

DATA LABEL: PUBLIC



West Lothian
Council

DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

DEVELOPER CONTRIBUTIONS TOWARDS TOWN AND VILLAGE IMPROVEMENTS IN FAULDHOUSE AND WHITBURN

REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is set out a proposed approach to considering applications for funding which is available for town and village centre improvements in Fauldhouse and Whitburn. The funding is available as a result of developer obligations relating to the Heartlands development site.

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to the Council Executive for approval:

1. notes the establishment of a fund for town and villages improvements within Fauldhouse and Whitburn;
2. approves the proposed means of disbursing monies from the fund for town and village improvements within the Fauldhouse and Whitburn; and
3. delegates the Head of Planning, Economic Development & Regeneration to make awards from the fund following consultation with the Polkemmet Community Liaison Group, councillors representing the wards of Whitburn and Fauldhouse and the clergy of churches within Whitburn and Fauldhouse.

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 (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The development plan which provides the framework for town centre improvements requires to be the subject of a Strategic Environmental Assessment (SEA). However, it is possible that some plans for specific projects in town centres may need to be subject of a separate assessment.

Similarly any equality, health or risk assessment issues will be addressed on an individual project basis.

III Implications for Scheme of Delegations to Officers	The proposed means of dispersing funds involves additional delegations to the Head of Planning, Economic Development & Regeneration.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Outcome 3 – Our economy is diverse and dynamic and West Lothian is an attractive place for doing business.
VI Resources - (Financial, Staffing and Property)	The lead developer at Heartland's is obligated to make a £50,000 fund available for improvements in the centre of Fauldhouse and Whitburn. With indexation the fund transferred to the council was £59,740.25.
VII Consideration at PDSP	This is the first report on the matter to the PDSP. A report dealing with disbursement of similar funds in Core Development Areas was discussed at the D&T PDSP on 6 February 2017.
VIII Other consultations	Finance.

D. TERMS OF REPORT

D1 Background

The developer obligation (Section 75 Agreement) relating to the development site at Heartlands obligated the developer to make £50,000 available for town and village improvements upon the occupation of the 200th house on the Heartlands development. This level of occupations was exceeded last year and the funding has now been transferred to the council. As a result of indexation the amount paid into the fund was £59,740.25. The fund can now be opened for applications subject to Council Executive's agreement on the disbursement of funds.

The council already has arrangements in place to deal with the disbursement of equivalent funding from developers in the Core Development Areas (CDA). As Heartlands is not a CDA these arrangements cannot automatically be applied and a separate arrangement needs to be put in place. It is proposed that this is based substantially on the arrangements which apply in the CDAs. However, these arrangements need to be slightly amended to reflect the particular agreement which applies for the funding being provided by the Heartlands development.

D2 Specific Requirements in Relation to the Heartlands Funding

The signed Section 75 Agreements sets out the requirements for the funding as follow:

Whitburn and Fauldhouse Town Centres Financial Contribution

Ecosse shall pay or procure the payment of the Town Centres Financial Contribution to the Council no later than the date occurring fourteen days after the date of occupation of the 200th Residential Unit within the Agreement Subjects. The Town Centres Financial Contribution shall be spent by the Council after consultation with

the Polkemmet Community Liaison Group, Councillors representing the wards of Whitburn and Fauldhouse and the clergy of Churches within Whitburn and Fauldhouse solely for the purposes of public realm, openspace and streetscape enhancement works of a non-commercial nature within Whitburn and Fauldhouse. In the event that within five years from the date of payment the Council has not either spent or made a commitment to spend all of the Town Centres Financial Contribution as aforesaid, the Council shall forthwith upon demand by Ecosse refund to Ecosse any part of the Town Centres Financial Contribution remaining unspent or uncommitted, together with interest thereon at the rate obtained by the Council from its bank.

Three things are apparent from the terms of the legal agreement. Firstly, it is not definitive in terms of what the funding can be used for; secondly, it allows for funding to be used for projects in Fauldhouse and Whitburn but does not provide a funding split across both settlements; and thirdly it does not define the geographical area within the settlements.

To address these matters it is proposed that the following principles will apply:

- 1 It is proposed that the funding should be split across the two settlements on the same ratio as the population of the settlements. Currently the combined population of both settlements is 15,407 with 31.7% being in Fauldhouse and 68.3% in Whitburn. Consequently, £18,938 will be available for projects in Fauldhouse and £40,802 for projects in Whitburn.
- 2 Projects which are eligible for funding will be the same as those in CDAs with the exception of Public Transport improvements which would not fit within the definition set out above. This is set out as:
 - landscaping works including the provision and maintenance of public space;
 - street furniture and lighting;
 - townscape enhancement;
 - litter management and recycling (excluding general street cleaning activities);
 - crime prevention measures e.g. CCTV;
 - improved public transport facilities (to be excluded);
 - signage and information;
 - promotion and marketing;
 - car parking improvements and management;
 - town and village centre studies;
 - site assembly/site servicing (including CPO); and
 - traffic calming/traffic management.
- 3 The eligible area will be defined as the settlement boundaries for Fauldhouse and Whitburn as defined in the West Lothian Local Development Plan.

D3 Proposed means of disbursing funds

Given the similarity of the schemes it is proposed that governance arrangements for the developer funded improvements are based on the arrangements currently used for other CDAs. Those arrangements recognise that the funding could be used for schemes promoted by the council as well as those promoted by community groups.

The key stages of assessing funding applications for community led projects are proposed as:

1. An application, using a standard application form (as per the council village improvement fund), is submitted to the council's Community Planning and Regeneration Team.
2. The application is assessed, by officers, against the eligibility of the scheme and having regard to other projects being progressed within the settlement. Applications deemed not to meet the criteria, or those which are similar to or duplicate other projects, will be rejected at this stage.
3. Officers of the council's Community Planning and Regeneration Team will hold relevant consultations in line with the Section 75 agreement.
4. The availability of funding is assessed by the Head of Planning Economic Development and Regeneration having regard to the balance of the fund available, taking account of other committed projects or projects being developed by the council.
5. The application will be reported to the relevant local area committee (LAC) indicating the Head of Services' intention with regards to the application. The LAC will have an opportunity to comment on the application.
6. A decision on funding will be taken by the Head of Planning, Economic Development & Regeneration having regard to the view of the LAC.

The fund will remain open for applications until all funding has been disbursed. If funding remains uncommitted four years after receipt of the funding from the developer i.e. mid 2023, a different approach may be necessary to ensure that funding is spent on local projects and not returned to the developer given the requirement for money to be committed within five years of receipt. In those circumstances a further report will be presented to Council Executive.

Council promoted projects intended to be funded from the scheme will be set out in the council's capital programme and the Head of Planning, Economic Development & Regeneration will have regard to the likely cost of these projects when accessing the availability of funding for community led projects.

E. CONCLUSION

The lead developer at Heartlands is required to make contributions to town and village improvements in Fauldhouse and Whitburn. A fund has been established and this report sets out a proposed means of disbursing funds from the fund.

F. BACKGROUND REFERENCES

None

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