

## 1.0 Introduction

## Appendix 1

Supplementary Guidance (SG) on a range of matters was prepared under the provisions of Section 22 of the Planning etc. (Scotland) Act 2006 and formed part of the South Lanarkshire Local Development Plan that was adopted by the Council in 2015. Following the adoption of South Lanarkshire Local Development Plan 2 in 2021 the statutory status of existing Supplementary Guidance as part of the development plan fell. As a result the Council has started a process of reviewing the existing SG. Nevertheless they will continue to be used in the decision making process for planning applications as they remain the Council's agreed position until they are replaced.

Section 9 of the Planning (Scotland) Act 2019 has removed the ability of Planning Authorities to prepare new Supplementary Guidance. Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption by the Council gives it formal status, meaning that it will be a material consideration in decision making. Planning guidance can be updated as required and without the need for approval by Scottish Ministers.

The Council has prepared draft Supporting Planning Guidance (SPG) to provide information and assistance to developers regarding Community Infrastructure Assessment in relation to seeking developer contributions. The guidance supports the policies in South Lanarkshire Local Development Plan 2, in particular Policy 7 – Community Infrastructure Assessment, and will be a material consideration in the determination of planning applications. This SPG is intended to provide guidance at an early stage on the nature and scale of contributions that may be sought in order that these can be taken into account and factored into a developer's financial appraisal. Throughout assessment of these needs it will be the Council's aim to strike a balance between setting contributions at a level that addresses the projected impact and ensuring that the development remains viable.

The approved SG on Affordable Housing is also of relevance and should be read in association with this SPG.

This Supporting Planning Guidance was approved by South Lanarkshire Council at its meeting on 13 October 2022.

### **Supporting assessments**

A series of assessments informed the preparation of the SPG. The technical studies are noted below.

### Strategic Environmental Assessment

In accordance with the Environmental Assessment (Scotland) Act, 2005, the Council prepared and submitted a strategic environmental assessment (SEA) screening report to the statutory consultation authorities, summarising its view that this SPG is unlikely to have significant environmental effects. The consultation authorities agreed with the Council's view and the Council made a formal determination that a SEA is not required for this SPG. The Council reached this view because it sits under the hierarchy of the Glasgow and the Clyde Valley Strategic Development Plan and the South Lanarkshire Local Development Plan 2, both of which have undergone SEA. The SG does not seek to change or amend policies in these plans, including Policy 7 Community Infrastructure Assessment.

### Habitats Regulations Appraisal

A Habitats Regulations Appraisal (HRA) screening exercise for this SPG will be undertaken in compliance with the EC Habitats Directive (Council Directive 92/43/EEC), and the Conservation (Natural Habitats, &c.) Regulations 1994 as amended. This will be included in the HRA Record for the SLLDP. Any changes required as a result of the HRA shall be incorporated in the finalised supplementary guidance.

### Equalities Impact Assessment

An Equalities Impact Assessment of the South Lanarkshire LDP2 community infrastructure assessment policy was carried out and it was concluded that there are no adverse impacts on any of the communities covered by equalities legislation or on community relations.

The above technical studies can be viewed on the Council's website and are available on request from the Council.

**NB** The SPG makes various references to policy and guidance from the Scottish Government and other statutory agencies. As this may change during the lifetime of the SPG, developers are advised that they must comply with the version that is current at the time of their application.

## 2.0 Context

The legislative basis for seeking developer contributions is found at section 75 of the Town and Country Planning (Scotland) Act 1997. This allows planning authorities to enter into a planning obligation to restrict or regulate the development or use of land including a requirement to make payments where appropriate. The obligation is registered in the Land Register of Scotland which means it is enforceable by the planning authority against the owner of the land and successors in title.

Developer contributions are not like other funds which are available for local communities to bid for. They have to be sought in line with the tests described below and must directly relate to the impact the development will have on an area. In addition, developers will not be asked to pay to address existing shortfalls in the provision of Council facilities or services nor address defects such as structural repairs to existing buildings which are not linked to the development.

More detailed guidance is set out in Circular 3/2012 - Planning Obligations and Good Neighbour Agreements. A revised version was published in November 2020. It advises that the planning system guides the future use of land and in considering planning applications, authorities must consider each application on its merits based on the development plan and any other material considerations. Planning obligations can be useful to overcome obstacles which may otherwise prevent the grant of planning permission by mitigating negative impacts a development may have on land use, the environment or infrastructure.

It goes on to state consideration should be given to the economic viability of proposals when deciding the form and scale of contributions as a planning obligation may have a financial impact for developers and make proposals uneconomic. Cash flow can also be affected in cases where substantial sums of money have to be paid either before the development gets under way or at an early stage in construction. This can be addressed by agreeing phased payments.

