

**Fw: planning gain letter**

Sunday, 24 January, 2010 8:47 PM

**From:** "ROBERT FREEL" <robfreel@btinternet.com>

**To:** norrie.anderson@southlanarkshire.gov.uk

**Cc:** "Gavin Haddow" <gavin.haddow@biwater.com>, "George Smith" <georgepm244@aol.com>, "Molly Casey" <caseymilycsy@aol.com>, "Robert Craig" <Craigcraigar@aol.com>, "Robert Freel" <robfreel@btinternet.com>, "Willie Mackie" <Wullmackie27n@aol.com>, "Bill Holman" <bill.holman@southlanarkshire.gov.uk>, "GRAEME CAMPBELL" <Graeme.Campbell@southlanarkshire.gov.uk>, "James Malloy" <james.malloy@southlanarkshire.gov.uk>, "Lynn Filshie" <lynn.filshie@southlanarkshire.gov.uk>

1 File (61KB)



Mr Freel, ...

Mr Anderson

I refer to your email response to myself on 12th Novemeber which stated the following:

**Play equipment at Alexander Hamilton Memorial Park (AHMP)**

I refer to your letter of 25 October 2009 in respect of the above.

After investigation I have been advised the issues raised will be responded to by the Planning Department of Enterprise Resources and therefore I have forwarded your correspondence to Colin McDowall, Executive Director (Enterprise Resources) who will provide you with a direct response in due course.

I trust this is satisfactory.

Yours sincerely

Norrie Anderson  
Executive Director (Community Resources)

The attached letter was the response from Colin Mcdowall in relation to various questions asked. It would appear that I have travelled full circle in an attempt to establish what is happening with this planning gain. Mr McDowall states that the monies are retained by community resources whom I believe are controlled by your directorate. Can you advise the following:

1. The monies are still available.
2. What discussion if any have taken place with local members with regards to the spending of this money.
3. What ideas or projects do you have in mind for this money and what timelines have you set with regards to arranging the spend of this planning gain.

I believe that a copy of this letter was also copied to community resources and that you will be aware that a follow up from the community council would be expected.

I would appreciate if you could advise on this matter .

Robert Freel  
Secretary Stonehouse community council

----- Forwarded Message -----

**From:** "Marshall, Yvonne" <Yvonne.Marshall@southlanarkshire.gsx.gov.uk>  
**To:** "robfreel@btinternet.com" <robfreel@btinternet.com>  
**Cc:** "Holman, Bill Councillor" <William.Holman@southlanarkshire.gsx.gov.uk>; "Campbell, Graeme Councillor" <Graeme.Campbell@southlanarkshire.gsx.gov.uk>; "Malloy, James Councillor" <James.Malloy@southlanarkshire.gsx.gov.uk>; "Filshie, Lynn Councillor" <Lynn.Filshie@southlanarkshire.gsx.gov.uk>  
**Sent:** Thursday, 31 December, 2009 10:04:05  
**Subject:** planning gain letter

Mr Freel

I understand that you have not received the letter sent out on December 18<sup>th</sup> regarding planning gain and attach electronic version of same

Regards

**Yvonne Marshall**  
**Secretary**  
**Support Services**  
**Enterprise Resources**  
**South Lanarkshire Council**  
**Montrose House,154 Montrose Crescent,**  
**Hamilton ML3 6LB**  
**Tel: 01698 45(4642)**  
**Fax 01698 45(5195)**  
**e-mail: yvonne.marshall@southlanarkshire.gov.uk**

\*\*\*\*\*  
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**PLANNING GAIN LETTER DATED 1/12/09**

Wednesday, 13 January, 2010 4:48 PM

**From:** "Grainger, Anne" <Anne.Grainger@southlanarkshire.gsx.gov.uk>  
**To:** "'ROBERT FREEL'" <robfreel@btinternet.com>

Mr. Freel,

Thank you for your e-mail dated 30 December 2010 re the above. I understand that a response has been sent to you, dated 14 December 2009, in reply to a previous letter but which also covers the points set out in your letter of 1 December 2009. The subject heading of this letter was **Play Equipment, Alexander Hamilton Memorial Park (AHMP)**. I trust that this answers your enquiry.

