This Appendix provides a summary of the publicity and consultation undertaken, the representations received, the Council's response and the Finalised Supplementary Guidance.

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PUBLICITY AND CONSULTATION

The Council is required to demonstrate that appropriate engagement has been undertaken on the Supplementary Guidance and submit this to Scottish Ministers, together with the comments received and how they have been taken into account.

The consultation period ran for 6 weeks from 8th June until 20th July 2022.

The following provides a summary of the participation methods used by East Renfrewshire Council:

- Notice placed in Evening Times and Barrhead News outlining where, how and when to respond to the document and how it could be viewed, allowing **6** weeks for responses;
- Email/Letter notifications sent to those on the LDP consultees database - this included Scottish Government, Key Agencies, statutory consultees, other stakeholders and Community Councils notifying of launch of SG for consultation outlining where, how and when to respond to the document and how it could be viewed;
- Copies of document and response forms deposited at the Council's Planning and Building Standards offices at: East Renfrewshire Council, Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG; and Council Headquarters, 211 Main Street Barrhead, G78 1SY;
- Copies of document and response forms deposited at all local libraries; and
- Document and response forms, including a Citizen Space response option, made available to view and download on the Councils website - dedicated Supplementary Planning page created.

SUMMARY OF CONSULTATION RESPONSES

The table provides a summary of representations received and the response (including reasons) by the planning authority:

Body or person who submitted representation
Scottish Environmental Protection Agency (SEPA) (001-03) Scottish Forestry (002-02) Strathclyde Partnership for Transport (003-01) Historic Environment Scotland (004-02) Network Rail (005-03) Persimmon West Scotland (006-02) The Coal Authority (007-01) Dawn Homes (008-01) Homes for Scotland (009-02) Surplus Property Solutions (011-03) Cala Homes (West) Limited (012-02) Nature Scot (013-02) Sportscotland (015-02)
Planning authority's summary of the representation (s)
<p><u>Scottish Environmental Protection Agency (001-03)</u></p> <p>No specific comments on the contents.</p> <p><u>Scottish Forestry (002-02)</u></p> <ul style="list-style-type: none"> • Page 5 in the list of facilities and infrastructure requirements that may be necessary on, please amend 'Green Infrastructure' to 'Green Infrastructure and Networks' to highlight the local and wider environmental networks development should consider/ contribute to. • Page 19 for consistency requests that the title on 'Green Network and Access' is changed to 'Green Infrastructure and Networks'. • Page 20 where it states '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.' There should be a presumption of retention. <p><u>Strathclyde Partnership for Transport (003-01)</u></p> <ul style="list-style-type: none"> • Support the guiding principles and the approach to implementation set out in the draft SG with regards to transport and active travel. However, the SG doesn't recognise that the provision of public transport infrastructure alone does not result in the provision of public transport services. • Suggest reference should be made to the fact that, on occasion, there may be a requirement for contributions to support the introduction of new or amended public transport services to provide a basic level of access to public transport services to

avoid the reliance on private car use. Funding would only be sought for development where there is no existing provision in order to encourage sustainable service provision in the longer term. This reflects the approach taken at Maidenhill.

Historic Environment Scotland (004-02)

- Welcome the opportunity to review and comment, however no comments to offer on this occasion.

Network Rail (005-03)

- Welcome that roads and transportation is now quantified to include road and rail infrastructure in Strategic Policy 2 (as recommended by Network Rail) and that has been incorporated in the SG, now worded as “transportation infrastructure”.
- Welcome that the section on Transportation Infrastructure & Active Travel emphasises the importance of an agreed TA to identify any requirements and that reference is made to consultation with partner organisations including Network Rail.

Persimmon West Scotland (006-02)

- Query the timing of updating the SG - National Planning Framework 4 is expected to be published later this year which will be supported by new Development Management Regulations both of which will influence the status and content of the SG. Also the Council is due to review the Local Housing Strategy. SG should be postponed until NPF4 and the new regulations have been published.
- To ensure transparency and provide greater certainty the Education section of the draft SG should detail how the pupil product is calculated. How future school roles are calculated should also be set out. It is our view that the cohort progression methodology is the most appropriate.
- In the proposed threshold for financial contributions, it is not explained why a 90% figure has been used. We support the use of 100% occupancy (i.e. planning capacity), in line with Scottish Government Guidance set out in Determining Primary School Capacity Guidance (24 October 2014).
- As drafted we do not consider the proposals to extend the repayment period of unused education contributions to 10 years to be compliant with Circular 3/2012. By doing so the contribution may be used after the pupils who’s impact necessitated the contribution in the first place have left the school/education system.
- Under Contribution Disbursement it is suggested that the Council sets out circumstances where each type of contribution would be used in 5, 7 or 10 year period. The only circumstances where a 10 year period may be justified is where a new school is required as part of a strategic housing release and the contribution will be used to address capacity at existing schools until the new school is built.
- Under Green Network it is noted that a contribution may be sought to enhance open space based on its environmental quality. It is unclear how this assessment can be undertaken without an open space audit detailing the quality or quantity and of existing space in order to understand what improvements may be sought. Without justification such a request is unlikely to comply with Circular 3/2012.

The Coal Authority (007-01)

- Confirm that the Planning team at the Coal Authority have no specific comments to make on this consultation document.

Dawn Homes (008-01)

- The Circular guidance requires that contributions can only be required to address negative impacts arising directly from the development proposal to be approved. The policy test must therefore be clear that contributions can only be required where there are identified negative impacts and not to improve infrastructure, facilities or services as stated.
- The Circular is clear that where a planning obligation is considered essential, it must have a relevant planning purpose and must always be related and proportionate in scale and kind to the development in question. The Policy simply refers to likely requirements and this itself would not meet the test of reasonableness having regard to scale and kind.
- The Circular is clear that “Planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development”.
- The Circular tests do not justify contributions to secure “enhanced infrastructure” or “increased burdens”. The language in this section requires to be clarified having regard to the Circular guidance and indeed case law.
- It is also relevant to state that in respect of *Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited (Scotland) [2017] UKSC 66* it is unlawful for local authorities to require financial contributions to be made towards pooled funds for infrastructure which is unconnected to the development of a particular site.
- References to “community benefits wish lists” should be deleted from the Guidance as they do not meet the five tests of Circular 3/2012, nor should an applicant’s refusal to engage in such discussions count against them in the determination of their application.
- Contributions should not be required to secure improvements or indeed address deficiencies in education infrastructure, as advised in the Circular.
- The explanation of the calculation Stage 1, a PPR is required to be established in any assessment of the impact arising from new development. Calculating the notional additional pupils based upon PPR and allocated housing sites, even where the number generated exceeds the 90% notional capacity of a school does not itself justify the requirement for a contribution, especially a contribution based upon a flat rate cost per pupil for adding additional occupancy. In each individual case, the resultant impact will not necessarily result in a requirement for new build, fit out and professional fees associated with increasing the capacity of a school. There may be operational solutions which address the impacts which should be considered. Furthermore, a “capacity improvement” rate applied to a limited number of additional pupils over the notional capacity would be unlikely to be spent directly on addressing the individual impact, in which case the rate or level of contribution would fail the test of scale and kind. Indeed, capacity improvements could be achieved from purely operational adjustments to a school costing very little or nothing at all.
- The Council table setting out the Council’s requirement per housing unit for the individual schools does not explain or clarify the calculation of each requirement per housing unit and it is therefore not possible to confirm whether the contribution rate meets the test of scale and kind.
- The SG fails to explain or justify how impacts on community facilities arising from new development is to be assessed.
- The SG assumes that new development negatively impacts on Community Halls & Libraries to the extent that a contribution is required. This is insufficient to justify a contribution having regard to the policy tests in the Circular. Furthermore, there is no evidence to support the application of a standard contribution rate of either £256 per

residential units of £301 per residential unit having regard to the test of scale and kind.

- The Circular policy tests do not support the use of contributions unless there are negative impacts identified. The SG does not provide any methodology for assessing the impact of individual proposals against existing provision. Furthermore, it is confirmed that whilst based on the upgrade of pitches, contributions may be used to increase capacity at a range of sports facilities and centres. The use of contributions on this bases would fail the test of scale and kind and be unreasonable as they would not relate directly to the development to be provided.
- The SG does not suggest that any audit of the Council's existing open space has been carried out, as advised by PAN67. In short there is no basis for identifying a need to impose a contribution upon need for development. The contribution rate of £2573 per residential unit is not justified in scale and kind.
- As with the provision of Sports facilities, the SG does not provide any methodology for assessing the impact of individual proposals against existing provision nor has there been any audit against which to test impacts from individual new development. The contribution rate of £290 per household is not justified in scale and kind.

Homes for Scotland (009-02) and Cala Homes (West) Limited (012-02)

- Although submitted separately, Homes for Scotland and Cala Homes have made the same comments as follows:
- Surprised at the timing of the SG update prior to National Planning Framework 4 (NPF4) and the anticipated new Development Management Regulations and ahead of the council's own review and update of its Local Housing Strategy 2022-27. It could be argued that the revision of the SGs is premature.
- The council should consider moving straight to publication of non-statutory SPGs as South Lanarkshire Council has done.
- The statement that developers should factor in the provisions of the draft SGs as part of any site purchase demonstrates a lack of appreciation of the nature and variety of arrangements between land owners and developers as well as the time horizons involved in reaching such agreements. It is important that the council always allows for a degree of flexibility in the application of individual SGs to take account of individual circumstances.
- Welcomes the clarity that the council has sought to provide in the draft SG. That said, there remain many areas where further information is required and/or where a detailed justification is necessary in order to ensure that the proposed contributions comply fully with the tests set out in Scottish Government's Circular 3/2012.
- Believes that the threshold for development contributions should also be set at 12 or more units. This change is necessary in order to ensure that the burden imposed by such obligations does not undermine the feasibility of smaller projects promoted by SME builders.
- Page 5 the range of facilities and infrastructure requirements includes 'healthcare facilities'. A related footnote states that further analysis will be carried out to consider the capacity required to support future demand for healthcare infrastructure. No further details are set out regarding the justification for such contributions or the likely level of contributions to be sought. Spending on healthcare projects and infrastructure lies beyond the remit of the planning authority – Scottish Government allocates funds for healthcare projects through general taxation and the planning authority has no role in this process. The allocation and programming of health spending is beyond the control of the planning authority so the Council would be seeking to raise funds for projects over which they have no control and according to timescales that they cannot influence. There are fundamental concerns regarding the principle of the planning authority demanding monies from one private company

(the developer) to fund development by another private company (e.g. a GP surgery or surgeries). The whole topic of healthcare spending should not figure within the draft SG on development contributions. HFS would require prior notice of, and consultations on, any detailed proposals in relation to the funding of healthcare facilities.

