

**PROPOSED SOUTH LANARKSHIRE LOCAL DEVELOPMENT PLAN 2
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND) REGULATIONS 2008
NOTICE: FURTHER INFORMATION REQUEST 009
ISSUE 011 – ST11 - POLICY 7 COMMUNITY INFRASTRUCTURE ASSESSMENT**

RESPONSE FROM ROBERT FREEL TO SG REPORTERS REQUEST FOR FURTHER INFORMATION FROM SOUTH LANARKSHIRE COUNCIL.

The response indicates that the currently adopted plan sets out the councils approach to developer contributions and that it sets out the five tests is circular 3/2012. Having asked SLC for a copy of the circular and been advised by SLC that the circular was available on the Scottish Govt. web site. Unfortunately the document I found “Local Govt. circular 3/2012 for changes to Capital funding support 2012-2015 and Business Rates Incentivisation Scheme (BRIS) 2012-2013 targets does not appear to be correct document.

The councils response goes onto to advise that the South Lanarkshire Local Development Plan 2 (SLLDP2) is broadly similar to the existing plan.

Policy 7 states “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. These contributions will be appropriately assessed and developers will be required to ensure transparency in the financial viability of a development..... It then goes onto indicate that where these are required these should be secured through planning condition or a legal agreement before permission is issued.

What is lacking in this policy and guidance is clarity in the case of the following

- a) A stalled development sites (HM3131) , where development has not been carried out either due to developer going into receivership or other reasons and the planning permission is still live or been kept alive by the authority and carried from one agreed local plan to the next local plan. The legal agreements that have been agreed by section 75 agreements cannot be altered by the authority and therefore any sums previously agreed have to stand and the financial contributions are well below the current market values of the plots concerned. This needs to be address as part of the policy or guidance with either an inflationary index linked to previous values or the section 75 contribution values are linked to current district valuer’s valuations.
- b) Sites with consent but considered not effective . Clarity is required on the inclusion of these sites as the site planning consent may have lapsed but they as still included and unlike (a) above may not be subject to a section 75 agreement. These sites stifle further development in communities as the number is still included in the housing supply.
- c) **The methodology to calculate levels of contribution** are not wide or diverse enough to cover small rural or smaller village communities. The supplementary guidance outlined in Chapter 4 page 10 Affordable Housing indicates that the council seeks a requirement on developers to provide up to 25% of housing sites of twenty units or more as affordable housing either provided on site or off site or as a financial contribution in lieu of provision.

The guidance or policy needs to reflect smaller communities where developments under 20 units can still have an effect on the community.

Development of fewer than 20 units in the smaller areas will still effect

- a) Education
- b) Roads and Transport
- c) Community facilities
- d) Green space

Smaller communities already suffer from lack of authority expenditure and their needs are ignored when it comes to development in their community when council policy excludes community asset infrastructure assessment just because the development is under the set limit.

The current proposal is not a fair, transparent and equitable based formula and thus is required to be amended in order that it also covers the smaller communities.

Appendix 1 of Chapter 4 Detailed Methodology to calculate levels of contribution (page 17)

provides a table that covers small and medium sites and indicates that a financial contribution to the improvement of existing sport / recreational facilities will be required however in the small sites this is not detailed and provides no guarantee that it will be fair and equitable

As part of the plan the authority should be obliged to publish a list of its community facilities in each town village or community and this should be updated on an annual basis to ensure that assets that have either been sold off or no longer maintained by the council can be viewed.

The affordable Housing supplementary guidance also requires to be amended in line with the Supplementary Guidance 4 and the methodology to calculate levels of contribution.

If the authority are proposing to prepare a separate paper on developer contributions this should be open to public consultation and have a wide remit that covers the issues raised.