

THE HIGHLAND COUNCIL
PLANNING, ENVIRONMENT AND DEVELOPMENT
COMMITTEE
12th August 2009

Agenda Item	
Report No	

Developer Contributions for Education Provision: Supplementary Guidance

Report by the Director of Planning and Development

SUMMARY

Following a public consultation in May and June 2009 adjustments have been made to the consultation version of the supplementary guidance that was brought before this committee in March 2009. Following these changes Members are asked to adopt the revised version of the guidance as a material planning consideration in the determination of planning applications for new housing developments.

Copies of the final version of the document are available in the Members library.

This report contributes to the Council's Programme to work with the Scottish Government, local partners and the private sector to enable 6,000 new houses, with appropriate amenities, to be built in the Highlands between 2007-8 and 2010-11.

1. Introduction

1.1 Members will recall the report brought to this Committee on the 18th March 2009 which sought approval for the preparation of draft Supplementary Guidance on a new approach for developer contributions towards the provision of expanded education facilities. It was agreed at that meeting that the draft supplementary guidance (SG) be issued for public comment and that the outcomes of the consultation be brought back to Committee with a view to adopting the guidance as SG, pending approval of the Highland Wide Local Development Plan (HWLDP). This report discusses the response to the consultation and next steps.

1.2 In line with other local authorities in Scotland, the Council is able to seek developer contributions to some forms of community facilities where a number of tests are met. The requirement for education contributions detailed within the SG can be triggered by two types of development:

- Sites allocated for housing development in Highland Council Local Plans. Capacity issues are identified in plans whenever possible but Government guidance on class sizes, and potential future changes to this guidance, means that school capacities are now assessed on an annual basis and the position may change after plans are published.
- "Windfall" proposals that come forward in the catchment areas of schools at or near capacity.

1.3 The guidance contained within the SG will apply to all planning applications for a residential development for four or more houses or flats, irrespective of size, to reflect the approach being taken forward with respect to affordable housing.

2. Consultation

2.1 The consultation period began on the 11th May 2009 and lasted for a 6 week period until the 19th June 2009. The document was available online and in all service points across the Highland Council area as well as at Council Headquarters.

2.2 The Consultation was publicised on the Council website and through the local press. Over 300 people/groups were contacted directly including all Community Councils, residents associations and private developers. Ward managers and all Council Members were also informed about the consultation. In addition the consultation was added to the Council's Consultation Year Planner. There were 9 responses to the consultation.

2.3 The issues raised in responses were:

- That there was no clear statement of what the guidance is about.
- Clarification was required on whether or not developer contributions will be sought for the affordable element of a development where open market housing is also proposed, or, applied to developments on sites where all the houses are 'affordable'. In addition, some respondents wanted an explanation of how the Council will ensure the proposals for affordable housing development in areas where there are capacity constraints will not adversely affect education provision. There was also a suggestion of affordable housing having a reduced contribution rather than none.
- Concerns were raised that school roll projections for the next 10 years are unavailable from the Education department.
- Clarification was wanted as to whether the capacity of the school only related to the building or if it included the teaching staff.
- Assurances were sought that contributions would be ring-fenced and spent only on schools affected by the development.
- There were concerns that permanent classroom extensions were not suitable alternatives to permanent building extensions.

3.0 Changes to the Supplementary Guidance

3.1 No major change is proposed to the guidance following the consultation. The matters raised above largely related to points of clarification rather than requests for changes to the guidance itself. The guidance now provides clarification that affordable housing provided by a Registered Social Landlord will not be expected to contribute towards education contributions. This will instead be a cost which will be part of the public funding of such schemes. Clarification has also been given as to the purpose of the guidance at the start of the document.

3.2 The online location of where to find school roll projections has also been given on page 4 of the guidance. This will identify where school rolls are at or approaching

capacity, and will assist the Council and the development industry in determining where contributions will be sought.

4.0 Implementation

- 4.1 To ensure the successful implementation of the guidance it is essential that all development management officers be given training on how the guidance should be implemented. This training will be rolled out as part of ongoing liaison with development management on the HWLDP.
- 4.2 To monitor the success of the new approach outlined in the guidance an appropriate monitoring framework will be set up and followed.
- 4.3 The preparation of this supplementary guidance has been carried out in line with the provisions set out in the Planning etc (Scotland) Act 2006 and The Town and Country Planning (Development Planning) Regulations 2008. This means that the supplementary guidance can be re-adopted as part of the Highland Wide Local Development Plan and have the same status as the development plan once the Highland Wide Local Development Plan has been adopted by the Council and approved by Scottish Ministers.

5.0 Strategic Environmental Assessment (SEA)

- 5.1 After carrying out an SEA screening report it was concluded that there was no requirement for a full SEA to be carried out. A copy of the screening report is available on www.highland.gov.uk/yourenvironment/planning/.

6.0 Equalities Impact Assessment

- 6.1 A screening of policies to assess relevance to equality has been carried out and it was found that a full Equalities Impact Assessment (EqIA) is not required. The EqIA screening report has been passed onto the Highland Council Equalities Group, who have published the report.

7.0 Community Engagement

- 7.1 During the public consultation the Council have met the national standards for community engagement.

8.0 Financial Implications

- 8.1 There are no direct financial implications arising from this report.

9.0 Conclusion

- 9.1 The implementation of this guidance will assist developers and the wider community in ensuring the provision of high quality education facilities, and that school capacities are increased in line with surrounding new housing developments.

10.0 RECOMMENDATION

- 10.1
- (i) Adopt the supplementary guidance for use as a material planning consideration in the determination of planning applications;
 - (ii) Agree that the recommendations for implementing the supplementary guidance are carried out;
 - (iii) Agree that the guidance is brought back to committee to be re-adopted as part of the local development plan at the appropriate time.

Signature:

Designation: Director of Planning and Development

Date: 27th July 2009

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