

PERTH AND KINROSS COUNCIL**Enterprise and Infrastructure Committee****7 September 2016****Auchterarder Community Facilities Fund****Report by Director (Environment)**

This report outlines the procedure for the distribution of the Auchterarder Community Facilities Fund. This was created in line with the Auchterarder Development Framework to assist in delivering projects which would mitigate the impact of the housing development and improve the amenity of the public realm within the settlement boundary of Auchterarder.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Auchterarder Expansion Development Framework (the Framework) was published in February 2008 and adopted by the Enterprise and Infrastructure Committee (Report No. 14/370 refers) as Supplementary Guidance in September 2014. This document set the framework for subsequent planning applications and defined the infrastructure requirements associated with this major expansion to the settlement. It has been acknowledged that the identified scale of development will have an impact on the level of existing services provision provided by community facilities. To mitigate this impact as the development progresses, a contribution of £1,000 per open market housing unit will be made to the Council by the developer up to a total of £600,000.
- 1.2 In line with the Section 75 Legal Agreements which are attached to the consented developments, this fund will be used in relation to '*Community Facilities*' which are defined as '*such public facilities within the settlement boundary of Auchterarder, the provision of which the Council, at their sole discretion, believe would improve the amenity of the public realm, including without prejudice to the foregoing generality, car parking facilities, a public hall, adaption of existing school changing room facilities to permit access to the pitches forming part of the Sports Facilities, a public library, new or enhanced public transport services, improvements to the core path network and recycling facilities.*'

- 1.3 Construction has commenced on sites within the Framework and it is expected that contributions will begin to be transferred to the Council in 2016. An account for the contributions has been set up. In terms of openness and accountability, all contributions will be recorded by developer's name, the site address and planning application reference number to ensure individual contributions can be accounted for. This account is ring-fenced and these contributions will be used in line with the Legal Agreement. Where a contribution has not been used or committed to a project, the developers will be able to reclaim it after a five year period. A report providing details of funding received and spent will be published in April each year.
- 1.4 All contributions will be held by the Environment Service. This report sets out the procedure for identifying and distributing the contributions to appropriate projects which improve the amenity of the public realm or facilities within the settlement boundary of Auchterarder. Projects which start within the boundary but extend out with such as core path improvements would be acceptable. The Auchterarder Community Facilities Fund will be available for use on projects being promoted by the Council and voluntary/community organisations. (Appendix 1 under the heading '*Who can apply?*' provides a definition of voluntary/community organisations.)

2. PROPOSALS

- 2.1 As the Legal Agreement is secured through planning legislation, it must conform to the criteria contained in Circular 03/2012. This sets out a number of conditions. In essence, however, the key criterion is that the contributions are used to mitigate the impact of the Auchterarder Development Framework sites. The Council, as Planning Authority, has a duty to ensure that any funds are used for qualifying projects.
- 2.2 On receipt of a valid funding request, the views of the Community Council, Local Members and the Convener of the Enterprise and Infrastructure Committee will be sought as to whether the project meets the defined criteria. Valid is defined as meeting the legal requirements of Circular 03/2012. Where there is general agreement that the funding request be supported and the amount sought is up to £50,000, it is proposed that the decision be delegated to the Director (Environment).
- 2.3 In cases where there is no general consensus or where the amount sought exceed £50,000, a report will be submitted to the first available Enterprise and Infrastructure Committee. All projects will be required to consider a range of funding streams in addition to the Community Facilities Fund. Projects being brought forward with contributions from other funding streams will be able to access gap funding from the Community Facilities Fund.

- 2.4 The Environment Service will continue to hold the contributions and they will be transferred to support appropriate projects which meet the defined criteria. The funding will not be used to fund a single large project but will be spread across a range of projects. Funding cannot be claimed in lieu of funds still to be collected from the developers. All claims should be supported by evidence of expenditure. However, in certain cases, future contributions may be ring-fenced against projects which require additional funding to that received.
- 2.5 Applications for funding are required to meet the following criteria:
- Projects should be located within the settlement boundary of Auchterarder as defined by the adopted Local Development Plan. Projects which start within the boundary but extend outwith such as core path improvements would be acceptable;
 - Projects should be linked to mitigating the impact of the housing within the scope of the Auchterarder Development Framework on the public realm or facilities;
 - Projects should improve the amenity of the public realm or facilities and should consider a range of funding streams in addition to the Community Facilities Fund to ensure maximum value. Money cannot be used for projects which are already fully funded from other sources but can be used to supplement funding already secured.
 - Projects should identify any ongoing maintenance or eventual replacement costs and demonstrate that this can be secured through existing or future budgets.
- 2.6 Appendix 1 attached to this report sets out the Guidance Notes to applicants, the application form along with the draft procedure for applying for funding.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Through the Auchterarder Development Framework developers recognised that mitigation may be required outwith the immediate Framework boundary which could not be defined at the time of planning consent being granted. To ensure appropriate mitigations can be made, a contribution of £1,000 per housing unit up to a total of £600,000 will be made to the Council. This money will be used over the lifetime of the development to improve the wider public realm or facilities as the demand on these increases.
- 3.2 This fund presents an opportunity to support a range of projects which will benefit the community in Auchterarder. The criteria which will be used to assess the use of the funds and the procedure for the transfer to appropriate projects are set out in this report.

