

South Ayrshire Council

**Report by Depute Chief Executive and Director
of Housing, Operations and Development
to Cabinet
of 1 November 2022**

Subject: Developer Contributions Update relative to Planning Permissions (2021/2022)

1. Purpose

- 1.1 The purpose of this report is to provide an update to Cabinet on the Developer contributions, relative to planning permissions, gathered and utilised during the period 2021/2022.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 notes the developer contributions collected from Developers relative to their Planning Permissions and utilised for the provision of identified projects within the reporting period April 2021 to March 2022; and

2.1.2 requests that officers provide further regular updates via the Members' Bulletin for each 6 month reporting period identified in this report.

3. Background

- 3.1 As Members will be aware, when considering planning applications the Council can enter into a legal agreement with a developer, requiring them to make a financial contributions to address outstanding issues, which then makes their planning application proposals acceptable in land use planning terms.

- 3.2 At Leadership Panel on 18 January 2022, Members approved the reporting and governance processes for the Developer Contributions relative to Planning permissions. At said meeting it was agreed to report developer contribution matters on a six monthly basis to Cabinet.

- 3.3 In order to align with financial reporting periods, this report details the period from April 2021 to March 2022. Thereafter, the reporting periods will relate to Quarters 1 and 2 and then Quarters 3 and 4 - ie April to September 2022 (Quarters 1 and 2), then October 2022 to March 2023 (Quarters 3 and 4).

- 3.4 It is noted that the funds gathered from the Developer Contribution process are currently held by the Council and will be utilised for the delivery of identified projects to mitigate the impact of the ongoing housing developments.

4. Proposals

Activity during Reporting Period

- 4.1 The information provided in Appendix 1 details the financial contributions received through the legal agreements of each Planning Permission for the relevant active development site for this reporting period.
- 4.2 There are a number of projects currently being funded from Developer's Contributions from a number of developments across South Ayrshire, including: Access and Community Facilities next to Struthers Primary School, a new play area also beside Struthers Primary School and an extension at Symington Primary School to provide a General Purpose Room and Storage Space.
- 4.3 Previously completed projects include: an extension to Struthers Primary School, an extension and alterations at Doonfoot Primary School and transport improvements in Symington.
- 4.4 Progress of these Council projects is reported within Quarterly Monitoring Reports to Cabinet and therefore is not addressed in this report.

5. Legal and Procurement Implications

- 5.1 There are no additional legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 There will be no direct financial implications for the Council in relation to this report. Any specific financial implications relating to the contributions noted will feature as part of the reporting of project spend within the Councils capital programme

7. Human Resources Implications

- 7.1 There are no immediate human resources implications from this paper. However it is considered that staff resources relating to this process will require to be reviewed to ensure the developer contributions process is monitored, audited and delivered in a transparent, effective and efficient manner. It is intended that this staff resource review will be concluded by the end of December 2022.

8. Risk

Risk Implications of Adopting the Recommendations

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2/

8.2 **Risk Implications of Rejecting the Recommendations**

8.2.1 There is a risk that if the recommendations are rejected that the transparency of the Developer Contribution process will be negatively impacted.

9. **Equalities**

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

10. **Sustainable Development Implications**

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy, or strategy.

11. **Options Appraisal**

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. **Link to Council Plan**

12.1 The matters referred to in this report contribute to Commitments 4 of the Council Plan: South Ayrshire Works/ Make the most of the local economy; and A Better Place to Live/ Enhanced environment through social, cultural and economic activities.

13. **Results of Consultation**

13.1 Consultation has taken place with Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

14. **Next Steps for Decision Tracking Purposes**

14.1 If the recommendations above are approved by Members, the Depute Chief Executive and Director of Housing, Operations and Development will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Initial briefing via the Members' Bulletin providing an update on the previous 6 month period of Developer Contributions (Quarters 1 and 2 – April to September 2022)	December 2022	Service Lead - Planning and Building Standards

Background Papers **Report to Leadership Panel of 18 January 2022 – [Developer Contribution Governance and Reporting Arrangements](#)**

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Date: **19 October 2022**

Appendix 1 - Developer Contributions Income and Expenditure 2021/2022

Site	Planning Permission Reference Number	Type of Contribution	Financial Contribution or Land	Receiving Service and Service responsible for Spend	Status of Development	Developers for each site	Income 2021/22	Expenditure 2021/22
Greenan	09/00683/OUT(G)	Education Primary ND	Financial Contribution	Educational Service	Under Construction since 2011	MacTaggart & Mickle Homes/ Cala Homes	1,542,343	12,060
		Education Primary D	Financial Contribution	Educational Service				
		Education Secondary ND	Financial Contribution	Educational Service				
		Transportation	Financial Contribution	ARA				
		Affordable Housing	Land	Housing Services				
North East Troon	11/00540/PPPM & 17/00121/MSCM	Education (Primary & Secondary)	Financial Contribution	Educational	Under construction since 2012 but southern part of site not started until 2018	Stewart Milne Homes/ Bellway Homes/ Taylor Wimpy Homes and Lynch Homes	494,987	0
		Barrassie Station	Financial Contribution	ARA				
		Community Facilities	Financial Contribution	Planning/ Educational/ Neighbourhood/ Design Services				
		Struthers Access	Financial Contribution	Design Services				
		Transportation	Financial Contribution	ARA				
		Affordable Housing	Land	Housing Services				
Main Street, Symington	14/01550/APPM	Educational- secondary	Financial Contribution	Educational	Under construction since 2016	Stewart Milne Homes & MacTaggart & Mickel Homes	26,071	0
		Transportation - Roads	Financial Contribution	ARA				
Nightingale House	16/	Commuted Sum			Under Construction since 2017		0	0
Monkton	19/01457/APPM	Education (Primary & Secondary)	Financial Contribution	Educational Service	Stated Construction 2021	Persimmon Homes	218,970	0
		Transportation- Roads	Financial Contribution	ARA				
		Commuted Sum minus abnormal drainage costs	Financial Contribution	Housing Services				
		Affordable Housing	Land	Housing Services				
		Public Transport	Financial Contribution	ARA				
		Active Travel- Bike Storage	Financial Contribution	ARA			0	0

South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Developer Contributions Update 2021/2022
Lead Officer (Name/Position/Email)	Craig Iles Service Lead Planning & Building Standards craig.iles@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	N/A	N/A
Disability	N/A	N/A
Gender Reassignment (Trans/Transgender Identity)	N/A	N/A
Marriage or Civil Partnership	N/A	N/A
Pregnancy and Maternity	N/A	N/A
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	N/A	N/A
Religion or Belief (including lack of belief)	N/A	N/A
Sex – (issues specific to women & men or girls & boys)	N/A	N/A

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	N/A	N/A
Thematic Groups: Health, Human Rights & Children’s Rights	N/A	N/A

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	N/A	N/A
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	N/A	N/A
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	N/A	N/A
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	N/A	N/A
Socio-economic Background – social class i.e. parent’s education, employment and income	N/A	N/A

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low Positive
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low Positive
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low Positive
Increase participation of particular communities or groups in public life	Low Positive
Improve the health and wellbeing of particular communities or groups	Low Positive
Promote the human rights of particular communities or groups	Low Positive
Tackle deprivation faced by particular communities or groups	Low Positive

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	No
Rationale for decision: Not required as there is no specific impact on communities, groups of people, employees or thematic groups.	
Signed : Craig Iles Service Lead -Planning & Building Standards Date: 23 September 2022	