The Circular sets out 5 tests that planning obligations must meet to be lawful. All of the tests should be met for the obligation to be appropriate. They should

- ◆ Be necessary to make the proposed development acceptable in planning terms
- ◆ Serve a planning purpose
- ◆ Relate to the proposed development either as a direct consequence of the development including the cumulative impact of development in the area
- ◆ Fairly and reasonably relate in scale and kind to the proposed development
- ◆ Be reasonable in all other respects

A draft National Planning Framework 4 (NPF4) was published by the Scottish Government for consultation in November 2021. In relation to planning obligations it states that a review of developer contributions will be carried out to evaluate the effectiveness of existing mechanisms to inform potential new approaches, in particular taking into account the powers to introduce an infrastructure levy in the Planning (Scotland) Act 2019.

### **Local development plan policy**

Policy 7 of the South Lanarkshire Local Development Plan 2 relates to community infrastructure assessments and states that these are required to recognise the impact a development may have on a specific area, for example on the road and footpath network, education provision, recreational and community facilities.

*Where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. Where justified in accordance with the provisions of Circular3/2012: Planning Obligations and Good Neighbour Agreements, contributions will be sought in relation to affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities. Supporting Planning Guidance will be prepared and consulted on, including in relation to the contributions sought. These contributions will be appropriately assessed, and developers will be required to ensure transparency in the financial viability of a development. In each case contributions must:-*

- i. serve a planning purpose*
- ii. be necessary to make the proposed development acceptable in planning terms*
- iii. be directly related to the proposed development*
- iv. be fairly and reasonably related in scale and kind to the proposed development and*
- v. be reasonable in all other aspects.*

*The Council will either seek the direct provision of such works or facilities by developers, or, in appropriate cases, a financial contribution from the developer to fund off-site provision either by third parties or by the Council itself. Where contributions are required these should be secured through planning condition or a legal agreement before permission is issued. Lump sum payments for capital works will normally be made when the work is carried out but consideration will be given to the use of endowments, phased payments, or other mechanisms, provided clear timeframes are agreed.*

*Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.*

In addition, Policy 12 – Affordable Housing in SLLDP2 is relevant

*The Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing. In addition, other solutions will be considered if these prove to be the most appropriate for the site.*

*If on-site provision is not a viable option the Council will consider off-site provision in the same Housing Market Area. In these areas the Council expect developers to make a contribution to fund social rented affordable housing on alternative locations within the same Housing Market Area.*

*The provision of a commuted sum will only be acceptable if on or off-site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government.*

*Development proposals must also accord with other relevant policies and proposals in the development plan. Refer to Appendix 1 for relevant Volume 2 policies and additional guidance.*

### 3.0 Requirements for community infrastructure assessment

Community infrastructure assessment (CIA) is a process carried out by the Council to identify and address the impact a new development may have on a specific area. The purpose of this SPG is to expand on Policy 7 - Community infrastructure assessment and Policy 12 – Affordable Housing in SLLDP2 and set out the Council's procedure for assessing, determining and collecting any financial contributions arising from the CIA.

#### Which development proposals will be subject to a Community Infrastructure assessment?

Policy 7 of SLLDP2 limits the areas in which contributions may be sought to the following;

- ◆ Affordable Housing
- ◆ Roads and Transportation (this will include the public road network as well as walking and cycling routes)
- ◆ Education provision (including primary/secondary schools and nursery provision)
- ◆ Recreation/open space/play areas
- ◆ Council-owned community facilities (including libraries and public halls)

The Council will carry out a community infrastructure assessment for all new housing proposals involving **5 or more units** where it is identified that the development will have an impact on the local infrastructure such as roads, footpath networks, education, community facilities and open space/play provision. It will also include an assessment of the affordable housing contribution from new residential developments of **20 units or more**.

The Guidance sets out the procedure which shall be followed for assessing contributions. This assessment could also apply to other types of development such as industrial, retail or leisure.

Developer contributions will be calculated on the basis of whole sites. Applications for parts of sites will pay a proportion of the total site contribution requirement.

NB The submission of planning applications for small developments comprising 4 units or less where they are clearly part of a phased development of a larger site or landholding in order to avoid making contributions will not be acceptable.

## What types of development don't require contributions to be made?

A number of exceptions to the policy are set out below.

- ◆ The conversion or renovation of a listed building or one that makes a significant contribution to the character of a conservation area
- ◆ Special needs housing including sheltered and amenity housing
- ◆ Affordable housing developed by, or on behalf of, the Council or by a Registered Social Landlord

## How will the community infrastructure assessment be carried out?

The community infrastructure assessment will be carried out alongside the assessment of the planning application. When an application is submitted which is considered to have an impact on local infrastructure, to a degree that requires it to be addressed, the relevant Council Service(s) will be asked to identify the works to address the impact and the potential level of contributions required to carry them out. The affordable housing contribution will also be identified.

Pre-application discussions are highly recommended as early engagement with the planning service can establish if an assessment is needed. Agreement with the planning service on the scope and content of supporting information to inform the CIA will also prevent delays in the consideration of the planning application as well as unnecessary work being carried out.

