



June 2023

Supplementary Guidance:
Development Contributions
EAST RENFREWSHIRE COUNCIL



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INTRODUCTION

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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 This part of the Act has now been repealed and the status of Supplementary Guidance changed under the Planning Scotland Act (2019).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

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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 suit 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

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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 Plan 2.

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 Lavern 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 **£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.

Community Halls & Libraries Calculation

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

$£3,555 \text{ (per m}^2) \times 35 \text{ (m}^2) / 1000 = £124.43 \text{ per person}$
 $£124.43 \times 2.42 \text{ persons per East Renfrewshire household (Census 2011 and ERC Planning for the Future 2019) =$

A contribution of £301 per residential unit



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:

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