- Page 5 notes that the list of proposed contributions is 'not exhaustive' and that additional contributions could be sought in relation to any specific proposed development. This 'catch all' provision is clearly unacceptable in its current form but we would be happy to work with the council to arrive at an acceptable rewording.
- Financial contributions should only ever be required when a school reaches 100% capacity. If schools cannot operate effectively at up to 100% capacity there must be wider issues affecting this rather than just physical capacity. In the absence of a robust, reasoned justification for the capacity figures quoted in the draft SG, a figure of 100% capacity should be used in relation to both primary and secondary schools.
- Note that contributions are to be required in relation to additional support needs (ASN) for the first time. There is little in the draft SG explaining what this entails and why it is now considered reasonable to require such contributions. Given that it is council policy to retain students with additional support needs within mainstream schools wherever possible, further justification is required for introducing this as a separate heading for the purpose of contributions.
- Pupil Product Ratio (PPR) – the draft SG gives no detailed explanation regarding the manner in which the PPR has been calculated. Aware that the cohort regression method has been used by other authorities and need to know whether this has been used here or whether the council has used some other method. The draft SG states that a review of the PPR was undertaken in 2020 and that it is to be reviewed every two years. Question whether the 2022 review has taken place yet? If not, the proposed revisions to education contributions are clearly premature. Should the council intend to produce revised PPR figures and resultant calculations for the final version of the SG, HFS will require the opportunity to review and comment on these ahead of the final SG being produced.
- The draft SG indicates that the PPR is to be applied to all new dwelling without exception. The only justification for this appears to be administrative simplicity. A more refined approach is required. A five bedroom house is clearly more likely to produce school pupils than a one bedroom flat and it must be possible to reflect this in the application of the PPR. We would welcome the opportunity to discuss this further with the council.
- Note the significant increase in costs per pupil on both new-build projects and existing school capacity improvements. Concerned about the contributions sought being based solely on the recent experience of the council. Scottish Futures Trust (SFT) has produced helpful information regarding school development and costs and this information is to be preferred or at least taken into account. The draft SG gives no information regarding the size, range and quality of facilities that were provided for the figures quoted. Given the proposed increase in contributions being sought, it is only reasonable that the parties making such contributions should be provided with information regarding the range of facilities and costs compared with a base specification for a primary school or a secondary school. Further detailed information in this regard is requested.
- The current (2015) SPG states that unspent education contributions will be repaid in the event that they are not spent within 7 years. Objects to the proposal in the draft SG that this should be increased to 10 years as no reasoned justification has been provided. A 10 year time horizon could result in contributions raised not being used until after the pupils whose impact necessitated the contributions in the first place having left school. This clearly wouldn't meet the test of reasonableness. The only circumstances where a 10 year period might be justified is where a new school is

required as part of a strategic housing release and the contribution will be used to address capacity issues at existing school until the new school is built. This should be noted as an exception to the rule.

- Transport - It would be helpful if the draft SG provided further guidance regarding what is meant by 'larger' sites and whether this effectively includes all sites where a TA is required. For smaller sites, where no TA has been required, it is hard to see how decisions on contributions can be based purely on 'consultations' and still be objective. Would welcome further discussion on these points with the council and also some discussion on whether it is reasonable for the 'full cost' of works to be recouped in all cases. Sports, Parks and Open Space
- Sports – note the 50% increase in costs in relation to provisions for sport but are concerned that there is no justification for this level of increase. Further details are required.
- Parks and open space – all developments by HFS members in East Renfrewshire in recent years have included provision of new play spaces. Question whether, in such circumstances, it is appropriate for the council to seek additional financial contributions based on a rather outdated '6 Acre Standard'. The draft SG would benefit from further flexibility in the application of the policy which specifically accounts for provisions made within any development.
- Green Network - The draft SG notes that a contribution will be made based on the environmental quality of the open space. However, there is no mention of an existing open space audit having been carried out. While an audit should form part of a future Open Space Strategy under NPF4, there is nothing to confirm the current quality/quantity of open space in the area to aid understanding of what may be sought. It is unreasonable to request such contributions without a suitable justification.
- The current (2015) SPG states that contributions will generally be spent within 5 years, the only exception being education facilities where the period is 7 years. In contrast, the new draft SG seeks to increase the general period to 10 years with a caveat that, in some cases, contributions can be held for over 10 years. Object to this proposed provision on the basis that a period of 10+ years is excessive – if a contribution can't be spent within the existing timescales it is questionable whether it was appropriate in the first place and if it meets the requirements of Scottish Government Circular Government Circular 3/2012.

Surplus Property Solutions (011-03)

- Support in principle the flexibility offered to assess individual applications on a case by case basis and that not all requirements listed in the SG will be relevant to every development.
- Welcome the clarity provided, that development contributions will only be sought in relation to residential development of 4 or more units and for non-residential developments of over 1000m².
- Education contributions - support the exemption of the development types listed in the SG (residential institutions, residential developments with occupancy restrictions, and subsidised affordable housing developments) and we welcome the flexibility offered to windfall development sites, where education contributions will be assessed on a case by case basis.
- In relation to the other potential contributions listed in the SG – supportive that the council will take a flexible approach to applying the criteria and where requirements cannot be met on site, all applications are assessed on a case by case basis.
- Welcome the statement on special considerations which recognises that development contributions impose costs which may have implications for the viability of a development. Support that each application will be assessed on a case by case

basis and would expect the council to regard viability as a key consideration when determining suitable levels of contribution.

Nature Scot – 013-02

- Strongly support the inclusion of active travel, parks, open space and green infrastructure in the development contributions policy and associated supplementary guidance. The supplementary guidance complements the Green Networks supplementary guidance.
- Page 19 “Green Network and Access” – suggest the second sentence under “Green Network” is changed to read: “The natural environment comprises a range of components which can help mitigate and adapt to the effects of climate change...” This would better reflect the range of ways in which nature-based solutions can contribute to reducing and sequestering carbon, and building resilience to the impacts of climate change such as flooding.
- Page 19 suggest update “Green Network and Environmental Management Supplementary Planning Guidance to “Green Network” to reflect the most current version of the guidance (consultative draft published in June 2022).

Sportscotland (015-02)

- It would be useful to have a contents page to help readers navigate the guidance.
- Community facilities is defined as including community halls, sports grounds, sports halls and centres. This captures places and spaces for sport which are important community resources and is welcomed.
- Support the reference to developer contributions potentially including on-going associated costs of maintaining services, facilities and infrastructure. Sports facilities, and green space which enable and support sporting activity, often have associated maintenance costs which are over-looked and it is appropriate to plan pro-actively for this.
- Support the inclusion of sports facilities in reference to potential capacity improvements at existing schools where development contributions are sought. Schools and community campuses provide valuable spaces and places for sporting activity, both within the educational context and for clubs and communities out-with school hours.
- Whilst it is appreciated that an effort has been made to develop a guideline unit cost for sports contribution to provide a level of certainty to developers, it is not clear why the facility used to calculate this is a grass pitch upgrade. Sports facilities are varied and costs will differ considerably depending on the type of facility required. Our guidance note ‘sportscotland’s approach to planning applications’ states that the average cost of providing a basic grass pitch is, for an overall pitch size of 95m x 50m plus 3m runoffs (5656 sq. m.), £130,000 at 2015 prices. This is a higher level than the £90,000 figure used in the draft SG.
- This pitch upgrade value has also been applied to the Parks and Open Space contribution. It is not clear whether consideration was given to attributing the installation costs associated with equipped play park areas or MUGAs detailed later in the SG or combining these to reflect the mix of uses in parks and open spaces.
- It’s recommended that the provision of sports facilities, or investment to existing facilities, is determined by an up-to-date assessment of current and future demand in an area or across the local authority. Whilst the inclusion of a calculation unit can give developers some certainty over project costs, and secure a level of investment, it’s recommended that any calculation of contributions has flexibility to take in to account local need and demand across a range of sports facility types.

Summary of responses (including reasons) by Planning Authority

Scottish Environmental Protection Agency (001-03)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Scottish Forestry (002-02)

- The Council is in agreement that both local and wider environmental networks can be impacted by new development, therefore would accept the following proposed amendment to Page 5 (revised text in italics):
In the last bullet point in the list of facilities and infrastructure requirements add the wording and Networks, after the words Green Infrastructure as follows:
Green Infrastructure and Networks
For consistency the Council would also then agree with the proposed amendment to the title on Page 19 as follows:
At the top of Page 19, add the word Infrastructure after Green and replace the words Network and Access with the words and Networks to the title as follows (revised text in italics):
Green Infrastructure and Networks Network and Access
- The Council notes request to add a 'presumption of retention' to the green network section, however does not consider that there is a need to add this to the SG. The SG needs to be read along with the policies and proposals of the Council's adopted Local Development Plan 2 (LDP2) (March 2022). Earlier in the Green network section, paragraph 3 states that proposals should meet the requirements of Policy D7 of the LDP2. Policy D7 states that the Council will protect and enhance the natural environmental features and a strong presumption in favour of protecting Scotland's woodland resources.
- It is not proposed to modify the guidance based upon the above.

Strathclyde Partnership for Transport (003-01)

- The support for the guiding principles and approach to implementation is welcomed.
- The Council agree that the provision of public transportation infrastructure alone does not result in the provision of public transport services and accept that some clarification on this point may be helpful. The Council would therefore support the proposed inclusion of the following sentence (revised text in italics):
On page 16, after the paragraph that starts "Where a development may have an impact on public transport infrastructure..." insert the following new paragraph:
On occasion, there may be a requirement for contributions to support the introduction of new or amended public transport services to provide a basic level of access to public transport services to avoid the reliance on private car use. Contributions would only be sought for development where there is no existing provision in order to encourage sustainable service provision in the longer term.