Policy 7 in SLLDP2 recognises that economic circumstances and funding constraints can affect the viability of a proposal. In such cases the Council will ask for the developer to undertake a **financial viability assessment** for the development taking account of the level of contributions being asked for. This allows a reasonable and proportionate approach to the level of contributions expected and the timing of the works being carried out/phasing of payments. The aim is to strike a balance between setting contributions levels so that they address any direct impact of the development and ensuring the proposal remains viable. Circular 3/2012 includes a 'scale and kind test' in recognition that entering into an obligation can have financial consequences for developers and may make proposals uneconomic.

This will require developers to be transparent in these discussions and provide the information needed to assess the impact of contributions on viability. This will include

- ◆ Detailed build costs
- ◆ Market evidence
- ◆ Valuation reports to support the land values
- ◆ A project programme and phasing plan
- ◆ Indicative offers for affordable units (if applicable)
- ◆ A viability appraisal

## 4.0 Community infrastructure assessment process

The diagram in Appendix 1 illustrates the process for assessing the levels of contribution required as part of a community infrastructure assessment, together with their delivery. The procedure includes an opportunity for the consideration of the overall level of contributions being sought compared to the development and land costs in order that the viability of the development can be assessed.

### Affordable housing

A contribution towards affordable housing is required for all residential developments of **twenty or more dwellings** on a site. Policy 12 of SLLDP2 requires the developer to accommodate **up to 25%** of the total number of units for the provision of affordable housing. This can be through delivery on-site involving either the identification and transfer of serviced land for the Council to build out or a turnkey arrangement where the developer builds the units and transfers them to the Council to manage. Alternatively, the developer may deliver the required number of units at another location off-site or make a financial contribution to delivery elsewhere within the relevant Housing Market Area. The Council's Strategic Housing Investment Plan (SHIP), which sets out how investment in affordable housing will be directed over a 5 year period, will be used to identify where commuted sums will be allocated.

The process for agreeing what type of affordable housing contribution is required is fully detailed in the associated approved Supplementary Guidance on Affordable Housing which sets out the requirements for affordable housing from new housing developments. This recognises that not all sites are suitable for the provision of affordable housing on-site and in these cases a financial contribution will be made towards the provision of affordable housing elsewhere.

It is recommended that early discussions are carried out for any proposal for the erection of twenty or more dwellings to ascertain how this contribution can best be met, that is by providing housing on site or on an alternative site, or by paying a commuted sum to the Council to be used to provide housing in the same Housing Market Area as the proposed development. At this point the Council will advise on the appropriate tenure mix, type and scale of affordable housing that is required to meet the housing need in the Housing Market Area in which the site is located. The suitability of the site itself to meet that demand will also be assessed using factors such as whether it is in an accessible location; the topography of the site; whether the affordable housing can be integrated into the wider development; and the scale of development or proximity to other managed units. Further detailed guidance on the different delivery methods and how to determine the nature and level of contributions required can be found in Chapter 4 of [Supplementary Guidance 7 : Affordable Housing](#).

Once an in-principle view has been established on the preferred form of affordable housing contribution a valuation methodology for the level of contribution is agreed to ensure this issue is given early consideration as part of the developers site appraisal. The level of contribution is based on the value of the land. The Council and developer will jointly instruct an independent surveyor to carry out a valuation of the land. The instruction will state that the valuation is for the purposes of calculating affordable housing contributions and that the surveyor's report must indicate a



value for each plot, were it to be developed for mainstream housing for sale. It is this valuation per plot that will enable the level of financial contribution for affordable housing to be calculated.

For the purposes of calculating the plot values for affordable housing, it is assumed that the plot value for an affordable housing unit is exactly half that of the plot value for mainstream housing for sale. The total contribution towards affordable housing applicable for each site will be calculated by using the following formula.

Value per plot divided by 2 multiplied by 25% of the total number of units proposed on site

This formula will give the overall contribution towards affordable housing on site but can be expressed as a contribution per plot by dividing the overall contribution by the total number of units proposed on site.

## **Education**

New housing developments will normally generate additional pupils attending the local schools and nurseries which can have an impact on the educational facilities serving the development. In some cases additional demand for places can be met within the school's existing capacity. However, where there is currently no capacity or where it is predicted there will be no capacity if other new housing developments identified in the Local Development Plan 2 are realised, then a contribution towards the provision of additional educational accommodation is required.

In assessing the need for additional educational accommodation (nursery, primary and secondary), an annual assessment is carried out by Education Resources for both denominational and non-denominational establishments. This considers the capacity at each of the secondary schools and the associated feeder primary schools. The housing land supply figures for each educational catchment area (referred to as learning communities in South Lanarkshire) are fed into the capacity assessment. This gives an indication of any shortfall in school places for each primary and secondary school within the Council area as a result of the new development and the level of contribution required per dwelling constructed in that learning community together with the level of any required contribution to nursery provision. A report is produced on an annual basis identifying where there are capacity issues and therefore where contributions will be sought by the Council.

There are currently 124 primary schools, 17 mainstream secondary schools and 7 additional support needs schools in South Lanarkshire. These are grouped into 17 Learning Communities within South Lanarkshire.