Anne

**On behalf of Colin McDowall, Executive Director (Enterprise Resources)**

**Anne Grainger  
Secretary  
Support Services  
Enterprise Resources  
South Lanarkshire Council  
Montrose House  
154 Montrose Crescent  
Hamilton ML3 6LB**

**Tel. 01698 454798  
Fax. 01698 455195  
Email: [anne.grainger@southlanarkshire.gov.uk](mailto:anne.grainger@southlanarkshire.gov.uk)**

\*\*\*\*\*  
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<http://www.star.net.uk>

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**Enterprise Resources**  
Executive Director **Colin McDowall**

Mr Robert Freel  
Secretary  
Stonehouse Community Council  
75 Lockhart Street  
Stonehouse  
ML9 3LX

**Our ref:** SC/EW  
**Your ref:** -  
**If calling ask for:** Steven Clark  
**Phone:** 01698 453555  
**Date:** 18 December 2009

Dear Mr Freel

**Play Equipment**  
**Alexander Hamilton Memorial Park (AHMP)**

I refer to your letter of 25 October 2009 addressed to Mr Norrie Anderson, Executive Director, Community Resources relative to the above and the subsequent email you received on 12 November 2009 advising that your letter has been forwarded to myself to respond.

Firstly, from the letter you received from Mr Norrie Anderson, on 9 October 2009 you will be aware that £34,500 has been secured from a developer as a result of the planning process. I must highlight however that this money has been received as a consequence of the Council's Residential Development Guide as the developer sought to make a financial contribution towards the improvement of existing community facilities rather than providing their own play facilities within their site. This, in many instances, secures improvements for the wider community. This money is held by the Council, with Community Resources ultimately responsible for spending it in the area local to the development.

In response to your questions I would provide the following comments:

- a) Financial contributions are mainly sought from applicants associated with major developments, for example wind farm or mineral developments.
- b) Applications where financial contributions are negotiated as part of the planning process, are usually presented to Committee for consideration. As a result the requirement for a financial contribution is recorded in the report presented to Committee. Should consent be granted for the proposal the decision notice is either not issued until the money has been paid or if a number of other issues require to be addressed (e.g. contributions to off site road works) it is released following the conclusion of a legal agreement with the applicant. This is recorded by office management and the money requested at the agreed time.
- c) The money is either paid prior to work commencing on site or during the construction of the development. Each application is considered on its merits taking into account the scale of the proposal, the requirement for enabling works and other material considerations.
- d) Community Resources have responsibility for spending the money and I understand that discussions take place with local members in this regard.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 01698 454798 Fax: 01698 454801  
Text Phone: 01698 454039 Email: colin.mcdowall@southlanarkshire.gov.uk



INVESTOR IN PEOPLE



- e) Prior to any financial agreement being concluded, the timeline for obtaining the money is agreed. In this regard it is an agreement between the Council and the respective developer and as a result there is no uniform timetable for the payment of money. Any money received by the Planning Service will be held in a suspense account and the relevant Resource advised of the fact e.g. Community Resources if the money relates to the non provision of play facilities or Roads and Transportation Services if the monies relate to specific off site road works.

The South Lanarkshire Local Plan has a policy dealing with developers' contribution; STRAT10 Developers' Contribution Policy. As you will note from the policy, the Council intended to bring forward Supplementary Planning Guidance to provide detailed guidance to all stakeholders. However, work on this was suspended when advice was released by the Scottish Government suggesting that Authorities should be mindful of the economic recession and the impact the requirement of developers' contributions could have on the construction industry.

I hope the above clarifies the matters raised in connection with planning issues. As any specific installation/replacement of play equipment is a matter for Community Resources. I have copied them in on this response so they can advise you further, if necessary.

Yours sincerely

**Colin McDowall**  
**Executive Director**

cc Norrie Anderson, Executive Director, Community Resources, Almada Street, Hamilton

**Distribution List**

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**Michael McGlynn**

**Head of Planning & Building Standards Services**

**Steven Clark**

**Planning Team Leader, Hamilton**

**Alison McAuley**

**Support Services, Hamilton**

**STONEHOUSE COMMUNITY COUNCIL**

Reconstituted 29<sup>th</sup> February 2000 following changes to existing scheme for Community Councils

**Chairman:** George Smith, 6 Naismith Court, Stonehouse Tel. 01698 793946

**Secretary:** Robert Freel, 75 Lockhart Street, Stonehouse ML9 3LX

Mr Robert Freel (Secretary)  
Stonehouse Community Council  
75 Lockhart Street  
Stonehouse  
ML9 3LX

Mr Colin McDowall  
Executive director  
SLC Planning, & Building Standards Services  
Enterprise Resources  
Brandon gate  
1 Leechlee Road  
Hamilton ML3 0XB

01 December 2009

Dear Colin

**Planning Gain Stonehouse Various Planning Applications.**

I refer to the email trail attached in which the final email advises that all correspondence has been passed to you for a direct response.

