

South Ayrshire Council

**Report by Depute Chief Executive and Director
of Housing, Operations and Development
to Service and Partnerships Performance Panel
of 13 June 2023**

Subject: Developer Contributions Update Relative to Planning Permissions (2022/23)

1. Purpose

- 1.1 The purpose of this report is to provide an update to Panel on the developer contributions obtained through legal agreements, gathered and utilised during the period 2022/2023.

2. Recommendation

- 2.1 **It is recommended that the Panel notes the developer contributions collected and utilised for the provision of identified projects within the reporting period April 2022 to March 2023.**

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 contribution to address the impact of their development, 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. Panel agreed that the service would provide a report to Cabinet on a six-monthly basis on developer contributions received and spent. This decision was subsequently amended to require a report to be presented to Service and Performance Panel.
- 3.3 In order to align with financial reporting periods, this report details the period from April 2022 to March 2023. Thereafter, the reporting periods will relate to Quarters 1 and 2 and then Quarters 3 and 4 - ie April to September 2023 (Quarters 1 and 2), then October 2023 to March 2024 (Quarters 3 and 4).
- 3.4 It is noted that the funds gathered from the developer contributions are held in a ledger account specifically identified as developer contributions. These contributions require to be utilised for the delivery of identified projects to mitigate the impact of the ongoing housing developments.

4. Proposals

4.1 Activity during Reporting Period

4.1.1 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.

4.1.2 A number of projects are currently being progressed with funding from developers' contributions across South Ayrshire, including: Struthers Primary School Nursery Conversion to create an additional classroom and general-purpose room, a classroom extension at Struthers Primary School, a classroom extension at Doonfoot Primary School and a new Wheeled-Sports Zone Facility at Troon Esplanade.

Previously completed projects include: 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.

4.1.3 Progress of these Council projects is reported within Quarterly Monitoring Reports to Panel 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 Council's capital programme. Balance of funds carried forward to 2023/24 is £8,712,528.62.

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 October 2023.

8. Risk

8.1 Risk Implications of Adopting the Recommendations

8.1.1 There are no risks associated with adopting the recommendations.

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 Priority Two of the Council Plan: South Ayrshire –

- Education and lifelong learning – Everyone benefits from high quality education and lifelong learning and is supported to learn and fulfil their potential;
- Work and economy and housing - Everyone benefits from a local economy that provides opportunities for people and helps our businesses to flourish;
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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.

Background Papers **Report to Cabinet of 1 November 2022 - Developer Contributions Update relative to Planning Permissions 2021/2022**

Report to Leadership Panel of 18 January 2022 – Developer Contribution Governance and Reporting Arrangements

Person to Contact **Craig Iles, Service Lead – Planning and Building Standards County Buildings, Wellington Square, Ayr, KA7 1DR Phone 01292 616417 Email craig.iles@south-ayrshire.gov.uk Date: 19 October 2022**

Date: 8 June 2023

**2022/23 Developers Contributions
In Year Income 2022/23 and Expenditure 2022/23**

Item	Site	Income	Expenditure	Balance
Balance as at 1 April 2022				£6,358,915.32
Educational	Greenan	£2,829,628.52	£6,331.27	
Educational *	North East Troon	£415,060.55		
Ayrshire Roads Alliance	North East Troon		£61,570.00	
Struthers/Community Facilities	North East Troon		£839,863.01	
Educational *	Symington		£358,008.84	
Educational	Monkton	£384,697.33		
Ayrshire Roads Alliance	Monkton	£7,317.02	£17,317.00	
		£3,636,703.42	£1,283,090.12	
Balance as at 31 March 2023				£8,712,528.62

*Developer Contribution Income received prior to 2022/23 utilised in NE Troon and Symington Educational expenditure



**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 Relative to Planning Permissions (2022/2023)
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

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
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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: 17th May 2023