The following mechanism is used to calculate developer contributions on a fair, transparent and equitable basis.

The LDP2 identifies potential housing sites together with indicative housing numbers and it is these Housing Land Supply figures which allow Education Resources to predict the likely numbers of pupils generated within a particular Learning Community.

The likely number of pupils generated is based on a pupil generation formula which assumes that 35 pupils per year group will be generated by 1000 new dwellings. From the 35 pupils per year group, a split of 75% of these pupils will be considered non denominational and 25% denominational. This split does, however, vary within some areas of South Lanarkshire and therefore, where appropriate, Education Resources may apply an area specific split to the projected number of pupils generated where it differs from the Council wide average of 75%/25%.

The year groups accounted for are Nursery – 2.27 years, Primary - 7 years and Secondary - 5.75 years. The pupil generation formula takes account of established trends in both the splits between denominational and non-denominational education and the number of pupils staying on to complete a sixth year of secondary education. The likely numbers of pupils generated as a result of new housing are combined with the pupil roll projections to establish the total number of pupils. Pupil roll projections are based on the actual numbers of pupils gathered via the annual school census (each September), factored up to the appropriate year.

This allows the Council to identify both capacity issues arising from the existing population and those arising as a result of new developments. Developer contributions will only be sought to address capacity issues arising from new developments. The Council will address and manage any existing over capacity issues.

If a capacity issue is identified as a result of new development, the level of developer's contributions will be calculated on an assumed need for 3.5m<sup>2</sup> of gross internal floorspace per secondary pupil, 9m<sup>2</sup> per primary pupil and 4.5m<sup>2</sup> per nursery pupil. The cost to provide this amount of floorspace is calculated using up to date figures and costings from the Council's Schools Modernisation Programme Partnership. The current figure per square metre will be updated on a regular basis to take account of fluctuations in build costs and will be made available to developers on request.

The above calculations will be carried out on an annual basis and a statement for each learning community throughout the Council will be produced. The above methodology will allow the following:

- ◆ an equitable spread of costs amongst all developments;
- ◆ an early and fast response to developer requests for the likely levels of contributions; and
- ◆ greater capacity for aligning funding to provide the required educational space at the required time.

## Roads and transportation

The development of sites for housing and other uses may generate levels of traffic which require improvements to the wider road network. This may include addressing impacts to the pedestrian, cycle and public transport network. When consulted on a planning application Roads and Transportation Services will assess the suitability of the proposed layout within the application site and the impact of the development on the wider road and footpath/cycling network and so identify the improvements needed to the network to accommodate the development. The costs of addressing this impact on the wider network will be met by the developer. Plans submitted with the application should be sufficient to allow the cost of the works to be calculated, including any phased implementation and impact on utility apparatus, in order to accurately assess the level of contribution required.

A similar exercise will also be required where a development may impact on the trunk road network. This will require developers to liaise with Transport Scotland regarding potential costs and the implementation of improvements.

Where a new development or a change of use of land or buildings is likely to generate a significant increase in the numbers and types of trip, a Transport Assessment (TA) should be carried out. This will identify if any road or transportation improvements require to be carried out such as new or improved access to the site and major road improvements outwith the site. This could also include a contribution to the provision of public transport services.

There may be other types of development that do not require a full transport assessment but which have an impact that requires road improvements to be carried out. In these cases, a Transport Statement (TS) may be required as a result of the developments location and/or the type of development proposed. It is recommended that the developer engages with the planning service as early as possible in the project's development to agree if any mitigation is required.

Any off-site road works identified by the TA/TS must be fully designed and costed by the developer, including services, and agreed by the Council's Roads and Transportation Services before planning consent is issued. These discussions will include the technical aspects of off-site works to ensure that the final scheme meets with the Council's standards, timescales and costings, including where appropriate, inflation to cover a delay in implementation of the works. Where a number of developments are proposed which cumulatively will impact upon a specific area of the local network, the cumulative effect should be addressed and any required improvements identified. Their implementation will be secured either by making a financial contribution to the Council through a Planning Obligation or through construction by the developer via a separate legal agreement. A similar exercise, covering all of the above and involving discussions with Transport Scotland will be required where improvements are needed to the trunk road network.

## Active travel

Policy 15 – Travel and Transport in the SLLDP2 states that, where appropriate, a Transport Assessment or Transport Statement to be submitted in support of a planning application will be accompanied by an active travel plan to show the proposal promotes opportunities for travel by sustainable travel modes. The scope for the TA/TS and the outputs form will be agreed in advance and, where necessary, will identify the mitigation required to reduce travel by car and promote walking, cycling, wheeling and public transport.

The Council has completed a number of active travel studies for its main settlements [Active Travel Studies](#). These documents will inform decision making on planning applications and help identify measures to incorporate active travel schemes to serve new development. A number of additions and improvements to the existing cycling network are included in each. In addition, the South Lanarkshire Cycling Strategy identifies proposed strategic routes across the area.