In summary we are seeking to confirm that this money is still available and to have this money spent on capital equipment within Alexander Hamilton memorial Park and seek an answer to the question asked.

On a more strategic level we are looking for details on your department's policy and processes for dealing with planning gain monies. To summaries we are looking a copy of the policy and any guidelines for officers which deals with the following:

- a) How, when and what types of planning applications you seek planning gain monies for.
- b) Detail of how and at what stages this is recorded and how it is recorded within the planning department in order that it can be followed up by officers.
- c) At what stage you seek to have the monies transferred from the developer to planning.
- d) Who within the community is consulted on the spend of this money.
- e) What guidelines are issued to planning officers in relation to timelines for obtaining the money and spending it?

I look forward to receiving the above information in due course.

Yours sincerely

Robert Freel. Secretary

**Alexander Hamilton Memorial Park: Development using planning Gain**

Sunday, 25 October, 2009 5:32 PM

**From:** "ROBERT FREEL" <robfreel@btinternet.com>**To:** norrie.anderson@southlanarkshire.gov.uk**Cc:** "Bill Holman" <bill.holman@southlanarkshire.gov.uk>, "GRAEME CAMPBELL" <Graeme.Campbell@southlanarkshire.gov.uk>, "James Malloy" <james.malloy@southlanarkshire.gov.uk>, "Lynn Filshie" <lynn.filshie@southlanarkshire.gov.uk>, "Archie Paterson" <ap1930@virgin.net>, "Molly Casey" <caseymilysy@aol.com>, "Robert Craig" <Craigcraigar@aol.com>, "Gavin Haddow" <gavin.haddow@biwater.com>, "George Smith" <georgepm244@aol.com>, "Robert Freel" <robfreel@btinternet.com>, "Willie Mackie" <Wullmackie27n@aol.com>

1 File (38KB)



Planning ...

Letter attached which seeks the use of planning gain monies.

Hard copy in mail



**STONEHOUSE COMMUNITY COUNCIL**

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**Secretary:** Robert Freel, 75 Lockhart Street, Stonehouse ML9 3LX

Mr Norrie Anderson  
Executive Director  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA

25<sup>th</sup> October 2009

***Dear Mr Anderson***

***Play Equipment at Alexander Hamilton Memorial Park (AHMP)***

I refer to your letter dated 9<sup>th</sup> October and thank you for arranging to replace the swing within the park and advising how much planning gain monies has been received.

Following our community council meeting on 19<sup>th</sup> October I was instructed to write to you to advise that we would support the use of planning gain monies being spend on the installation / replacement of play equipment for the age range 4-9 years within the park.

Could you thro your officers investigate if this is possible and commence this within the current financial year. We would be more than willing to meet with any of your officers and local toddler play groups to discuss this.

We would be obliged if you could investigate if this is possible and respond as soon as possible.

Yours sincerely

Robert Freel  
Stonehouse community council

CFI Elected members for Stonehouse (x4)  
J Malloy, W Holman, L Filshie, G Campbell

**All correspondence should be addressed to the secretary.**

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**Secretary:** Robert Freel, 75 Lockhart Street, Stonehouse ML9 3LX

Land Services Manager  
Parks  
South Lanarkshire Council  
Community Resources  
18 Forrest Street  
Blantyre  
G72 0JP

16<sup>th</sup> June 2009

Dear Sir / Madam

***Alexander Hamilton Memorial Park Stonehouse Child Play Areas***

At our community council meeting on Monday night the above areas were raised as an issue requiring to be dealt with and I subsequently write concerning the above play areas especially the small children's areas at the main entrance and the various slides in the park. The issues in question are as follows

1. Rubber Matting

The swings and small activity areas currently have a rubber matting area surrounding them to prevent children from seriously hurting themselves if they fall from any of the equipment. This matting however has been vandalised and removed in some sections making it a health and safety issue and extremely dangerous for children playing on the swings. We would appreciate if some immediate action could be taken to remedy this situation.

