



## West Lothian Council

### COUNCIL EXECUTIVE

### SUPPLEMENTARY PLANNING GUIDANCE : DEVELOPER CONTRIBUTIONS TOWARDS THE POST OF TRAVEL CO-ORDINATOR

### REPORT BY THE TRANSPORTATION MANAGER

#### **A. PURPOSE OF REPORT**

The purpose of this report is to advise the Council Executive of the consultation responses received in relation to the consultation carried out on the policy to secure developer contributions to provide funding for the future post(s) of Travel Co-ordinators(s), and, to seek approval for changes to the policy in light of the comments received.

#### **B. RECOMMENDATION**

It is recommended that the Council Executive:

1. endorses the recommended response to the various representations received;
2. approves the content of the revised supplementary planning guidance appended to this report for implementation with immediate effect.

#### **C SUMMARY OF IMPLICATIONS**

##### **I Council Values**

- focusing on our customers' needs;
- being honest, open and accountable;
- making best use of our resources; and
- working in partnership

##### **II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)**

The former Enterprise and Development Committee approved the policy for developer contributions for a travel co-ordinator resource on 20 June 2006.

The policy is closely linked to the development strategy contained within the approved Edinburgh and Lothians Structure Plan 2015 and the Finalised West Lothian Local Plan 2005 (incorporating pre-inquiry changes to June 2006).

The policy will support the development control and development plan processes. Section 75 (or Section 69) agreements will be required.

**III Resources - (Financial, Staffing and Property)** The policy will ensure that the sustainable travel issues associated with new development are addressed by travel plans through a new additional staff resource funded by developer contributions.

**IV Consultations** Internal – from Transportation Manager / Planning / Finance / Legal.  
External – housebuilders, community councils and other interested parties

## **D TERMS OF REPORT**

### **Introduction**

To support the aims of the finalised West Lothian Local Plan 2005 (incorporating pre-inquiry changes to June 2006), in delivering travel plans, supplementary planning guidance (SPG) was approved by the Enterprise and Development Committee in 20 June 2006.

In approving the SPG, the committee requested that a consultation exercise be undertaken and the findings reported back to committee. This report provides the findings of the consultation exercise and seeks approval to modify the SPG in light of the consultation findings.

Additional staff and office resources will be required to process the sustainable travel aspects of transport assessments submitted in support of planning applications, and to assess and monitor the travel impact of new developments. The SPG sets key principles for securing developer contributions to fund the staff resource. The future postholder(s) are required to work in partnership with developers to help to develop, assess and monitor travel plans and sustainable transport measures for new developments.

The key principles are consistent with policies TRAN5 (a and b) of *The Edinburgh and Lothians Structure Plan 2015*, policy IMP 17 of the *Finalised West Lothian Local Plan 2005*, (incorporating pre-inquiry changes to June 2006), Scottish Planning Policy 17 – *Planning for Transport* and the Scottish Executive's *Transport Assessment and Implementation: A Guide*.

### **Consultation**

The consultation exercise produced six responses from interested parties. The respondents' comments are summarised in Appendix 1 together with officers' comments.

The responses were mainly objections to:

- the timing of implementing the SPG, prior to the local plan inquiry;
- the principle of the SPG: some respondents considered the SPG to be contrary to the development plan and planning guidance;
- funding a staff resource that they believe is already funded through grant aided expenditure;
- contributing to the cost of preparing Section 75 (or Section 69) legal agreements; and
- the council's view that travel plans are part of the planning process.

There were also comments:

- expressing concern that the staff resource would be deployed on other tasks;
- that the policy should not apply to change of use applications; and
- advising of a typographical error.

Each of the respondents' points is detailed in Appendix 1 and has been addressed by officers' comments.

In addition to these specific consultation responses, it was recently observed that an applicant for planning permission had argued against the policy applying to applications for change of use. While officers do not concur with this argument, it is nevertheless noted that the SPG is not as clear as it might be on this point and it has, accordingly, been modified to include a text change stating that the policy shall apply to all residential development of 10 or more units and planning applications for use classes 4, 5 and 6, including applications for change of use.

The objections, whilst useful in testing the policy, have not produced evidence that the policy is contrary to either national planning guidance or the development plan.

It is the officers' view that the SPG text should be amended to remedy typographical and factual errors. In particular, it was noted at the recent public inquiry that a table in the policy omitted to identify a requirement for a Travel Plan (TP) to be prepared for a development of more than 10 dwellings. It should also be made clear that the policy applies to all residential development of 10 or more units and use class 4, 5 and 6 developments, including change of use. Paragraph 8 of the SPG incorrectly stated that contribution would be waived for small scale developments of 4 dwellings or fewer. This should be changed to 9 dwellings or less to be consistent with Table 1 and evidence led at the public local inquiry into the local plan. The revised SPG is appended as Appendix 2.

## **Financial**

The adopted SPG states that the level of contribution will be monitored and revised should the need arise.

The contributions to 6 November 2007, total £27,301.78. This is for a 16 month period and approximates to a current collection rate of £20,000 per annum.

The staff resource required is estimated to be 1.5 staff (full time equivalent) over the lifetime of the FWLLP. The cost of the additional staff resource of 1.5 staff is estimated at £569,640 (for single status pay band H, April 2007) for the 8 years to 2015. This estimate includes inflation and employment costs. It is intended that the full cost is met by developer contributions, secured through section 75 (or section 69 legal agreements).

There will be a requirement for up to ten years beyond 2015 while developments approved under the 2015 local plan are completed.

At current contribution rates, the fund is not yet sufficient to support a full time post. The rate of development is, however, expected to increase in future as the major developments proposed in the Finalised West Lothian Local Plan come forward. For this reason, it is considered that the contribution levels should remain unaltered. It is hoped that there will be sufficient funds available to make an appointment in 2008/09.

Further, it will be made clear that the policy will apply to all use class 4, 5 and 6 developments and residential developments of 10 or more units.

## **E CONCLUSION**

The Enterprise and Development Committee approved a policy for developer contributions for a travel co-ordinator resource on 20 June 2006. The committee requested that the policy should be, subject to consultation and the outcome reported back to committee.

The consultation tested the policy and found that the objections raised were not valid and it is concluded that the policy complies with national planning guidance and the development plan.

The validity of the policy was also challenged at the recent Local Plan Public Inquiry and was defended by the council. The observations of the Inquiry Reporters are awaited and expected in February or March next year. The SPG may need to be further reviewed once the inquiry reporters' report is received or if there is any other change in circumstances.

In the meantime, the consultation exercise has identified two changes that should be made to the policy.

## **F. BACKGROUND REFERENCES**

Edinburgh and the Lothians Structure Plan 2015

Finalised West Lothian Local Plan 2005

SODD Circular 12/1996 – “Planning Agreements”.

Town and Country Planning (Scotland) Act 1997

Scottish Planning Policy 17: Planning for Transport

Transport Assessment and Implementation: A Guide

Appendices/Attachments:

Appendix One

Appendix Two

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