20 Minute Neighbourhoods are a method of achieving compact and connected neighbourhoods to ensure people meet the majority of their daily needs within a reasonable walk, wheel or cycle of their home. New housing developments will be required to encourage people to live more locally and contribute to the creation of sustainable travel options and safe living environments.

As a result the Community Infrastructure Assessment will be required to consider how these aspirations can be met by developers. Layouts for new developments will be required to show how safe active travel connections to the neighbouring area can be achieved. In addition, applicants will need to demonstrate how their schemes will contribute to sustainable travel by either creating new or enhancing existing active travel networks (taking into account the Council's existing priorities) or providing associated facilities to facilitate active travel such as the implementation of 20mph speed limits and gateways to settlements or neighbourhood areas and the provision of cycle shelters or bicycle charging points. In most cases it is expected that a reasonable and proportionate financial contribution will be made to the Council towards the implementation of its existing priorities and projects.

Early discussions with Roads and Transportation Services to discuss the potential requirements and level of contribution is recommended.

## **Community Facilities and Recreation/Sporting Facilities**

This section of the guidance considers the impact of new development on Council owned community facilities such as libraries and community halls (defined as a versatile space which can be hired for activities such as classes, meetings, and sport and recreation) and large scale sporting facilities such as sports halls/centres and pitches. It also looks at the requirements for new housing developments to include appropriate levels of open space and recreation within the site. The reference to the 20 Minute Neighbourhood concept above is equally relevant in this section of the guidance.

In order to ensure community and recreation/sport facilities are available to serve a new development, the impact of new dwellings on the current provision on them must be considered. It has been the Council's approach to concentrate such facilities in specific areas as opposed to having a large number of smaller facilities that would incur higher management costs and may have a more limited appeal to residents. The general approach when assessing the impact of a proposal on community facilities is to improve and expand existing facilities to meet the new demand before considering the creation of new facilities or assets, but with consideration being given to the need to ensure that facilities are accessible to the community.

### Libraries

Local authorities in Scotland have a statutory duty to provide an adequate library service under the Local Government etc (Scotland) Act 1994. The Scottish Library and Information Council advise that an adequate service should provide a number of core functions including providing access to hardcopy and electronic resources which are free; enabling access to resources for reading, information and learning; encouraging community involvement and community based activity; helping to minimise social and digital exclusion; promoting access to Scotland's cultural heritage; and promoting cultural and creative activities.

Community Infrastructure Assessment will consider the impact of new housing development on library services. In particular, it will determine whether contributions are required to build a new library or extend/alter/adapt existing libraries (including construction and fit out costs) and/or expand existing stock. The following methodology will be used for each element

<b>New Library or Extension to Existing</b>	
<b>Step 1</b> - Assess Existing Provision and Identify Deficit	<ul style="list-style-type: none"> <li>• Identify the library within the catchment area of the new development</li> <li>• Identify the population within that catchment.</li> <li>• Identify the floorspace of the library.</li> <li>• Identify if there is a deficit in library provision within the defined catchment (as a result of the new development) based on a requirement for 30sqm per 1,000 population.</li> </ul>

<b>Step 2 - Identify solution</b>	<ul style="list-style-type: none"> <li>• Where a deficit is identified the mitigation will be identified by the Council for example, a library extension, shared facility or new library). It should address the existing deficit and further deficit caused by the proposed development. The developer will ONLY contribute toward addressing the further deficit created.</li> </ul>
<b>Step 3 - Calculate Contribution</b>	<ul style="list-style-type: none"> <li>• <b>Population created by new development</b> = Number of units x 2.3 (average household population).</li> <li>• <b>The sqm of new library floorspace required as a result of the new development</b> = Population created by new development / 37.311 (equivalent to 1sqm per 37.33 population).</li> </ul> <p>Costing of new floorspace to be based on: Building costs linked to the RICS BCIS Tender Price Index and new build prices and fitting out costs based upon current fitting out costs of new provision in South Lanarkshire Council area.</p> <ul style="list-style-type: none"> <li>• Identified developer contribution divided by the population coming forward as a result of the development (<b>cost per person</b>).</li> <li>• <b>Contribution per unit</b> = the cost per person x 2.3 (average household population).</li> </ul>

The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development. The capacity of the library is determined on a service requirement of 30m<sup>2</sup> of public library space per 1,000 catchment population, based on the current model of delivery and found in the Museums, Libraries and Archives (MLA) Council advice published in 2008. The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Council's Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area. Using this methodology will determine if the library is under capacity to serve the new population.

Where new development places demands on the library above its existing physical capacity, (so that a new library or an extension/adaption to an existing facility is required), the following standard build cost charges will be applied based on the level at the time of the planning application and will be subject to negotiation with the developer:

- Building costs linked to the RICS BCIS Tender Price Index and new build prices.
- Fitting out costs including furniture and technology based upon current fitting out costs of new provision in South Lanarkshire Council area.