2. Standard of Equipment

The swings are in a dilapidated state and in need of repair / replacement as is some of the small activity equipment. It would be appreciated if this could be seriously examined with a view to being replaced.

3. Slides

It was reported that in and around the slides there is broken glass which again is posing a health and safety issue and this requires a special clean to remove same.

**All correspondence should be addressed to the secretary.**

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**Secretary:** Robert Freel, 75 Lockhart Street, Stonehouse ML9 3LX

In respect of equipment upgrading you may wish to consider speaking to the planning department which is aware of "Planning Gain" monies from local developments and to our knowledge has never been spent in the village.

I trust that you will seriously look into these matters and advise you intentions as well as the outcome of "planning gain" money which is ring fenced for the village.

Yours sincerely

Robert Freel  
Secretary  
CC Norrie Anderson  
CC Elected members for Stonehouse Area

**All correspondence should be addressed to the secretary.**



**Alexander Hamilton Memorial Park**

Wednesday, 17 June, 2009 7:59 PM

**From:** "ROBERT FREEL" <robfreel@btinternet.com>

**Cc:** norrie.anderson@southlanarkshire.gov.uk, "Bill Holman" <bill.holman@southlanarkshire.gov.uk>, "GRAEME CAMPBELL" <Graeme.Campbell@southlanarkshire.gov.uk>, "James Malloy" <james.malloy@southlanarkshire.gov.uk>, "jennifer mckinlay" <jennifermckinlay@btinternet.com>, "Lynn Filshie" <lynn.filshie@southlanarkshire.gov.uk>

1 File (33KB)



AHMP Par...

Please find attached a letter concerning issues raised at our community council meeting on 15th June 2009

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**RE: planning gain letter**

Tuesday, 23 February, 2010 1:59 PM

**From:** "Anderson, Norrie" <Norrie.Anderson@southlanarkshire.gsx.gov.uk>**To:** "ROBERT FREEL" <robfreel@btinternet.com>

Dear Mr Freel,

I can advise you that I no longer have responsibility for Planning Gain monies and have forwarded your correspondence, as already advised, to the Executive Director of our Enterprise Resources department. I will contact him and advise you have once again been in contact.

Norrie Anderson  
Executive Director (Community Resources)  
Tele 01698 454849  
Fax 01698 454362  
Email [norrie.anderson@southlanarkshire.gov.uk](mailto:norrie.anderson@southlanarkshire.gov.uk)

-----Original Message-----

**From:** ROBERT FREEL [mailto:robfreel@btinternet.com]**Sent:** 23 February 2010 13:29**To:** Anderson, Norrie**Cc:** Filshie, Lynn Councillor; Malloy, James Councillor; Campbell, Graeme Councillor; Holman, Bill Councillor**Subject:** Fw: planning gain letter

Mr Anderson

To date I have not had an answer to the email trail attached. Is it possible that you can respond on this matter advising the latest position on the planning gain monies in order that we can start to move this matter forward.

Thanks in anticipation

Robert Freel  
Secretary

----- Forwarded Message -----

**From:** ROBERT FREEL <robfreel@btinternet.com>**To:** norrie.anderson@southlanarkshire.gov.uk**Cc:** Gavin Haddow <gavin.haddow@biwater.com>; George Smith <georgepm244@aol.com>; Molly Casey <caseymillycsy@aol.com>; Robert Craig <Craigcraigar@aol.com>; Robert Freel <robfreel@btinternet.com>; Willie Mackie <Wullmackie27n@aol.com>; Bill Holman <bill.holman@southlanarkshire.gov.uk>; GRAEME CAMPBELL <Graeme.Campbell@southlanarkshire.gov.uk>; James Malloy <james.malloy@southlanarkshire.gov.uk>; Lynn Filshie <lynn.filshie@southlanarkshire.gov.uk>**Sent:** Sunday, 24 January, 2010 20:47:07**Subject:** Fw: planning gain letter

Mr Anderson

I refer to your email response to myself on 12th Novemeber which stated the following:

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I trust this is satisfactory.

Yours sincerely

Norrie Anderson  
Executive Director (Community Resources)

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I would appreciate if you could advise on this matter .

