



**West Lothian
Council**

POLICY PARTNERSHIP AND RESOURCES COMMITTEE

**DEVELOPER CONTRIBUTIONS TOWARDS THE PROVISION OF ADDITIONAL
PRIMARY SCHOOL CAPACITY FOR THE DENOMINATIONAL SECTOR IN
BROXBURN, EAST CALDER AND WINCHBURGH**

**REPORT BY HEAD OF DEVELOPMENT AND REGULATORY SERVICES AND HEAD
OF EDUCATION DEVELOPMENT**

A. PURPOSE OF REPORT

The purpose of this report is to seek committee approval for a new policy to secure developer contributions to provide for future denominational primary school provision in Broxburn, East Calder and Winchburgh.

B. RECOMMENDATION

It is recommended that committee:

1. approves the content of the supplementary planning guidance appended to this report for implementation with immediate effect;
2. agrees to the Head of Development and Regulatory Services and the Head of Education Development entering into detailed discussions with the City of Edinburgh Council with a view to formalising arrangements for securing contributions from housing developers in those parts of rural west Edinburgh within the catchment areas for denominational primary schools in West Lothian; and
3. agrees to consultation being carried out on the supplementary planning guidance with Homes for Scotland and housebuilders with the results of the consultation being reported back to committee.

C SUMMARY OF IMPLICATIONS

I Council Values

- Focusing on our customers' needs
- Being honest, open and accountable
- Making best use of our resources
- Working in partnership

II Policy and Legal

The policy on developer contributions is closely linked to the development strategy contained within the approved Edinburgh and the Lothians Structure Plan 2015 and the Finalised West Lothian Local Plan 2005. The policy will support the development control and development plan processes. Section 75 agreements will be required.

III Resources - (Financial, Staffing and Property) The policy will apply to council owned land and, in some cases, could lead to a reduced capital receipt.

IV Consultations Education Planning Working Group, (Strategic Planning, Education, Legal, Finance and Property Services).

D TERMS OF REPORT

Introduction

The finalised West Lothian Local Plan 2005 supports a sustained level of growth with up to 12,000 houses planned within three Core Development Areas (CDAs).

The scale of housing development is such that additional school capacity will be necessary. Without additional provision, housing development will not be able to proceed.

In the eastern part of West Lothian, denominational primary schools are located at Broxburn (St Nicholas RC Primary School), East Calder (St Paul's RC Primary School) and Winchburgh (Holy Family RC Primary). The catchment areas for these three schools include parts of rural west Edinburgh, within the administrative area covered by the City of Edinburgh Council. This part of the City of Edinburgh is covered by the Rural West Edinburgh Local Plan which allocates sites for 1000 in the Newbridge/Kirkliston/Ratho CDA. As this local plan is nearing adoption, it is crucial that West Lothian Council is in a position to secure developer contributions from the housing proposals in the local plan to provide additional primary school capacity.

The supplementary planning guidance appended sets key principles for securing developer contributions to fund additional primary school capacity for the denominational sector in the eastern part of West Lothian. The key principles are consistent with SODD circular 12/1996 "Planning Agreements".

The key principles include:

- developers will not be required to contribute funds if sufficient capacity will be available to serve their proposed housing development;
- catchment area reviews may be promoted to address capacity problems;
- where developer contributions are necessary, developers will only be required to fund capacity required to serve their proposed housing development (although this may on occasion require a delay to development commencing until sufficient funds are available to meet an appropriate level of school extension); and
- contributions will be secured through section 75 agreements (or section 69 agreements).

Consultation with the City of Edinburgh Council will be necessary to agree the mechanism for collecting contributions from developers in rural west Edinburgh. It is possible that a framework agreement between the City of Edinburgh Council and West Lothian Council will be required to formalise these arrangements. Consultation with Homes for Scotland and housebuilders will also be necessary. The results of the consultation will be reported back to committee.

The council has already approved supplementary planning guidance for developer contributions for a new denominational secondary school at Winchburgh and for a replacement Armadale Academy. Other supplementary planning guidance on developer contributions will be prepared as necessary to support the local plan strategy.

E CONCLUSION

To support the strategy of the Edinburgh and the Lothians Structure Plan 2015 and Finalised West Lothian Local Plan 2005, it will be necessary to secure developer contributions towards the provision of additional primary school capacity for the denominational sector in Broxburn, East Calder and Winchburgh. It will be necessary to agree formal arrangements with the City of Edinburgh Council to secure contributions from developers in those parts of rural west Edinburgh within the catchment areas for denominational primary schools in West Lothian.