In addition a contribution towards enhanced stock levels will also be required to be addressed. In cases where a library building is able to accommodate the extra demand created by a new development, but stock levels are only adequate to meet the needs of the existing catchment population, a 'stock only' contribution will be sought. The National Library standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. An average price of £5.88 per stock item will be adopted based on Askews and Holts Library Services book prices in January 2019.

Stock	
Step 1 - Assess Existing Provision and Identify Deficit	<ul style="list-style-type: none"><li>• Identify the library and define the library's catchment.</li><li>• Identify the population within that catchment.</li><li>• Identify the stock level held by that library.</li><li>• Identify if there is a deficit in stock level within the defined catchment based on a requirement of 1,532 items of stock per 1,000 population.</li></ul>

Step 2 – Calculate Contribution	<p>Where a deficit is identified then the level of stock required to address the shortfall must be calculated and a cost confirmed.</p> <ul style="list-style-type: none"> <li>• Costing would be based on: <ul style="list-style-type: none"> <li>o Number of dwellings x 2.3 per dwelling (average household population) = Number of people generated by the development.</li> <li>o Number of people generated by development x 1.532 (items per person) x £5.88 (cost per stock item).</li> </ul> </li> </ul>
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### Community Halls and Sports Centres

The Local Government and Planning (Scotland) Act 1982 requires local authorities to ensure there is an adequate provision of facilities for the population for sporting, recreational, cultural and social activities. The Council aims to improve participation in cultural and physical activities in order to promote health, inclusion and wellbeing. The use of these facilities will play a significant role in satisfying this aim.

A wide range of facilities located across South Lanarkshire are used to support the delivery of these activities. In order to maintain and provide the statutory provision of an appropriate level of service, the impact of new dwellings on current provision must be considered. Community Infrastructure Assessment will consider the impact of new housing development using the following methodology.

Step 1 - Assess Existing Provision and Identify Deficit	<ul style="list-style-type: none"> <li>• Identify the community hall(s)/sport centres etc within the catchment area of the new development.</li> <li>• Identify the population within that catchment.</li> <li>• Identify the floorspace of the facility(s).</li> </ul>
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	<ul style="list-style-type: none"> <li>Identify if there is a deficit in facility provision within the defined catchment based on a requirement for 0.51 sqm per house.</li> </ul>
Step 2 - Identify solution	<p>Where a deficit is identified then a solution must be defined by the Council (for example, a facility extension, shared facility or new facility). The Solution should address the existing deficit and further deficit caused by the proposed development. The developer will only contribute toward addressing the further deficit created.</p> <p>Costing would be based on: Building costs linked to the RICS BCIS Tender Price Index and new build prices and fitting out costs based upon current fitting out costs of new provision in South Lanarkshire Council area.</p>
Step 3 – Calculate Contribution	<p>Identified solution / the population coming forward within facility catchment = <b>cost per person</b>.</p> <ul style="list-style-type: none"> <li>Cost per person x 2.3 (average household population) = <b>contribution per house</b>.</li> </ul>

The need for a contribution will be established by comparing the current capacity of the facility and population it serves against the number of people likely to be generated by the new development. The capacity is determined based on a service requirement of 0.51sqm of facility space per household (this is an average figure based on data from UK local authorities). The catchment population of the facility is defined based on 20 minute walking distance (1 mile).

Where new development places demand on facilities above their current physical capacity, (that is a new facility or an extension to an existing facility is required), the following standard build cost charges will be applied based on the level at the time of the planning application and will be subject to negotiation with the developer.

- Building costs linked to the RICS BCIS Tender Price Index and new build prices.
- Fitting out costs based upon current fitting out costs of new provision in South Lanarkshire Council area.

#### Amenity Open Space and Recreation/play provision

The table below provides a general indication of the minimum requirements for the provision of amenity open space and play/recreation areas which the Council will seek in new residential developments. It should be noted that amenity open space is defined as space that is used for landscaping, informal leisure or social activities and must be provided over and above the space required for formal sport/recreational activities.

In all but the cases of small housing proposals (up to 10 units where a financial contribution only is expected to be provided) new housing developments are required to make a contribution to the improvement of existing play/recreational facilities within the vicinity of the site or provide facilities (a play area/modern games court/youth facility) within the site – or a combination of all of those options. In general terms the creation of play area(s) on-site is the preferred option.

The value of the financial contribution towards the provision of, or the upgrading of, existing facilities in lieu of on-site provision will range from £1500 upwards per dwelling. The final figure and how the financial contribution will be spent, however, will depend on the location of the site and other relevant planning circumstances such as the open space needs of the area as well as the nature, type and size of development. It is, therefore, strongly recommended that the developer engages with the Planning Service as early as possible in the project's development to agree the most appropriate option for each development.

Developer's contributions may also be used to invest in facilities which if funded in this way would allow the delivery of additional projects to be brought forward and thus cater for the increased demand generated by a development.

Contributions will also be considered where they are required to mitigate the effects of new development on existing parks in the area. They will be used to deliver projects which will enhance and increase the capacity of parks and can include the upgrade of play equipment, new outdoor seating improved drainage or new/replacement planting.