Historic Environment Scotland (004-02)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Network Rail (005-03)

- The support for the approach to transportation infrastructure is welcomed.
- It is not proposed to modify the guidance based upon the above.

Persimmon West Scotland (006-02)

- It is acknowledged that the status of Supplementary Guidance will change under the Planning Scotland Act (2019). There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.
- It is not proposed to modify the guidance based upon the above.
- Information on pupil product ratios (PPR) is provided in within the supplementary guidance and further detailed evidence on PPR calculation and School Roll projection methodology is provided in the Council's Education Background Report (2019) that was prepared to support LDP2. In response to the comments received, the Council would propose making reference to further information being available in the Education Background Report in the SG as follows (revised text in italics):
On page 8 after the paragraph that states 'The PPR values will be reviewed internally every 2 years to ensure accurate forecasting of occupancy levels throughout the school estate.' Insert the following new paragraph:
Further detail on PPRs and calculation methodology is set out in the Council's LDP2 Education Background Report (BR4) (2019).
- The Council notes the represented views on cohort progression methodology, however the Council does not agree with this approach. The Council's cumulative progression methodology is set out in the LDP2 Education Background Report. Single development proposals cannot be reviewed in isolation, rather the cumulative effect of development on a school catchment needs to be assessed. The cumulative projection methodology is not new, it is a well-established approach within East Renfrewshire and has proven to be very accurate when compared with actual roll increases.
- It is not proposed to modify the guidance based upon the above.
- The Council does not agree that school planning capacity should be set at 100% and maintain that the thresholds in planning capacity of 85% for our secondary schools and 90% for our primary schools is appropriate. Such levels are used to help monitor provision and sufficiency of places for catchment demand. Above these levels, efficient operation of the school is compromised and facilities are pushed beyond optimum utilisation. These thresholds are required to support the Council's refreshed vision for 'Advancing Excellence and Equity in Education in East Renfrewshire' and responds to priorities set out in the National Improvement

Framework. It should be noted that the capacity of a school is not measured by counting the number of pupil chairs (places). Both primary and secondary schools are complex organisations in terms of timetable arrangements. Schools require part of their accommodation for specialist activities such as ICT and music. This specialist accommodation is shared by a number of classes and age stages. The planning capacity of a school is the maximum number of pupil places available, which guarantees that all pupils attending the school will be able to access a wide range of curricular opportunities, as is the Council's legal requirement to ensure that all children are able to access the totality of the curriculum. This is not uncommon operation by an authority, and is widely used in other local authorities; with some setting parameters as low as 80%.

- It is not proposed to modify the guidance based upon the above.
- The Council considers the proposal to extend the timescale for contributions disbursement to be appropriate and in line with many other local authorities across Scotland. Often contributions from a number of smaller developments needs to be collated in order to expend contributions on a best value basis and to achieve the most effective mitigation measure. Capital projects may also necessitate implementation in specific time periods or require a longer period of capital programming for example for major projects or strategic housing releases. In some instances projects can also be delayed due to events which are outwith the Council's control, for example the covid19 pandemic. The Council notes the comments received and would propose amendments to the text as follows:
On page 22, in the section titled Contributions Disbursement, amend the text as follows(revised text in italics):

Contributions will be disbursed or allocated in line with the terms of the associated legal agreement. *Timescales may vary depending on the circumstances of a development and the requirement of the contribution. Generally agreements will require* contributions will be disbursed or committed within a *maximum of 10 years of receipt. However there ~~are~~ may be occasions, for example for major projects or strategic land releases, where a longer period of capital programming and longer spend deadlines or commitment timescales ~~will~~ are required.*

~~Where a longer period of capital programming is required for major projects, contributions may require to be retained over a longer period.~~

Any contribution or proportion of contribution not disbursed or committed within the agreed timeframe, will be returned to the developer.

As a result of the above, we would also propose amendments on page 15, in the section titled Use of Education Contributions amend the text as follows(revised text in italics):

Education contributions received will be allocated for use solely within the catchment area where the development giving rise to the issue is located. *Generally a*Agreements will set out that education contributions will require to be used or committed for use within 10 years of receipt of the final payment of development contributions received from the development site. If the contributions have not been spent or are not committed within the 10 year *(or otherwise agreed)* timeframe, contributions will be repaid to the developer in line with advice on page 22.

- The Council notes the comments made in relation to the SG's wording on green network contributions. The wording quoted remains unchanged from the adopted 2015 guidance. The Council regularly monitors its open space in line with Scottish Government requirements to inform the Local Development Plan. The Council is currently in the early stages of updating its open space audit and strategy in line with

the more detailed requirements from the 2019 Planning Act. Once in place the new audit and strategy will inform the assessment of contributions. Wherever possible mitigation should be incorporated on site. Where this is not possible, an assessment will be carried out to determine an appropriate development contribution and the Council feels that it is reasonable to base this on the environmental quality of the open space. Officers assess applications on a case by case basis taking into account information from site visits undertaken to assess the particulars of the proposal, background information held on green network and quality of open space and the level of proposed loss of landscape features, habitats or amenity. The Council believe this approach to accord with Circular 3/2012.

- It is not proposed to modify the guidance based upon the above.

The Coal Authority (007-01)

- No response required.
- It is not proposed to modify the guidance based upon the above.

Dawn Homes (008-01)

- Strategic Policy 2 of the adopted LDP2 states that 'where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure'. Development contributions will fairly and reasonably relate in scale to the proposed development and will be required in order to make the proposed development acceptable in planning terms, all in accordance with the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements. This policy has been tested through the Council's Local Development Plan Examination.
- It is not proposed to modify the guidance based upon the above.
- The Council considers the wording of the SG and Strategic Policy 2 to be in line with the guidance provided by Circular 3/2012 and do not feel this needs to be clarified further. The Council believes the SG 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 is not proposed to modify the guidance based upon the above.
- The Council notes the comments made in respect of recent case law and in particular the Elswick case. Strategic Policy 2 and the SG do not allow contributions to be sought towards pooled funds for infrastructure that is unconnected to the development of a particular site. Contributions are only sought where they relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area.
- It is not proposed to modify the guidance based upon the above.
- The SG makes reference to Community Benefits. This information was included and updated for this new draft guidance to highlight the Council's Sustainable Procurement Strategy and to encourage engagement with the Council's community benefits officer to support the Council's environmental economic and social value objectives focusing on employability and local supply chain. This is not a

requirement of Strategic Policy 2, therefore the Council would agree to the proposal to remove this section of the guidance as follows:

On page 6 remove the Section, containing 6 paragraphs, titled 'Community Benefits'.

- As stated in the guidance, contributions will not be sought in order to resolve a pre-existing deficiency.
- It is not proposed to modify the guidance based upon the above.
- A detailed explanation of the approach and calculation methodology for calculating Education contributions is provided in the SG. The SG provides guidance on whether contributions are likely to be required for catchment schools, however each planning application received is considered on a case by case basis by our Education Service to determine whether it is likely to have a negative impact and therefore whether contributions will be required. The overall methodology which includes determining a total build cost per pupil was developed in order to provide a level of certainty to developers, upfront, early in the planning process. This avoids either having no information available on potential contribution levels or lengthy delays if we had to wait for a particular finalised proposal to come forward before we could assess and cost a specific solution in each case. In previous iterations of the guidance, the Council did apply increases or reductions in contribution requirements depending on bedroom size, however this proved extremely complex and in some cases caused significant delays, as recalculation of contributions were required with even slight proposal changes through the application process. The Council therefore reviewed its approach in 2015, and moved to a methodology that produced a 'development contribution requirement per housing unit'. This approach avoids the need for multiple recalculations for house type changes and reduces the need level of modifications required to minutes of agreement as schemes change throughout the development process. This approach and the level of certainty it provided was welcomed by the development industry and has therefore been maintained in this update to the Supplementary Guidance. The Council considers this approach to be in line with the guidance in Circular 3/2012.
- It is not proposed to modify the guidance based upon the above.
- The SG does not assume that all new development will negatively impact community facilities. The Community facility section needs to be read in its entirety along with the remainder of the SG, particularly the guiding principles and policy implementation sections. The SG advises that 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. The SG then sets out information on how contributions will be calculated where it is determined that new development would either individually or cumulatively generate a requirement for new or enhanced community facilities. In the case of community facilities, each application is assessed to determine whether or not contributions would be required for each community facility category. The guidance explains that community services often share facilities 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. In order to provide a level of certainty early in the planning process (and to avoid either having no information available on potential contribution levels or lengthy delays if we had to wait for a particular finalised proposal to come forward before we could assess and cost a specific solution in each case) where contributions are required, the cost of increasing capacity is based on an appropriate mitigation option. Calculation methodology for each community facility category is set out in the SG and costs are based on up to

date BCIS information or costs provided by ERC Parks Service. The Council considers this approach to be in line with the guidance in Circular 3/2012.

- It is not proposed to modify the guidance based upon the above.
- The Council regularly monitors its open space in line with Scottish Government requirements to inform the Local Development Plan.
- It is not proposed to modify the guidance based upon the above.

Homes for Scotland (009-02) and Cala Homes (West) Limited (012-02)

- It is acknowledged that the status of Supplementary Guidance will change under the Planning Scotland Act (2019). There are however transitional arrangements in place which allow for supplementary guidance to continue to be brought forward. Bringing forward the SG at this time is consistent with these transitional arrangements. Although supplementary guidance associated with a strategic development plan will cease to have effect upon the publication of NPF4, this is not the case with supplementary guidance adopted and associated with local development plans adopted under the 2006 Act. The transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.
- It is not proposed to modify the guidance based upon the above.
- The Council certainly does appreciate the nature and variety of arrangements between land owners and developers, however the Council's development contributions policy has been in place since 2012 and is now well established in East Renfrewshire. The Council maintains its position and strongly advises and encourages 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. Most developers looking at major proposals in the area do make contact early in the development process and actively engage with the Council at pre-application stage.
- It is not proposed to modify the guidance based upon the above.
- The Council believes the SG 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. Proposals are assessed individually and any requirements identified when applying the guidance will guide negotiations with developers on the infrastructure needs of a specific site. The Council maintain that this approach is in line with the guidance provided in Circular 3/2012.
- It is not proposed to modify the guidance based upon the above.
- The Council does not agree that the threshold for development contributions should be raised to 12 units. '4 or more units' is the level where developments begin to impact upon education requirements. Other services may be impacted below this level, however 4 or more units was considered an appropriate level for the policy to be applied. Development Contributions will fairly and reasonably relate in scale to the proposed development and will be required in order to make the proposed

developments acceptable in planning terms, all in accordance with the policy tests of Scottish Government Planning Circular 3/2012. 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.