Consultation with the development industry and other interested parties will be carried out and the results of the consultation will be reported back to committee.

F. BACKGROUND REFERENCES

Edinburgh and the Lothians Structure Plan 2015

Finalised West Lothian Local Plan 2005

West Lothian Local Plan – Development Strategy for the Core Development Areas. Report to Enterprise and Development Committee, 23 November 2004.

SODD Circular 12/1996 – “Planning Agreements”.

Town and Country Planning (Scotland) Act 1997

Finalised West Lothian Local Plan 2005 – report to Enterprise and Development Committee, 19 April 2005 and report to Enterprise and Development Committee, 22 November 2005

20 June 2006

APPENDIX 1

SUPPLEMENTARY PLANNING GUIDANCE

DEVELOPER CONTRIBUTIONS TOWARDS THE PROVISION OF ADDITIONAL PRIMARY SCHOOL CAPACITY FOR THE DENOMINATIONAL SECTOR IN BROXBURN, EAST CALDER AND WINCHBURGH

1.0 Introduction

- 1.1 The finalised West Lothian Local Plan 2005 supports a sustained level of growth with up to 12,000 houses planned within three Core Development Areas (CDAs).
- 1.2 The scale of housing development is such that additional school capacity will be necessary.
- 1.3 In the eastern part of West Lothian, denominational primary schools are located at Broxburn (St Nicholas RC Primary School), East Calder (St Paul's RC Primary School) and Winchburgh (Holy Family RC Primary). The catchment areas of these three schools include parts of rural west Edinburgh and although this area is within the administrative area covered by the City of Edinburgh Council, West Lothian Council is responsible for providing denominational education.
- 1.4 Given the scale of housing growth planned, additional primary school capacity will need to be provided for the denominational sector in Broxburn, East Calder and Winchburgh. Extra capacity is required not only to serve planned housing growth in West Lothian, but also to serve approved planned housing growth in rural west Edinburgh where 1000 houses are planned within the Newbridge/Kirkliston/Ratho CDA.
- 1.5 This supplementary planning guidance sets out key principles for securing developer contributions to fund additional primary school capacity for the denominational sector in Broxburn, East Calder and Winchburgh. The key principles are consistent with SODD circular 12/1996 "Planning Agreements".
- 1.6 The council has already approved supplementary planning guidance for developer contributions for a new denominational secondary school and for a replacement Armadale Academy. Other supplementary planning guidance on developer contributions will be prepared as necessary.
- 1.7 The council will need to consider each proposed school development to ensure that it meets the relevant building and education statutes, regulations and guidelines pertaining at that time and that each school has appropriate provision. The council may also combine services on one site where there are sound community and operational benefits.

2.0 An indication of requirements

Winchburgh

- 2.1 Holy Family RC Primary School, which is co-located with Winchburgh Primary School on a single campus, currently has two classes with a notional capacity of 47 pupils. Approval has recently been obtained to extend the school and this will increase the capacity to 71.
- 2.2 Options for providing additional denominational capacity could include, for example, adaptation and extension to the Winchburgh Primary School/Holy Family RC Primary School building and , a new primary school on a new site. Formal statutory consultation will be necessary before a preferred option can be finalised.

- 2.3 Given the scale of housing growth planned within the catchment area, it is anticipated that denominational primary school rolls would increase to the equivalence of a 11 or 12 class organisation, with a notional capacity of up to 360 pupils, based on current patterns of school attendance. The impact of class size reduction requirements would also need to be considered. It may not be possible to maximise pupil numbers within a 11 or 12 class structure to support 360 pupils and this may require additional accommodation.
- 2.4 It will not be possible to establish the precise requirements until the outcome of the public local inquiry into the Finalised West Lothian Local Plan 2005 is known. The timing and phasing of housing development and the outcome of any catchment area reviews will also influence the extent of additional capacity required.

East Calder

- 2.5 St Paul's RC Primary School currently has six classes with a notional capacity of 198.
- 2.6 Given the scale of housing growth planned, it is anticipated that five or six additional classrooms will be needed to increase the capacity of the school to around 360 pupils, based on current patterns of school attendance. The impact of class size reduction requirements would also need to be considered. It may not be possible to maximise pupil numbers within a 11 or 12 class structure to support 360 pupils and this may require additional accommodation.
- 2.7 It will not be possible to establish the precise requirements until the outcome of the public local inquiry into the Finalised West Lothian Local Plan is known. The timing and phasing of housing development and the outcome of any catchment area reviews will also influence the extent of additional capacity required.