- 3.3 It is recommended that the Committee:
- i) Approve the Auchterarder Community Facilities Fund applications process as outlined in Appendix 1;
 - ii) Request that the Scheme of Delegation is updated to provide delegated powers to the Director (Environment) to approve the transfer of funds to projects which meet the approved criteria up to a maximum of £50,000.
 - iii) Instruct the Director (Environment) to report to Committee any cases where there is no general consensus and any recommendations for approval of funding over £50,000, or where there is no general consensus.
 - iv) Instructs the Director (Environment) to bring back a report providing details of funding received and allocated in April each year.

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Approved

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| Barbara Renton | Director (Environment) | 19 July 2016 |

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| Strategic Implications | Yes / None |
|---|-------------------|
| Community Plan / Single Outcome Agreement | Yes |
| Corporate Plan | Yes |
| Resource Implications | |
| Financial | None |
| Workforce | None |
| Asset Management (land, property, IST) | None |
| Assessments | |
| Equality Impact Assessment | None |
| Strategic Environmental Assessment | None |
| Sustainability (community, economic, environmental) | None |
| Legal and Governance | None |
| Risk | Yes |
| Consultation | |
| Internal | Yes |
| External | None |
| Communication | |
| Communications Plan | Yes |

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.

- i) Giving every child the best start in life
- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- iv) Supporting people to lead independent, healthy and active lives
- v) Creating a safe and sustainable place for future generations

1.2 It is considered that the strategy and related actions will contribute to the following objectives:

- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- v) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The report impacts on the following:
- (ii) Developing educated, responsible and informed citizens;
 - (iii) Promoting a prosperous, inclusive and sustainable economy;
 - (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 The Head of Finance has been consulted in the preparation of this Report. There are no financial implications for the Council arising directly from the recommendations of this Report.
- 2.2 The Auchterarder Community Facilities Fund will be an earmarked Reserve administered by the Council in accordance with the approved Financial Regulations.

3. Assessments

Equality Impact Assessment

- 3.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and pre-screening has identified that the PPS will have no or minimal environmental effects, it is therefore exempt and the SEA Gateway has been notified. The reason(s) for concluding that the PPS will have no or minimal environmental effects is that The initiative provides a criteria against which projects will be assessed and the procedure for the transfer towards funding suitable projects. It is not directing development or adding to any other part of the adopted Local Plans or Proposed Plan.

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The initiative contained within the report is assessed to not having a direct impact on sustainability. It may help fund projects which do have an impact but will not directly impact itself.

Legal and Governance

- 3.7 The Head of Legal and Governance has been consulted and no legal implications have been identified.

Risk

- 3.8 This initiative does not raise any significant risk to the Council. The source of funding has been agreed through a Section 75 Legal Agreement and the Council has final say in how it is distributed to identified projects. The main risk is that the lack of fund collection does not allow suitable projects to be supported or that the funds are not used and are returned to the developers after five years.

4. Consultation

Internal

- 4.1 The Head of Legal and Governance, the Head of Finance and the Head of Democratic Services have been consulted on the preparation of this report.

5. Communication

- 5.1 Upon agreement of the initiative the Environment Service: Planning will engage with Local Bodies and the Community Council in the Auchterarder area to provide information on the fund and seek views on suitable projects. A report will be submitted to Enterprise & Infrastructure Committee setting out the range of suitable projects which have been identified.

2. BACKGROUND PAPERS

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

- The Auchterarder Development Framework Supplementary Guidance
- Planning Application 14/02038/FLL
- Planning Application 08/01131/IPM
- Planning Application 08/01133/IPM

3. APPENDICES

- 3.1 Appendix 1 – Guidance Notes to Applicants, The Applications Form which will be submitted to the Council and the Draft Procedure for applying for funding.