- It is not proposed to modify the guidance based upon the above.
- The inclusion of the reference to Healthcare infrastructure in Strategic Policy 2 was challenged by Homes for Scotland and others at the Local Development Plan (LDP2) Examination. No legislation or policy document was provided in support of the argument. Neither Scottish Planning Policy nor planning Circular 3/2012 make any distinction about who should fund infrastructure which is required to enable a development to proceed; nor do they exclude healthcare as a potential subject of planning obligations. As with other infrastructure, there requires to be sufficient healthcare capacity to accommodate any new developments that are proposed. The Reporter made reference to the letter from the Scottish Government's Cabinet Secretary for Health and Sport and the Minister for Local Government, Housing and Planning, dated March 2019 which highlights the need for co-ordination between new development and the provision of healthcare facilities and found no reason to exclude healthcare from the types of infrastructure for which developer contributions may be sought. The Reporter concluded that healthcare should be added to the list of infrastructure and services in Strategic Policy 2 for which contributions may be sought, where appropriate. Therefore this has been reflected in the list of categories where contributions may be sought in the draft SG. At this stage the SG only references that future analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure. Any significant changes found to be required to the guidance as a result of future analysis would be subject to a future consultation.
- It is not proposed to modify the guidance based upon the above.
- The Council considers it appropriate to include the text at the bottom of Page 5 stating that '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.' This is not considered to be unreasonable. The SG aims to provide a consistent and transparent framework however it is not always possible to predict the forms or types of windfall / alternative proposal that may emerge and the impacts that they may have on local infrastructure.
- It is not proposed to modify the guidance based upon the above.
- The Council does not agree that school planning capacity should be set at 100% for primary and secondary schools and maintain that the thresholds in planning capacity of 85% for our secondary schools and 90% for our primary schools is appropriate. Such levels are used to help monitor provision and sufficiency of places for catchment demand. Above these levels, efficient operation of the school is compromised and facilities are pushed beyond optimum utilisation. These thresholds are required to support the Council's refreshed vision for 'Advancing Excellence and Equity in Education in East Renfrewshire' and responds to priorities set out in the National Improvement Framework. It should be noted that the capacity of a school is not measured by counting the number of pupil chairs (places). Both primary and secondary schools are complex organisations in terms of timetable arrangements. Schools require part of their accommodation for specialist activities such as ICT and music. This specialist accommodation is shared by a number of classes and age stages. The planning capacity of a school is the maximum number of pupil places available, which guarantees that all pupils attending the school will be able to access

a wide range of curricular opportunities, as is the Council's legal requirement to ensure that all children are able to access the totality of the curriculum. This is not uncommon operation by an authority, and is widely used in other local authorities; with some setting parameters as low as 80%.

- It is not proposed to modify the guidance based upon the above.
- Many children with additional support needs are supported within a mainstream setting in East Renfrewshire, however the Council also has a dedicated special Additional Support Needs (ASN) school, Isobel Mair. This school caters for early years, through to primary and secondary age children and has a catchment covering the whole of East Renfrewshire, as detailed in the SG. ASN provision within East Renfrewshire is managed by the Education Authority. As part of updating the base data for the adopted 2015 SPG, the capacity of Isobel Mair was assessed and a Pupil Product Ratio for Isobel Mair was established. This detail was published within the Council's 2019 Development Contributions SPG Education Addendum and where required, education contributions from Isobel Mair have been sought from planning applications received since that time. This school forms part of the Council's Education Estate and is treated in exactly the same manner when it comes to monitoring capacity and establishing whether development contributions are required. The Council does not consider that a special heading or category is required for Isobel Mair School.
- It is not proposed to modify the guidance based upon the above.
- Information on pupil product ratios is provided in within the supplementary guidance and further detailed evidence on PPR calculation and School Roll projection methodology is provided in the Council's LDP2 Education Background Report (2019). The Council would therefore propose making reference to further information being available in the Education background report in the SG as follows (revised text in italics):
On page 8 after the paragraph that states 'The PPR values will be reviewed internally every 2 years to ensure accurate forecasting of occupancy levels throughout the school estate.' Insert the following new paragraph:
Further detail on PPRs and calculation methodology is set out in the Council's LDP2 Education Background Report (BR4) (2019).
- The Council notes the views put forward on cohort progression methodology (referred to by Homes for Scotland and CALA as cohort regression), however the Council does not agree with this approach. The Council's cumulative progression methodology is set out in the LDP2 Education Background Report. Single development proposals cannot be reviewed in isolation, rather the cumulative effect of development on a school catchment needs to be assessed. The cumulative projection methodology is not new, it is a well-established approach within East Renfrewshire and has proven to be very accurate when compared with actual roll increases.
- It is proposed to modify the guidance based upon the above.
- Calculation and publication of PPRs is a complex process which takes a significant period of time in order to guarantee accuracy and validity. The Education Department conducts an internal PPR audit every 2 years. The PPRs detailed in this review were part of an in-depth study, reviewed over the course of a year and in order to publish within this document, they then had to undergo various analysis and reports to council, prior to inclusion in the draft SG. The Council did not feel it appropriate to hold back the publication of the SG until the 2022 PPR evaluation had been completed, reviewed, and agreed as this is not due be concluded until

later in 2023, by which point other categories may then require further updates. This process has almost concluded and the outputs are not showing any significant change from the PPRs published in the draft SG document. The Council does not intend to produce revised PPR figures or updated calculations for the final version of the SG. The finalised figures will reflect those stated in the consultation draft.

- It is not proposed to modify the guidance based upon the above.
- A detailed explanation of the approach and calculation methodology for calculating Education contributions is provided in the SG. The SG provides guidance on whether contributions are likely to be required for catchment schools, however each planning application received is considered on a case by case basis by our Education Service to determine whether it is likely to have a negative impact and therefore whether contributions will be required. The overall methodology which includes determining a total build cost per pupil was developed in order to provide a level of certainty to developers, upfront, early in the planning process. This avoids either having no information available on potential contribution levels or lengthy delays if we had to wait for a particular finalised proposal to come forward before we could assess and cost a specific solution in each case. In previous iterations of the guidance, the Council did apply increases or reductions in contribution requirements depending on bedroom size; however this proved extremely complex and in some cases caused significant delays, as recalculation of contributions were required with even slight proposal changes through the application process. The Council therefore reviewed its approach in 2015 and moved to a methodology which produced a 'development contribution requirement per housing unit'. This approach avoids the need for multiple recalculations for house type changes and reduces the need level of modifications required to minutes of agreement as schemes change throughout the development process. This approach and the level of certainty it provided was welcomed by the development industry and has therefore been maintained in this update to the Supplementary Guidance. The Council considers this approach to be in line with the guidance in Circular 3/2012.
- It is not proposed to modify the guidance based upon the above.
- As the development industry will be aware, build costs have increased since the publication of the 2015 SPG and this was updated in the Council's 2019 Education addendum which revised the base data of the Education calculations. Build costs used are based on actual East Renfrewshire School Projects, with costs worked out on a per pupil basis. The Council considers this to be the most accurate way of calculating costs per pupil for East Renfrewshire. Details of projects used are set out in the draft SG.
- It is not proposed to modify the guidance based upon the above.
- The Council considers the proposal to extend the timescale for contributions disbursement to be appropriate and in line with many other local authorities across Scotland. Often contributions from a number of smaller developments needs to be collated in order to expend contributions on a best value basis and to achieve the most effective mitigation measure(s). Capital projects may also necessitate implementation in specific time periods or require a longer period of capital programming for example for major projects or strategic housing releases. In some instances projects can also be delayed due to events which are outwith the Council's control, for example the covid19 pandemic. The Council note the comments received and would proposed a amendment to the text as follows:
On page 22, in the section titled Contributions Disbursement, amend the text as follows (revised text in italics):

Contributions will be disbursed or allocated in line with the terms of the associated legal agreement. Timescales may vary depending on the circumstances of a development and the requirement of the contribution. Generally agreements will require contributions will be disbursed or committed within a maximum of 10 years of receipt. However there ~~are~~ may be occasions, for example for major projects or strategic land releases, where a longer period of capital programming and longer spend deadlines or commitment timescales ~~will~~ are required.

~~Where a longer period of capital programming is required for major projects, contributions may require to be retained over a longer period.~~

Any contribution or proportion of contribution not disbursed or committed within the agreed timeframe, will be returned to the developer.

- All new development, 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. The Council considers the guidance around the basis for Roads and Transportation contributions to be clear. However in order to provide greater clarity around what is meant by larger and smaller sites, the Council would propose the following amendment (revised text in italics):
On Page 16 amend the following paragraph, as shown:
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. On sites where a Transport Assessment is required, 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.
- The Council feel that for smaller sites with no requirement for a TA, it is appropriate to base the requirements on the consultation response of the Roads and Transportation Service. Any requirements identified will guide negotiations with developers on the infrastructure needs of a specific site. As stated in the guiding principles section, 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.
- It is not proposed to modify the guidance based upon the above.
- In response to the comments made in relation to the increase in level of costs of Sports Contributions, the development industry will be aware that unfortunately building costs have increased significantly in recent years. The basis of the calculation for sports contributions in the draft remains unchanged from that contained in the 2015 SG, however the cost level has increased to reflect the increases in construction and material costs. The cost information was provided by ERC parks department following this work being costed in November 2021.
- It is not proposed to modify the guidance based upon the above.
- The Council's public parks and open spaces are all well used by residents of East Renfrewshire and residents expect larger parks to be provided by the Council in the local area in addition to the small areas of active open and play space provided within developments. Where required, contributions will be sought to mitigate the effects that residential development has on existing parks and informal recreational

and play spaces in the area. In order to provide a level of certainty early in the planning process (and to avoid either having no information available on potential contribution levels or lengthy delays if we had to wait for a particular finalised proposal to come forward before we could assess and cost a specific solution in each case) the Council developed an appropriate methodology for calculating contributions. This methodology maintains the 2015 SG position, to try and ensure consistency of approach, however costs are updated based on up to date costings provided by ERC Parks Service.