Broxburn

- 2.8 St Nicholas RC Primary School currently has having 11 classes with a notional capacity of 279, although accommodation has recently been vacated within the building that would require to a reassessment of the school's notional capacity.
- 2.9 It is anticipated that the school will need to be extended to a full two stream primary school (16 class organisation for class size reduction purposes with notional capacity of 415 pupils) and that the size of the school catchment area will need to be reduced to accommodate the scale of growth planned. Formal statutory consultation in accordance with the Education (Scotland) Act on potential options will be necessary before a preferred option can be finalised.
- 2.10 It will not be possible to establish the precise requirements until the outcome of the public local inquiry into the Finalised West Lothian Local Plan is known. The timing and phasing of housing development and the outcome of any catchment area reviews will also influence the extent of additional capacity required.

3.0 Key Principles

- 3.1 The Finalised West Lothian Local Plan 2005 recognises that new primary schools and extensions to existing schools will be necessary to facilitate the scale of housing development planned. Fundamental to the local plan strategy is the principle that, in circumstances where public funds are not available, developers will need to contribute to the provision of the infrastructure which is required to support their proposed housing developments. This approach is consistent with Policy HOU 5 of the approved Edinburgh and the Lothians Structure Plan which states that housing development should not proceed beyond the existing infrastructure capacity.

- 3.2 Therefore, if problems of school capacity in the denominational school sector are a factor preventing the granting of planning permission, the council will accept a financial contribution to fund an appropriate scale of school capacity. Consultation with Education Services will determine whether a contribution is required and confirm the exact amount to be secured. The following key principles will apply:-
- (i) each development proposal will be assessed against existing capacity and existing school roll projections.
 - (ii) where sufficient capacity will be available to serve proposed housing development, developers will not be required to contribute towards capital works.
 - (iii) where there is insufficient capacity, the council will consider if capacity problems can be addressed by carrying out a catchment area review. The cost of carrying out a catchment area review will require to be met by the developer promoting the proposed housing developments. Developers should note that given the legislative framework and consultative nature of catchment reviews, it is not possible to guarantee or pre-empt the outcome of such a review.
 - (iv) where there is insufficient capacity and the capacity problem cannot be addressed by carrying out a catchment area review, developer contributions will be necessary to provide additional capacity.
 - (v) in determining the level of developer contribution necessary, the council will have regard to the amount and type of housing proposed and will assess how this will impact on the school roll. Developers will only be required to fund capacity required to serve their proposed housing development.
 - (vi) for large scale developments, the council may be prepared to agree to additional capacity being provided in phases.
 - (vii) phasing arrangements may need to be agreed between the council and developers so that, at all times, sufficient school capacity is available.
 - (viii) contributions will be secured by means of a section 75 agreement (or section 69 agreement) between the council and the developer/landowner. The agreement will need to be concluded before planning permission can be granted. It is likely that developers will need to contribute to the cost of preparing legal agreements if delays are to be avoided.
 - (ix) where additional land is required to provide additional capacity and the council does not own the land, it will be necessary for the land to be transferred to the council at nil cost.
 - (x) briefs will be prepared for each school project by the council. It is likely that developers will need to contribute to the cost of preparing these briefs if delays are to be avoided.
 - (xi) the council may accumulate contributions in a dedicated fund until it is in a position to undertake construction. It is therefore possible that school extension/adaptation works may be delayed until such time as the necessary scale of funding is available to meet the costs of an appropriate scale of extension/adaptation works at a school. Agreements should make provision for returning funds after an agreed period of time if not used.
 - (xii) other ways of dealing with capacity issues may be acceptable or preferable. These could include deferring the start date of development, amending house types or controlling the rate of development through planning conditions.

- (xiii) where agreement cannot be reached on how capacity problems will be dealt with, planning permission will be refused.

4.2 For further information on developer contributions towards the cost of promoting catchment area reviews, preparing legal agreements and preparing briefs, see separate supplementary planning guidance "A partnership approach to deliver the infrastructure required to support the development strategy contained in the West Lothian Local Plan". A copy of this can be obtained from Colin Miller, Development Plan Manager.