Robert Freel  
Secretary Stonehouse community council

----- Forwarded Message -----

**From:** "Marshall, Yvonne" <Yvonne.Marshall@southlanarkshire.gsx.gov.uk>  
**To:** "robfreel@btinternet.com" <robfreel@btinternet.com>  
**Cc:** "Holman, Bill Councillor" <William.Holman@southlanarkshire.gsx.gov.uk>; "Campbell, Graeme Councillor" <Graeme.Campbell@southlanarkshire.gsx.gov.uk>; "Malloy, James Councillor" <James.Malloy@southlanarkshire.gsx.gov.uk>; "Filshie, Lynn Councillor" <Lynn.Filshie@southlanarkshire.gsx.gov.uk>  
**Sent:** Thursday, 31 December, 2009 10:04:05  
**Subject:** planning gain letter

Mr Freel

I understand that you have not received the letter sent out on December 18<sup>th</sup> regarding planning gain and attach electronic version of same

Regards

Yvonne Marshall  
Secretary  
Support Services  
Enterprise Resources  
South Lanarkshire Council  
Montrose House, 154 Montrose Crescent,  
Hamilton ML3 6LB

**Tel: 01698 45(4642)**  
**Fax 01698 45(5195)**  
**e-mail: yvonne.marshall@southlanarkshire.gov.uk**

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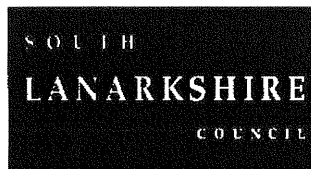
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**Community Resources**  
Executive Director **Norrie Anderson**  
**Support Services**

Mr Robert Friel  
Secretary  
Stonehouse Community Council  
75 Lockhart Street  
Stonehouse  
ML9 3LX

**Our ref:** CRS/FOI/08-036  
**Your ref:**  
**If calling ask for:** Cleland Sneddon  
**Phone:** 01698 455369  
**Date:** 14 April 2008

Dear Mr Friel

**Request for Information – Development Contributions**

I refer to your request for information received on 1 April 2008 in which you asked for the following information:

- The money advised in the response to FOI in April 2007 is still available
- How much planning gain has been sought per house for planning applications since your previous letter of March 2007 and if any additional sums have been obtained.

In response I would confirm the following:

- The contributions highlighted in the response of 20 April 2007 - St Ninians (HM/04/0216) for £7,500 and East Mains (HM/05/0339) for £34,500 are both still held by the Council on the planning gain balance sheet and have not been expended in the intervening period.
- The Council's Planning and Building Control Services has confirmed the Council has not received any planning gain for houses in Stonehouse during the period specified. The Council has also not formally requested any planning gain in relation to current applications that it holds that are as yet undetermined.

In line with the terms of the Freedom of Information (Scotland) Act 2002, the Council has in place a procedure by which a review of the way in which we handle requests for information can be carried out. If you are dissatisfied by the way the Council has dealt with your request or about any decision made in connection with your request, and wish a review to be carried out, please inform the Council of this by 1 July 2008. In requesting a review, it would be helpful if you could quote the reference number found at the top of this letter and state the matter which has given rise to your dissatisfaction. Requests for review should be sent to:

Mr. W. Dunn  
Legal Services Adviser  
Corporate Resources  
Montrose House  
154 Montrose Crescent  
Hamilton, ML3 6LL

Council Offices, Almada Street, Hamilton ML3 0AA Phone: 01698 455369 Fax: 01698 454229  
Minicom: 01698 454039 Email: cleland.sneddon@southlanarkshire.gsx.gov.uk

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Alternatively, you can request a review via email: [foi.reviews@southlanarkshire.gov.uk](mailto:foi.reviews@southlanarkshire.gov.uk).

Any review will be handled by staff not involved in the original decision.

Should you not be satisfied with the outcome of our review, you will then have the right to appeal to the Scottish Information Commissioner. The Commissioner will decide whether your request has been dealt with properly, in accordance with the Act. The Commissioner's contact details are as follows:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS  
Telephone: 01334 464610  
Fax: 01334 464611  
e-mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

For further details, please see the Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info).

If you require further information or assistance, please do not hesitate to contact me. My contact details are given below.

Yours sincerely,



**Cleland Sneddon**  
**Change & Development Manager**