- It is not proposed to modify the guidance based upon the above.
- The Council notes the comments made in relation to the SG's wording on green network contributions. The wording quoted remains unchanged from the adopted 2015 guidance. The Council regularly monitors its open space in line with Scottish Government requirements to inform the Local Development Plan. The Council is currently in the early stages of updating its open space audit and strategy in line with the more detailed requirements from the 2019 Planning Act. Once in place the new audit and strategy will inform the assessment of contributions. Wherever possible mitigation should be incorporated on site. Where this is not possible, an assessment will be carried out to determine an appropriate development contribution and the Council feels that it is reasonable to base this on the environmental quality of the open space. Officers assess applications on a case by case basis taking into account information from site visits undertaken to assess the particulars of the proposal, background information held on green network and quality of open space and the level of proposed loss of landscape features, habitats or amenity. The Council believe this approach to accord with Circular 3/2012.
- It is not proposed to modify the guidance based upon the above.
- The Council considers the proposal to extend the timescale for contributions disbursement to be appropriate and in line with many other local authorities across Scotland. Often contributions from a number of smaller developments needs to be collated in order to expend contributions on a best value basis and to achieve the most effective mitigation measure. Capital projects may also necessitate implementation in specific time periods or require a longer period of capital programming for example for major projects or strategic housing releases. In some instances projects can also be delayed due to events which are outwith the Council's control, for example the covid19 pandemic. The Council note the comments received and would proposed an amendment to the text as follows:
On page 22, in the section titled Contributions Disbursement, amend the text as follows (revised text in italics):

Contributions will be disbursed or allocated in line with the terms of the associated legal agreement. *Timescales may vary depending on the circumstances of a development and the requirement of the contribution. Generally agreements will require contributions will be disbursed or committed within a maximum of 10 years of receipt. However there are may be occasions, for example for major projects or strategic land releases, where a longer period of capital programming and longer spend deadlines or commitment timescales will be required.*

~~Where a longer period of capital programming is required for major projects, contributions may require to be retained over a longer period.~~

Any contribution or proportion of contribution not disbursed or committed within the agreed timeframe, will be returned to the developer.

Surplus Property Solutions (011-03)

- The support for the clarity and flexibility provided by the SG and the approach to policy implementation is welcomed.
- It is not proposed to modify the guidance based upon the above.

Nature Scot (013-02)

- The support for the inclusion of active travel, parks open space and green infrastructure in the guidance is welcomed.
- It is not proposed to modify the guidance based upon the above.
- The Council agree with the comments made and would suggest the second sentence under green network are changed to better reflect the range of ways in which nature-based solutions can contribute to reducing and sequestering carbon, and building resilience to the impacts of climate change such as flooding. On page 19, in the Second sentence under Green Network amend the text as follows (revised text in italics):
The natural environment comprises a range of components which *can help mitigate and adapt to slow* the effects of climate change, encourage health and wellbeing and provide attractive places for people to live and work.
- The Council also agree with the proposed amendment to the reference to the “Green Network and Environmental Management Supplementary Guidance” to change this to “Green Network” to reflect the most current version of the guidance (consultative draft published in June 2022). On page 19, in the last sentence of paragraph 3 under the section Green Network, amend the text as follows (revised text in italics):
All development proposals will require to reflect the guidance contained within the Green Network *and Environmental Management* Supplementary *Planning* Guidance and the provision of the green network will be a core component of any master plan.

Sportscotland (015-02)

- A contents page will be added to the final document as part of the final formatting for publication.
- The support for the SG’s approach to community facilities is welcomed, as is support for the reference to contributions potential including ongoing maintenance costs.
- It is not proposed to modify the guidance based upon the above.
- In response to the comments made on Sports Contributions, the Council considered it important to provide a level of certainty for developers early in the planning. The Council developed an appropriate methodology for calculating contributions based on sports pitch upgrades. The methodology used was originally developed for earlier iterations of the SG and is maintained in this update (to try and ensure consistency of approach) however the cost level has increased to reflect the increases in construction and material costs. The comments on the level of costs used in the calculation (lower than Sportscotland guidance) are noted, however the cost information used was provided by ERC parks department following the specified work being costed in November 2021.
- It is not proposed to modify the guidance based upon the above.
- In response to the comments made on parks and open space contributions, again the Council considered it important to provide a level of certainty for developers early in the planning process. The Council developed an appropriate methodology for calculating contributions again using sports pitch upgrades as a basis. There are

many mitigation options for improving the capacity of parks and open space, and this may not always be the provision of play equipment, therefore the cost of pitch upgrades was felt to closer align to a greater variety of capacity enhancement options. This methodology maintains the 2015 SG position, although with updated cost information, to try and ensure consistency of approach.

- It is not proposed to modify the guidance based upon the above.

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**Finalised Supplementary Guidance:
Development Contributions
April 2023**

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Introduction

The Council's Supplementary Guidance on Development Contributions (2015) was prepared under Section 22 of the Planning etc. (Scotland) Act 2006 and formed part of the Local Development Plan (LDP1 2015). This part of the Act has now been repealed and the status of Supplementary Guidance changed under the Planning Scotland Act (2019). However, transitional arrangements set out in the Chief Planners Letter published on 8th February 2023 state that the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates. This SG has been prepared under these regulations and will form a statutory part of LDP2.

This guidance supplements Strategic Policy 2 of the adopted East Renfrewshire Local Development Plan 2 (LDP2) in relation to development contributions and will be applied to all new development proposals in East Renfrewshire. It should be read in conjunction with the Policies and Proposals of the Local Development Plan 2, National Planning Framework 4 and Scottish Government Circular 3/2012 Planning Obligations and Good Neighbour Agreements.

The Council's Local Development Plan 2 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.

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 2, 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.

This guidance 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

Development contribution requirements identified by applying this Supplementary Guidance, 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.

This Supplementary Guidance 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](#).

It should be noted that this Policy requirement is in addition to the requirements of the Council's Local Development Plan 2 policy on Affordable Housing (Policy SG4) and the supporting Supplementary Guidance on Affordable Housing.

Policy Context & Legal Basis

This update to the Council's Supplementary Guidance has been developed in the context of the following policy, strategy and guidance frameworks and government advice:

- National Planning Framework 4 (NPF4) (2023)
- Circular 3/2012 Planning Obligations and Good Neighbour Agreements (2012)
- East Renfrewshire Local Development Plan 2 (LDP2) (2022)

Further information is available on the Scottish Government Website:

www.scotland.gov.uk/Topics/Built-Environment/planning

The key legislation pertinent to development contributions is:

- Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019
- Section 69 of the Local Government (Scotland) Act 1973

Strategic Policy 2: Development Contributions

New development must be accompanied by the appropriate infrastructure and services required to support new or expanded communities.

Where new developments individually or cumulatively generate a future need for new or enhanced infrastructure provision, services or facilities, the Council will require the development to meet or proportionately contribute to the cost of providing or improving such infrastructure. Development contributions will fairly and reasonably relate in scale to the proposed development and will be required in order to make the proposed development acceptable in planning terms, all in accordance with the policy tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Planning permission will only be granted where the identified level and range of supporting infrastructure and services required to meet the needs of the new development, are already available or will be available in accordance with agreed timescales.

Where appropriate, contributions may be sought in relation to Education (including Early Years, Primary, Secondary and Additional Support Needs); Community Facilities (including Community Halls and Libraries and Sports); Healthcare; Parks and Open Space; Transportation Infrastructure; Active Travel; and Green Infrastructure.

Future analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

Further detailed information and guidance is provided in the Development Contributions Supplementary Guidance. The guidance contains details of how impacts will be assessed and how contributions will be calculated. This policy should be read in conjunction with Policy SG4: Affordable Housing.

Guiding Principles

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.

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.

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.

The provision of development contributions should never be used as a reason to approve a development proposal that is unacceptable on planning grounds; all proposals will be fully assessed against the suite of policies contained in the development plan. 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.

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.

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 further below.

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](#).

POLICY IMPLEMENTATION

General

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 1000m²

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.

Where it is proposed to split a site into individual house plots, it is expected that an application for Planning Permission in Principle (PPP) will be submitted. This will then be assessed and where appropriate the terms of the development contributions policy will be applied and a legal agreement entered into to secure appropriate contributions, should 4 or more housing plots be created.

Where a PPP application has not been submitted, and Planning Applications are instead submitted separately for residential units on individual plots, or for fewer units than can clearly be accommodated on site, the first application to be submitted (if minded to grant) will be subject to the successful conclusion of a legal agreement with the landowner(s) covering the entire site allocated / area of land involved. This will ensure that appropriate development contributions can be secured should 4 or more housing plots be created and applied for and that the requirement for development contributions is directed at the landowner creating the plots and not individual applicants/home owners.

In cases where extant permissions are renewed, revised or amended, the policy will be applied to the net gain in unit numbers applied for.

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. Any impacts will be reported back to the applicant and where these cannot be mitigated through planning conditions, the necessary contributions will be advised.

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.

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 (including Early Years, Primary, Secondary and Additional Support Needs)
- Community Facilities (Including Community Halls & Libraries and Sports)
- Healthcare*
- Parks and Open Space
- Transportation Infrastructure
- Active Travel
- Green Infrastructure and Networks

* As stated in Local Development Plan 2, further analysis will be carried out with our community planning partners to consider the capacity required to support future demand for healthcare infrastructure.