## **5.0 Collection of developer contributions**

### **Legal obligations**

Following agreement on the nature, level and timing of contributions, their collection will be facilitated through a planning obligation by Minute of Agreement. The Council's Legal Services have prepared a model legal agreement a copy of which can be requested, through the planning officer dealing with the planning application for the development.

The model agreement will set out the basis for the payment of developer contributions, for example, by using a matrix, which has been agreed through discussions, and detailing how the project's contributions may be phased. An example of how this has been done for a housing site can be found in Appendix 2 of the SPG which indicates the level of contributions per house plot and how this has been programmed. Unless otherwise agreed, contributions will be collected annually in arrears.

One of the main threats to the efficient long term management of community facilities is financial uncertainty and the availability of funding to invest in them. In terms of developer's contributions, projects identified may include the upgrading of facilities as a result of increased use due to the proposed development. In order to ensure that the works required to cater for the increased use generated by the development are completed by the time they are needed, funding may have to be provided at an early stage. This would have to be agreed with the developer to ensure that the timing of the financial contribution could be accommodated.

### **Governance**

The identification and collection of contributions involves a three stage process.

#### **Stage 1: Initial Planning Consent and Set Up**

Discussions with the developer and the spending Resources will be carried out in line with the guidance earlier in this document. Once the amount and phasing of contributions have been agreed the legal obligation will be completed and the decision notice issued. A standard form will be issued with the consent informing the developer of the payment requirements each year (if applicable) and the method of payment.

#### **Stage 2: Annual monitoring of Developer Contributions**

The Council will issue a standard letter to the developers in the last week in March) advising that they should advise the Council of the numbers of houses completed in the previous year by mid April, the payment that has been made to date and the date by which the next payment must be received.

Once the developer has responded re number of houses completed this will be compared with completion certificates provided by Building Standards. Once the figure is agreed the Council will issue an invoice with the amount required to be paid and the method of payment. Once the payment is received it will be ring-fenced for the purposes set out in the legal obligation.

#### Stage 3: Drawing down developer contributions

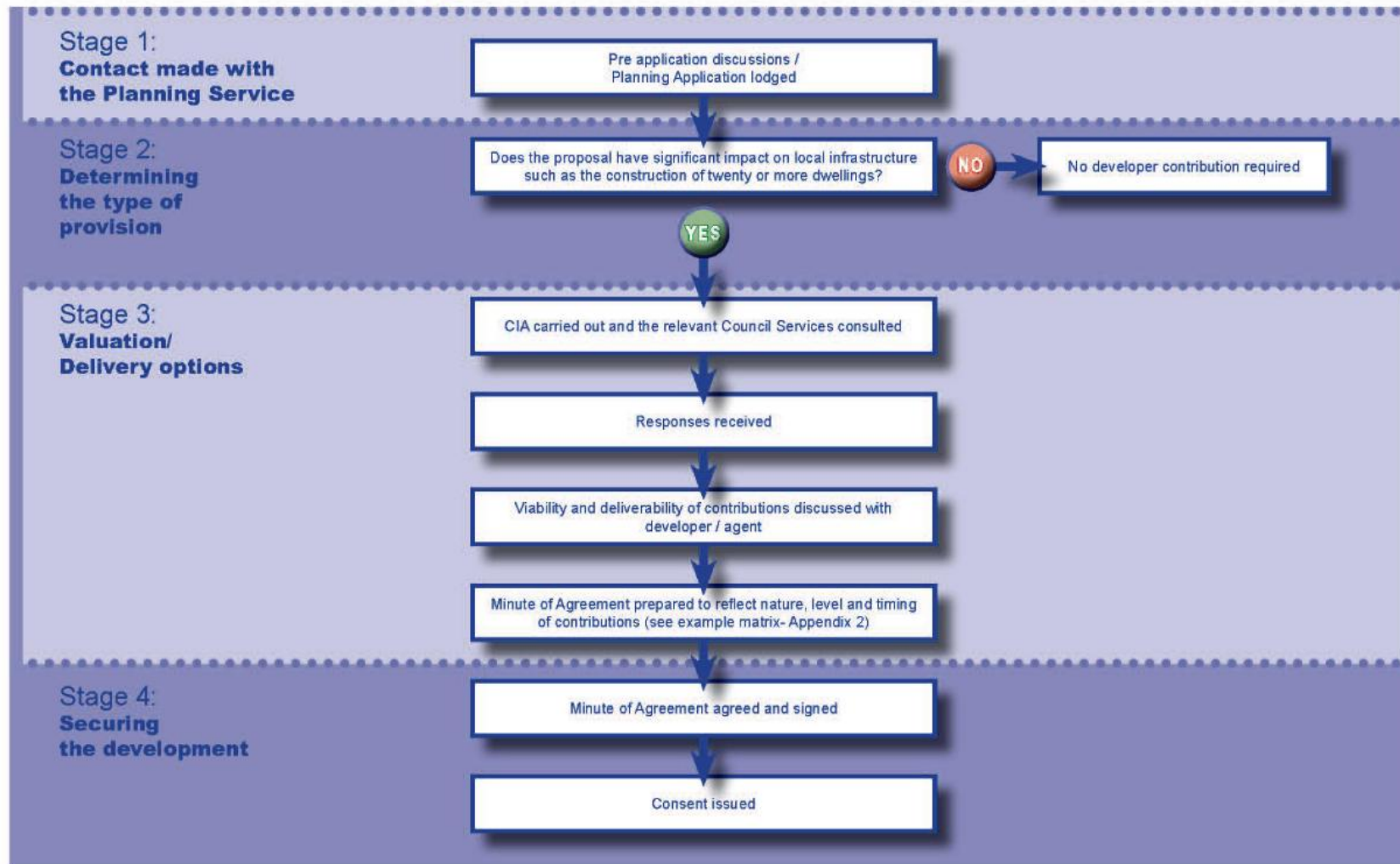
Once the spending Resource is in a position to carry out the project that the contribution is required for it will draw down funds as appropriate. Spending Resource submits an exception to Finance to add spend to the Capital Programme