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

The development contribution requirements for each of the Strategic Development Opportunities (SDOs) identified in Local Development Plan 2, were set out separately within Local Development Plan 1 and the specific Supplementary Planning Guidance for each SDO. For the avoidance of doubt, although the SDO areas are referred to within the Education section of this guidance, these sites will not be required to contribute twice.

Education

East Renfrewshire Council is renowned for the quality of the educational experiences its establishments provide to children and young people and the resultant exceptional outcomes for learners. East Renfrewshire Council is recognised throughout Scotland for the quality of its education provision and the high performance of its schools and early learning and childcare establishments. This reputation 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.

Our Education department currently provides an education service for the local area across:

- 22 Early Years Establishments
- 24 primary schools
- 7 secondary schools
- 1 school providing education for children with additional support needs to early years, primary and secondary age children.

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.

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 16 and 100% subsidised windfall sites supported by the Council's Strategic Housing Investment Plan).

Primary & Secondary Contributions

With regards to primary and secondary education, the Council is seeking to secure contributions for necessary additions/extensions and/or improvements in education infrastructure arising from the [cumulative impact](#) of all the allocated and windfall sites within the Council's Local Development Plan2.

To ensure that this is achieved in a fair and equitable manner the cumulative impact assessment for this update, upon which likely education contributions are based, has taken account of the anticipated phasing of housing delivery up to 2028 as set out and agreed with Homes for Scotland within the Housing Land Audit (2021) and Local Development Plan 2.

The Council's notional maximum occupancy, over which development contributions will be sought, is 90% for pre-school and primary and 85% for secondary schools and additional support needs (ASN). Above these levels, 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.

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 or sports facilities, or additional teaching staff; however in some cases contributions will be required towards catchment redesign or the provision of a new school.

Pupil Product Ratio

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 more than 1400 properties across 28 established estates covering both the Eastwood and Lavern Valley areas (and including areas of mixed house types, sizes and tenures) was carried out by the Council's Education Department in 2020 to determine the Pupil Product Ratios (PPRs) for Eastwood and the Lavern Valley. The values below replace those published in previous supplementary guidance documents (and education addendums) and have been assigned to each locale, ensuring an up to date valid, fair and transparent approach.

School	Eastwood	Lavern Valley
Non-Denominational Primary	0.34	0.24
Denominational Primary	0.21	0.09
Non-Denominational Secondary	0.17	0.14
Denominational Secondary	0.08	0.07
Additional Support Needs (ASN) (Early Years, Primary & Secondary)	0.01*	

* This ASN PPR figure represents East Renfrewshire Council as a whole; however this has been weighted towards Eastwood due to the greater number of houses in this region. The same sample population discussed above was also utilised here.

This approach updates that of the 2015 Supplementary Guidance, which removed the need to apply increases or reductions depending on bedroom size, and allows the establishment of a cost per residential property (regardless of size and type).

The PPR values will be reviewed internally every 2 years to ensure accurate forecasting of occupancy levels throughout the school estate.

Further detail on PPRs and calculation methodology is set out in the Council's LDP2 Education Background Report (BR4) (2019).

Calculation – Primary, Secondary & Additional Support Needs

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 2028 in the 2021 Housing Land Audit), will increase primary school occupancy beyond 90% and secondary and ASN school occupancy beyond 85%. Development contributions will be sought for development within these school catchment areas, towards the projected pupils generated above 90% of the primary school planning capacities and above 85% of secondary and ASN school planning capacities. The cost of these pupils is shared across the residential units (programmed up to 2028) within the catchment area generating a cost per residential property.

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

Education Cumulative Calculation – Up to 2028

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 2021/22 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 2028, is calculated. This is based on the estimated per hectare capacity as agreed in the Housing Land Audit and reflected in LDP2. 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% in primaries and 85% in secondaries and additional support needs (ASN) then a contribution will be required. If below 90% in primaries and 85% in secondaries and ASN then a contribution is unlikely.

Stage 3

The number of pupils above the 90% trigger point for each primary school and 85% for each secondary and ASN is calculated. In some cases the 90% trigger for primaries and 85% for secondaries 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 2028) to be built in the catchment, giving a cost per residential unit. Each site will therefore have (if required and if there are LDP2 sites within the catchment) *a cost per house for each of the 4 school types* (denominational and non-denominational primary and denominational and non-denominational secondary), *ASN unit and early years establishment*. 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

The cost per pupil to be used in the cumulative calculations is as follows:

Total Build Cost per Pupil - As at 2018		
	Capacity Improvement	New Build
Primary	£14,567	£27,100
Secondary	£14,567	£25,056
Additional Support Needs	£14,567	Assessed on a case by case basis

The build costs per pupil have been based upon recently completed 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 Crookfur Primary School and Nursery, completed August 2017;
- Primary New Build – Maidenhill Primary School and Nursery, completed Aug 2019; and
- Secondary new build - Barrhead High School, completed August 2017.

List of Schools where a contribution is likely

The following list shows whether it is likely that development contributions will be sought, due to the cumulative impact of allocated residential sites within Local Development Plan 2 resulting in the 90% threshold in primary schools being breached.

Primary Schools - Development contribution required (based on cumulative assessment of housing allocations to 2028)	
Barrhead High Catchment Area	
Carlibar Primary	Likely
Cross Arthurlie Primary	Unlikely
Hillview Primary	Unlikely
Eastwood High Catchment Area	
Crookfur Primary	Likely
Mearns Primary	Likely
Neilston Primary	Unlikely
Uplawmoor Primary	Unlikely
Mearns Castle High School Catchment Area	
Eaglesham Primary	Likely
Kirkhill Primary	Likely
Maidenhill Primary	Likely
Mearns Primary	Likely
St Luke's High Catchment Area	
St John's Primary	Likely
St Mark's Primary	Likely
St Thomas' Primary	Unlikely
St Ninian's High Catchment Area	
Our Lady of the Missions Primary	Likely
St Cadoc's Primary	Likely
St Clare's Primary	Likely
St Joseph's Primary	Likely
Williamwood High Catchment Area	
Netherlee Primary	Unlikely
Busby Primary	Likely
Carolside Primary	Unlikely
Woodfarm High Catchment Area	
Braidbar Primary	Unlikely
Giffnock Primary	Likely
Thornliebank Primary	Likely

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 Local Development Plan 2 resulting in the 85% threshold in secondary or ASN Schools being breached.

Secondary and ASN Schools - Development Contribution Required (based on cumulative assessment of housing allocations to 2028)	
Barrhead High School	Likely
Eastwood High School	Likely
Isobel Mair School (ASN)*	Likely
Mearns Castle High School	Likely
St Luke's High School	Likely
St Ninian's High School	Likely
Williamwood High School	Likely
Woodfarm High School	Unlikely

*Isobel Mair School caters for early years, primary and secondary school children

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

Primary & Secondary Schools Development Contribution Requirement Per Housing Unit (based on cumulative assessment of housing allocations to 2028)	
Carlibar Primary	£1,528.84
Crookfur Primary	Individual calculations for windfall
Mearns Primary	£4,952.78
Eaglesham Primary	Individual calculations for windfall
Kirkhill Primary	£4,952.78
Maidenhill Primary	Individual calculations for windfall*
St John's Primary	£644.32
St Mark's Primary	£1,311.03
Our Lady of the Missions Primary	£3,059.07
St Cadoc's Primary	Individual calculations for windfall
St Clare's Primary	£3,059.07
St Joseph's Primary	Individual calculations for windfall
Busby Primary	Individual calculations for windfall
Giffnock Primary	£4,952.78
Thornliebank Primary	£4,370.10
Isobel Mair School (ASN)	£145.67
Eastwood High School	£2,476.39
Mearns Castle High School	£2,476.39
St Ninian's High School	£1,165.36
St Luke's High School	£409.53
Williamwood High School	Individual calculation for windfall
Barrhead High School	£1,290.46

All Primary & Secondary Schools Development Contribution requirements per housing unit listed above will be [Index linked back to June 2018](#) when the total build costs per pupil were agreed by Council as part of the previous 2019 Education Addendum.

*Maidenhill Primary – new school delivery was front funded by the Council with contributions secured and being collected from developments within the Maidenhill SDO area. These contributions were

dealt with separately (see page 14). Any windfall over and above LDP2 sites will require individual calculations.

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 Local Development Plan 2 sites within the catchment area of the school programmed for delivery before 2028 or which don't already benefit from planning permission; otherwise contributions are being dealt with separately under the SDO 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 (again with indexation back to 2018).

Although the above tables only lists schools where a contribution is likely, other schools listed may require contributions if they are impacted by windfall development (sites that come forward for planning permission out with Local Development Plan 2). These sites will be assessed on a case by case basis as per advice on page 15.

Early Years

There is a need to closely monitor Early Years places both to meet current demand and to plan for future capacity as a result of housing developments in East Renfrewshire. In addition we also need to take account of the significantly increased entitlement of 1140 hours of free early learning and childcare for all 3 and 4 year old children, eligible two year olds, which has been provided for since August 2020 (doubling the hours previously offered). The Council planned for this increased provision to meet the needs of resident families with mix of delivery models including new facilities, extensions and other arrangements with funded providers comprising of voluntary, independent, private nurseries and childminders. Furthermore from August 2023, children born between August and February of the academic year in which they can commence primary education, will have the automatic right to defer entry to primary school and will be able to access another fully funded year of early learning and childcare.

The availability of and demand for Early Years places throughout the authority continues to be subject of regular monitoring and review.

The Council is seeking to secure contributions for necessary improvements in Early Years infrastructure arising from the cumulative impact of all the emerging housing sites within Local Development Plan 2. The same cumulative impact methodology as described above, has been carried out to ensure that this is achieved in a fair and equitable manner.

Early Years establishments are now organised into four community areas (Barrhead, Neilston & Uplawmoor; Busby, Clarkston & Eaglesham; Giffnock & Thornliebank; and Newton Mearns). Development contributions will be sought from development within these community regions towards the children generated above the collective 90% threshold for the community area. The cost of these children is shared across the residential units (programmed up to 2028) within the catchment area generating a [cost per residential property](#).

The baseline data used is as follows:

Updated Early Years PPR of 0.12 - the PPR has been based on 3 & 4 year olds (as 2 year olds make up only a small portion of the Early Years population);

This has been calculated with the same pool of over 1400 properties, however in this instance a PPR for the whole of East Renfrewshire Council has been created (with a weighting given towards Eastwood due to the larger population and house numbers in this sector of the authority).

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

Total Build Cost Per Early Years Pupil - As at June 2018	
Capacity improvements to existing Early Years facilities	£14,567
New build Early Years within new build Primary School	£27,100
New standalone Early Years establishment	£16,400

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](#).

- Extension to Crookfur Primary School and Nursery Class, completed August 2017.
- Maidenhill Primary School and Nursery Class, completed Aug 2019.
- Cart Mill Family Centre, completed November 2016.

The following list shows whether it is likely that development contributions will be sought due to the cumulative impact of allocated residential sites within Local Development Plan 2 resulting in the collective 90% threshold of the community area being breached.

Early Years Community Areas - Development Contribution Required (based on cumulative assessment of housing allocations to 2028)	
Barrhead, Neilston & Uplawmoor Community	Likely
Busby, Clarkston & Eaglesham Community	Unlikely
Giffnock & Thornliebank Community	Unlikely
Newton Mearns Community	Unlikely

The following list details the level of development contribution sought for those Early Years Community Areas where a contribution is likely.

Early Years Community Areas Development Contribution Requirement Per Housing Unit (based on cumulative assessment of housing allocations to 2028)	
Barrhead, Neilston & Uplawmoor Community	£1,771.25

[All Early Years Development Contribution requirements per housing unit listed above will be Index linked back to June 2018 when the total build costs per pupil were agreed by Council as part of the previous 2019 Education Addendum.](#)

Not all Early Years community areas 'Likely' to require contributions have 'per housing unit' sums listed in the table above. In most cases this is because there are no allocated Local Development Plan 2 sites within the community area programmed for delivery before 2028 or which do not already benefit from planning permission; otherwise contributions are being dealt with separately under the SDO master plans. Any windfall sites within these catchments will be required to make contributions towards these Early Years areas. Individual calculations will be carried out at the point of application.

Although other Early Years community areas 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 advice on page 15.

All education tables above (early years, primary, secondary and ASN) reflect only the existing programming up to 2028 (as per the agreed 2021 Housing Land Audit) and are likely to change when post 2028 programming is assessed.

Strategic Development Opportunities

Local Development Plans 1 and 2 identify three strategic development opportunities (SDO's) that are being delivered through a master planned approach to provide a long term supply of land for housing up to 2028 and beyond. The SDO's have an allocation of circa. 2,500 houses phased to 2028 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 Local Development Plan 2.

Local Development Plan 1 identified the need for new and improved education facilities, within the Eastwood area, in particular two new primary schools (non-denominational and denominational) and associated early years provision which were delivered as an early priority within the Malletsheugh / Maidenhill SDO (Policy M2.1 of LDP1 and LDP2).

The residential units within the area covered by policy M2.1 **have not** been considered in the Early Years and Primary School cumulative impact calculations. This is because these units will contribute towards the delivery of two new primary schools required to accommodate the number of Primary and Early Years pupils generated as a result of development within this area.

Within the Levern Valley area, SDO housing allocations can currently be accommodated within the existing school estate, subject to appropriate development contributions and Early Years capacities being addressed at the early stages of development.

Use of Education Contributions

Education contributions received will be allocated for use solely within the catchment area where the development giving rise to the issue is located. Generally agreements will set out that education contributions will require to be used or committed for use within 10 years of receipt of the final payment of development contributions received from the development site. If the contributions have not been spent or are not committed within the 10 year (or otherwise agreed) timeframe, contributions will be repaid to the developer in line with advice on page 22.

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

Residential **windfall sites** are those not currently allocated for housing in Local Development Plan 2, but which come forward seeking permission for residential development. Local Development Plan 2 provides the framework for any new windfall proposals to be assessed against Strategic Policy 1 and Policy SG1. Strategic Policy 1 allows for the development of windfall housing where the impacts of residential development on education and other infrastructure can be overcome, subject to compliance with other Local Development Plan policies.

Strategic Policy 1 states that proposals for windfall sites will be required to provide the required infrastructure resulting from development in accordance with Strategic Policy 2 and not prejudice the delivery of allocated sites. Where infrastructure constraints cannot be overcome, including any impacts of additional residential development upon education infrastructure, proposals will not be supported.

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 Local Development Plan 2 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% in early years and primary and 85% in secondary and ASN) 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 respective thresholds. 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.

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.

Where planning permissions granted prior to the introduction of the Development Contributions Supplementary Guidance have lapsed, and a new application is received, any increase in unit numbers in the new application will be treated as windfall.

Transportation Infrastructure & Active Travel

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

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. On sites where a Transport Assessment is required, 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.

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

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 master plan for each SDO area.

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, and linkages to the Council's Active Travel Plan.

On occasion, there may be a requirement for contributions to support the introduction of new or amended public transport services to provide a basic level of access to public transport services to avoid the reliance on private car use. Contributions would only be sought for development where there is no existing provision in order to encourage sustainable service provision in the longer term.

The Council encourages applicants to engage in pre-application discussions with the Roads & Transportation Service in order to establish possible transport infrastructure and active travel 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'.

Community Facilities

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.

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

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.

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 35m² of library per 1,000 people. Based on current construction costs for horizontal extensions and fit out of a Library, the contribution required is [£256 per residential unit](#).

Community Halls & Libraries Calculation

Construction costs for horizontal extensions and fit out is £3,555/m² (BCIS Q4 2021)

£3,555 (per m²) x 35 (m²) /1000 = £124.43 per person

£124.43 x 2.42 persons per East Renfrewshire household (Census 2011 and ERC Planning for the Future 2019) =

[A contribution of £301 per residential unit](#)

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

Sports

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.

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'.

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 £90,000 (information supplied by ERC Parks Service, November 2021).

Using this standard, where mitigation is required a contribution of **£573 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.

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 £90,000 (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)

6000m² football pitch = 38% of 1.6 hectare requirement
38% of 1000 people = 380 people
380 ÷ 2.42 (persons per household) = 157 households

£90,000 ÷ 157 = A contribution of £573 per residential unit

Parks and Open Space

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.

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 **£290 per household will be sought**.

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.

Contributions will be collected as associated with parks and open space within the town, village or settlement associated with 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 £90,000 (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)

6000m² pitch = 75% of 0.8 hectare requirement
75% of 1000 people = 750 people ÷ 2.42 (persons per household) = 310 households
£90,000 ÷ 310 = **A contribution of £290 per household**

Green Infrastructure and Networks

Green Network

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 can help mitigate and adapt to the effects of climate change, encourage health and wellbeing 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.

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 focused on the urban area and provides connectivity to the surrounding green belt and links habitats through the protection of a network of sites.

The adopted National Planning Framework 4 (NPF4) 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. NPF4 identifies the Central Scotland Green Network as a national development and consequently its delivery must be considered and planned for at regional and local authority levels. All development proposals will require to reflect the guidance contained within the Green Network Supplementary Guidance and the provision of the green network will be a core component of any master plan.

Proposals will be required to protect and enhance the green and blue network, its value and multiple functions including wildlife, biodiversity, recreational, landscape and access. Proposals should also meet the requirement of Policy D7.

Where a proposal impacts adversely on the character or function of the green network, proposals may be required to contribute to enhancing any remaining, or create new green infrastructure and green network, in accordance with Strategic Policy 2 and D6.

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.

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.](#)

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

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.

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.

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 m2](#) 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.

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

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 Council's Green Network Supplementary Guidance.

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) - £253/m²

Based on construction of 30x20m MUGA at a cost of £138,000 (cost includes installation of 11 side football with 5 aside facility and basketball facility with a porous asphalt finish, drainage, floodlights shockpad, fencing perimeter surrounds, and line markings but excludes professional fees and VAT) plus professional fees at 10% = Total of £151,800.

Legal Agreements

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.

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 that a modification to the agreement (specifying the detailed development contributions) would be required prior to approval of the first Approval of Matters Specified in Conditions submission.

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

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.

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.

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

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.

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.

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.

Indexation

In all cases, the relevant sum agreed will be index linked to the date of payment. Typically, the BCIS All in Tender Price Index will be used unless otherwise agreed and unless otherwise stated the base date for indexation of most contributions will be the date of publication of this Supplementary Guidance.

Wherever possible, the relevant contributions within this Supplementary Guidance 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.

Review Periods

The base data supporting this policy will be reviewed on a biannual basis and where appropriate updated cost information will be published on the Council's website. It is intended that this biannual review will ensure that the application of the policy remains robust for the lifetime of Local Development Plan 2 with a full review of the policy in tandem with the Local Development Plan lifecycle (or sooner if required).

Settling Contributions

As above, contributions agreed through Section 69 agreements require to be settled in full prior to release of planning consent.

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.

Contributions Disbursement

Contributions will be disbursed or allocated in line with the terms of the associated legal agreement. Timescales may vary depending on the circumstances of a development and the requirement of the contribution. Generally agreements will require contributions to be disbursed or committed within a maximum of 10 years of receipt. However there may be occasions, for example for major projects or strategic land releases, where a longer period of capital programming and longer spend deadlines or commitment timescales are required.

Any contribution or proportion of contribution not disbursed or committed within the agreed timeframe, will be returned to the developer.

Special Considerations

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.

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
- the council's affordable housing policy.

and [reflected these costs in any offer made for a development site](#).

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.

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). Valuation costs will be borne by the developer/applicant.

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.

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.

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.

Contact Details

For further advice on the development contributions policy and its application, please contact:

Strategic Planning
Planning & Building Standards
Environment Department
2 Spiersbridge Way
Spiersbridge Business Park
Thornliebank, G46 8NG
Email: ldp@eastrenfrewshire.gov.uk

APPENDIX 4 - PLANNING GUIDANCE: HOUSEHOLDER DESIGN GUIDE

Summary of Consultation Responses and Recommendations and Householder Design Guide Planning Guidance

This Appendix provides a summary of the publicity and consultation undertaken, the representations received, the Council's response and the Finalised Planning Guidance.