## **6.0 Monitoring and review**

The need to formally review this SPG will be considered after two years following its approval and biennially thereafter. Any changes in circumstances, policy or legislation prior to this will be taken into consideration and appropriate alterations made to the content of this SG.

## Appendix 1

### Community Infrastructure Assessment Process



## Appendix 2

Development Type	*Amenity Open Space	Sport/Recreational provision
Small Sites (up to 10 houses)	<ul style="list-style-type: none"> <li>No specific requirement, other than planting as detailed below. Some amenity open space desirable.</li> <li>Supply and plant two trees per dwelling to be planted within the site boundary.</li> </ul>	<ul style="list-style-type: none"> <li>No new recreational provision within the site, but a financial contribution to the improvement of existing sport/recreational facilities within the local area.</li> </ul>
Medium Sites (11 - 50 houses)	<ul style="list-style-type: none"> <li>20m<sup>2</sup> per dwelling and two trees per dwelling as above.</li> </ul>	<p>A financial contribution to the improvement of existing sport/recreational facilities within the local area, or, if no appropriate facility exists, then:</p> <ul style="list-style-type: none"> <li>Provision of one play area equivalent in size to 20m<sup>2</sup> per dwelling.</li> <li>Level space provision (14m x 6m) accessible from a road to accommodate mobile play equipment.</li> <li>Or a combination of these options in part or in full as appropriate to the location and as agreed with the Council.</li> </ul>
Large Sites (51 - 100 houses)	<ul style="list-style-type: none"> <li>20m<sup>2</sup> per dwelling and two trees per dwelling as above.</li> </ul>	<p>A financial contribution to the improvement of existing sport/recreational facilities within the local area and:</p> <ul style="list-style-type: none"> <li>Provision of one play area equivalent in size to 20m<sup>2</sup> per dwelling.</li> <li>Provision of a modern games court (minimum size 22m x 20m).</li> <li>Provision of a youth space facility.</li> <li>Or a combination of these options.</li> </ul>
Major Sites (101 houses and upwards)	<ul style="list-style-type: none"> <li>20m<sup>2</sup> per dwelling and structure planting* around site boundaries - minimum of 15-20m width.</li> <li>No trees within 3m of any dwelling or boundary of dwelling.</li> <li>Two trees per dwelling as above.</li> </ul> <p>* edge of settlement sites.</p>	<p>A financial contribution to the improvement of existing sport/recreational facilities within the local area and:</p> <ul style="list-style-type: none"> <li>Provision of a minimum of one play area equivalent in size to 20m<sup>2</sup> per dwelling. Where the site is deemed appropriate due to house types, location or topography, additional sites will be required.</li> <li>Provision of a modern games court (minimum size 20m x 32m).</li> <li>Provision of a youth space facility.</li> <li>Or a combination of these options in part or in full as appropriate to the location and as agreed with the Council.</li> </ul>
Rural Sites (houses)	<ul style="list-style-type: none"> <li>20m<sup>2</sup> per dwelling and two trees per dwelling as above.</li> </ul>	<ul style="list-style-type: none"> <li>Due to the varying nature/size of existing rural communities and their needs, each case will be dealt with on its merits, but based on the standards specified above.</li> </ul>
Flatted Development	<ul style="list-style-type: none"> <li>30m<sup>2</sup> per dwelling and two trees per dwelling as above.</li> </ul>	<ul style="list-style-type: none"> <li>Financial contribution to the improvement of existing sport/recreational facilities within the local area.</li> </ul>
Sheltered Housing Developments	<ul style="list-style-type: none"> <li>25m<sup>2</sup> per dwelling unit and two trees per dwelling as above.</li> </ul>	<ul style="list-style-type: none"> <li>Financial contribution to the improvement of existing sport/recreational facilities within the local area.</li> </ul>

\* Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons and used for a variety of informal or social activities such as sunbathing, picnics or kickabouts.