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PUBLICITY AND CONSULTATION

The Council is required to demonstrate that appropriate engagement has been undertaken on the Planning Guidance and how the comments received have been taken into account.

The consultation period ran for 6 weeks from 8th June until 20th July 2022.

The following provides a summary of the participation methods used by East Renfrewshire Council:

- Notice placed in Evening Times and Barrhead News outlining where, how and when to respond to the document and how it could be viewed, allowing **6** weeks for responses;
- Email/Letter notifications sent to those on the LDP consultees database - this included Scottish Government, Key Agencies, statutory consultees, other stakeholders and Community Councils notifying of launch of SG for consultation outlining where, how and when to respond to the document and how it could be viewed;
- Copies of document and response forms deposited at the Council's Planning and Building Standards offices at: East Renfrewshire Council, Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG; and Council Headquarters, 211 Main Street Barrhead, G78 1SY;
- Copies of document and response forms deposited at all local libraries; and
- Document and response forms, including a Citizen Space response option, made available to view and download on the Councils website - dedicated Supplementary Planning page created.

SUMMARY OF CONSULTATION RESPONSES

The table provides a summary of representations received and the response (including reasons) by the planning authority:

Body or person who submitted representation
No responses received
Planning authority's summary of the representation (s)
<u>n/a</u>
Summary of responses (including reasons) by Planning Authority
n/a

**Finalised Planning Guidance:
Householder Design Guide
April 2023**

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Purpose and Aim of this Guidance

This Planning Guidance on 'Householder Design Guide' has been prepared as Non Statutory Planning Guidance in line with Circular 6/2013 Development Planning.

This guidance is for anyone considering or extending their property and has been prepared to provide advice and best practice on the design, appearance, scale and location of householder development which includes: extensions, porches, conservatories and garages. This guidance should be read in conjunction with Policy 16 of the adopted National Planning Framework 4 (NPF4) (Feb 2023) and Policies D1 and D1.1 of the Adopted East Renfrewshire Local Development Plan 2 (March 2022) which can be found in Appendix A.

East Renfrewshire is seen by its residents as a place to live which benefits from a high quality safe and pleasant environment. Appropriate development is central to maintaining the quality of the built environment, and in particular ensuring that extensions to existing buildings are in proportion and that spaces between buildings are not diminished to a point that the character and amenity of the surrounding area are significantly affected.

Good quality design, careful siting and consideration of scale, context and design of the building being extended are key to ensuring that development does not erode the character and appearance of our residential areas. Poorly designed extensions and alterations can have a significant impact on the character and appearance of a building which, when repeated over time, can have a cumulative detrimental impact on the wider area.

When designing an extension, householder should consider not just what internal space is created, but how the extension will look from the outside and how it will complement the character of the existing house. Well-designed extensions will maintain the character of the original property and the surrounding area in general.

It should be noted that this guidance cannot cover all aspects of house extensions and further pre-application advice can be given before submitting a planning application. All planning application will be assessed on their own individual merits and this guidance will be used as a material consideration in determining a planning application.

How to use this Guidance

1- Seeking Advice

Outlines the initial advice you should seek

2 - Understanding your house and the surrounding area

Gives advice on considering how your proposal will fit in with your property, neighbouring properties and the surrounding area

3 - Design Guidance

Outlines good design practice for different householder developments

4 - Applying for planning permission and other consents

Explains how to apply for planning permission and other consents that may be required

1) Seeking Advice

It is important to seek advice at an early stage about any changes you are considering making to your house. It may not be possible to make some types of extensions or alterations to your house and there may be restrictions on your house that may prevent you making certain changes.

Informal advice can be given whether you have an initial idea or a more detailed proposal with architectural drawings. These are to be submitted to planning@eastrenfrewshire.gov.uk

The more information you have regarding the proposal the more detailed a response can be given.

Planning permission is required for many of the types of developments in this guidance. However there are some types of developments that can be carried out to your property without the need to apply for planning permission. This is called “permitted development” and advice is available on the Council’s website.

Good design is important on all householder developments and you are encouraged to take account of the guidance even if planning permission is not required.

2) Understanding your house and the surrounding area

Understanding the particular circumstances and characteristics of your house should be the starting point for designing your householder development.

Householder developments should be designed to complement the character of the existing house, the street and the wider area and should avoid any negative impacts on neighbouring properties such as being overbearing, resulting in excessive overshadowing or loss of privacy.

Some extensions blend in with the existing house whilst others are distinct with contemporary styles. Both can be successful provided they are well designed.

Points to Consider

Accessibility

Think about how your development will impact on the existing amount of parking at your house. The safety of pedestrians, cyclists and road users should be considered in the design of the development.

Positioning, Design and Materials

- How close will the development be to neighbouring properties?
- How close will the development be to the boundaries of your property?
- Will there be any overlooking?
- Will there be any overshadowing?
- The spaces between houses form part of the character of the area.

- What is the style/design of the house and those in the surrounding area?
- What building materials are to be used?
- Are there any original features that should be retained?

Bin storage

Where bins are to be stored at your house and how they are to be accessed for collection should be considered.

Energy efficiency

Think about the position of your development to maximise solar gain and other energy efficiency measures.

Trees

Any existing mature and semi-mature trees should be retained with measures being taken to ensure that they are not adversely affected by the proposed development.

3) Design Guidance

General Principles

Proposals for house extensions, dormer windows and garages will be considered against the relevant Local Development Plan policies and the design principles set out below, as well as the individual circumstances of the application.

Extensions, dormer windows and garages should respect the character of the original house and the surrounding area in terms of design, scale and materials. No extension, dormer windows or garages should detract from the character of the area. Within this context innovative, contemporary or modern design will be considered.

Extensions should be designed in such a way as to retain access to the rear of the house. This is of particular importance in respect of semi-detached and end terraced properties where badly designed extensions have the potential to remove or significantly restrict access to the rear of the house.

Extensions should be in proportion to the original house and should not generally exceed 100% of the footprint of the original house.

Direct overlooking and excessive overshadowing of neighbouring properties should be avoided. A Design Guide on Daylight and Sunlight SPG is available separately.

Over-development of the site should be avoided and useable private (i.e. rear) garden ground should be retained. No more than 50% of the rear garden should be occupied by the development.

Window and doors should be aligned vertically and horizontally with existing windows and doors.

Extensions (other than a porch) should not generally project beyond the front or principal elevation of the existing house.

The external materials should be identical or closely match those on the existing property.

Porches

Porches should not project more than 1.5 metres from the front elevation of house (excluding any bay window) and generally be no more than 2 metres wide and include within the design significant areas of glazing.

Side Extensions

Side extensions should not sit forward of the main front building line of the house and should allow for a suitable access to be maintained to the rear of the house.

The ridgeline of the extension should be no higher than the ridgeline of the original house.

Rear Extensions

Single storey rear extensions (including conservatories) should not generally extend more than 4 metres down a common rear boundary, with exceptions to this general rule being assessed on the amount of retained garden ground.

Two storey rear extensions should not extend more than 4 metres from the rear elevation of the original house, with exceptions to this general rule being assessed on the amount of retained garden ground.

Two storey rear extensions should normally be set back a minimum of 2 metres from the side boundary on a terrace or semi-detached house.

Dormer Windows

Dormer windows should:

- Be wholly contained within the roof slope and set no higher than the roof ridge/hip and off the side ridge/hip;
- Be positioned centrally in the roof slope;
- Ideally be aligned vertically with windows/doors below;
- Have a high proportion of glazing;
- Be well set back from the eaves;
- Have roof, sides and front faces finished in materials to match those used on the existing house.

Dormer windows should not:

- Be built up from the wallhead;
- Extend right up to the gable end or shared boundary on a semi-detached or terrace house;
- Dominate the roof slope on which they are located.

Garages and Outbuildings

Garages and Outbuildings should:

- Not be positioned in front of the front elevation of the house;
- Preferably have a pitched roof when visible from the road;
- Be set back a minimum of 6 metres from the inner edge of the pavement;
- Generally be finished in materials to match the original house;
- Garages attached to the side of the house will be treated in the same manner as a single storey side extension.

4) Applying for planning permission and other consents

Depending on your property and the nature of the proposal, other permissions may be required.

Before you start any works, it is important that you receive the relevant permissions otherwise you may be liable for enforcement action which could involve having to remove some or all of the work.

We are happy to give you further advice on the permissions that may be required or you can refer to the advice at the following link.

You should be aware that planning permission and/or listed building consent is likely to be required for many householder developments on listed buildings and in conservation areas even if you think they may be minor.

If the works are “permitted development” you can apply for a Certificate of Lawfulness, both for proposed works or those already carried out. This will give a formal decision on the works and is particularly useful if you are selling your house or to avoid legal disputes.

Listed Buildings are subject to additional controls. Listed Building Consent is required for demolition, alteration or extension that in any way affects the character or appearance of a listed building, including works to the interior of the building.

If you are considering using your property for any commercial business this may also require planning permission and further advice can be given upon receipt of details of the proposed business.

Appendix A

National Planning Framework 4 (NPF4) (Feb 2023)

Policy 16: Quality Homes

(g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

(h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Local Development Plan 2 (LDP2)**Policy D1: Placemaking and Design**

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density and layout that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and 10. not impact adversely upon the green belt and landscape character and setting, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a 11. clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 – D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain
12. Unless otherwise justified, there will be a general presumption against landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;

14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;
18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D 1.1: Extensions and alterations to existing buildings for residential purposes

Proposals will be assessed against the following criteria:

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. Should complement the scale and character of the existing building, neighbouring properties and their setting, particularly in terms of style, form and materials;
3. The size, scale and height of any development must be appropriate to and not adversely impact or dominate the existing building;
4. Should not create an unbroken or terraced appearance;
5. Where additional bedrooms are proposed or a garage/driveway is being converted to another use other than for the parking of a vehicle, proposals will be required to provide parking in accordance with the Council's Roads Development Guide; and
6. Should avoid over-development of the site by major loss of existing front and rear garden space. No more than 50% of the rear garden should be occupied by the development.

Further detailed information and guidance will be set out in the Householder Design Guide Supplementary Guidance.

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