



Appendix 9

DRAFT SUPPLEMENTARY PLANNING GUIDANCE

DEVELOPER CONTRIBUTIONS

PLANNING GUIDANCE – DEVELOPER CONTRIBUTIONS

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1. Introduction

The Proposed Plan's developer contribution's policy lists the main areas where contributions would be sought and the main purpose of this guidance is to provide further explanation as to what types and level of contributions that would be expected.

- Affordable housing;
- Education provision;
- Transport infrastructure;
- Water and sewage infrastructure (including Sustainable Drainage System);
- Open space (incl. landscaping and public access);
- Community facilities (incl. health, leisure, sport and recreation);
- Waste management facilities (including recycling); and
- Natural and historic heritage.

This consultative draft guidance provides information on how the development contribution policy will be applied in practice. The guidance is aimed at developers, architects, applicants as well as members of the public who are undertaking a medium to large scale development proposal. The purpose of the document is to:

- Provide guidance on when an exception may be made to making a contribution.
- Provide guidance on when planning obligations may be used.
- Define and interpret what is meant by the types and levels of contributions that would be expected.

This planning guidance is one of a series that supports policies in the Proposed Plan and it is a material planning consideration in determining planning applications. This guidance should be read in conjunction with the Proposed Plan. It should be noted that contributions towards affordable housing is set out in the Supplementary Guidance on Housing Development.

2. Developer contributions – a context

Developer contributions may be sought to mitigate against the projected impacts of development on the public services and infrastructure or the environment within the National Park area. Contributions are also required where the market is not able to deliver and a specific policy requires a financial contribution (commuted sum) to be made, this is particularly in relation to affordable housing. The policy of development contributions is widely accepted as a legitimate and necessary development cost and is typically factored into development appraisals as a matter of course.

The key government legislation and guidance pertinent to development contributions are:

- Circular 1/2010 - this document provides a statement of Government policy, containing guidance on policy implementation
- Section 75 (s 75) of the Town & Country Planning (Scotland) Act 1997.

There are few examples where we have historically sought contributions given many developments are small scale, however cumulatively these developments have an impacts on service provision, facilities and infrastructure in the park area and we now will be seeking contributions for single house developments.

3. Determining the type of contribution

Table 1 summaries the likely developer contributions that will be sought for particular types of development proposals, which will depend on scale, location and particular circumstances of the development. This table should assist in early site development viability calculations and the extent to which this impacts on total development cost and the residual value.

Table 1 – Types of Contributions likely to be sought by development type

	Affordable Housing	Education	Transport Infrastructure	Water and Sewage Infrastructure	Community Facilities	Waste Management Facilities	Built and Natural Heritage
Residential	x	x	x	x	x	x	x
Commercial (inc Retail, Industrial, Business)			x	x		x	x
Tourism			x	x	x	x	x
Rural Activity Area Development			x	x	x	x	x

Developer contributions may be delivered on-site (i.e. provision of landscaping, sustainable drainage system) and secured via condition or off-site secured by a legal agreement (i.e. landscape enhancement, upgrade of existing playpark). Some legal agreements will require a financial contribution (i.e. money towards an extension to a school or affordable housing).

Developer contributions are not required for all developments. It is dependent on the type of development, its impacts and the capacity of the town or village has to incorporate the development without putting strain upon the community infrastructure.

An exemption can be made to making a contribution only where a Development Appraisal or Viability Statement demonstrating the negative impact that contributions would have upon project/development viability has been fully disclosed to us. This would include details of how the gross development value is broken down into land cost, profit, contributions, professional fees, build costs etc. We would keep financial information confidential.

4. Planning Obligations

We are unable to use Section 69 Local Government Act contractual agreements in respect of the payment of developer contributions, as we are not a Local Authority. Therefore we can only use Section 75 Planning Act obligations to secure the relevant contribution. A S75 would be registered as a burden against the title and payments can be made after the issue of planning consent or on completion of the development or other timescale agreed such as occupation of the houses. The money shall be kept for 10 years and if not spent the money will be returned, with interest, by the respective council. In terms of managing financial contributions, we intend to set up protocols with the relevant local authorities (Stirling Council, Argyll and Bute Council, Perth and Kinross Council and West Dunbartonshire Council) to ensure that any contributions are ring-fenced and spent within the National Park area. We have a protocol with Stirling Council in relation to affordable housing contributions. Additionally, the legal agreement may stipulate that it must be spent within a specific town or village.

Applicants should note that they may incur and be liable for their own legal expenses resulting from the requirement for and conclusion of a S75 agreement. The exact payment terms will be a matter for agreement between the Planning Authority and the applicant. Further details can be found in our Planning Advice Leaflet on planning obligations.

It is inappropriate for planning consent to be issued until confirmation of registration has been received from the Keeper of the Registers of Scotland (Sasines and Land Registers). However, every effort will be made to streamline the application process and ensure that applications take no longer than 6 months to determine. In the interests of providing an efficient service, we may require early legal work for negotiation and agreement in parallel with considerations of the application by Development Management. The writing of a draft legal agreement at any stage in the process of dealing with a planning application is not to be construed as inferring planning permission will be granted.

5. Types and level of Contributions

Affordable Housing

The National Park Authority is committed to the delivery of affordable housing. The Housing Supplementary Guidance specifically details all pertinent aspects of relevant to affordable housing contributions in the National Park.

Education Provision

The requirement for contribution towards educational facilities will fall on new residential developments. The key considerations will be whether the type of residential units will generate children of school age and the envisaged impact of cumulative development on the catchment of primary and secondary schools.

The National Park is unique as it covers 4 different educational authorities run by the councils in the area. There are different pressures in different parts of the park and capacity is not generally an issue in the remote rural areas where schools are threatened from closure due to low numbers. Callander has the only secondary school in the National park and it also has only one primary school which has had capacity issues in the past. There is further information in relation to Callander school capacity within the Callander South Masterplan Framework.

The capacity of the primary schools in the National Park area can fluctuate. There may be periods when a school is at capacity and a housing proposal would create a flux in numbers but only for a temporary period. In this scenario the developer contribution would be negotiated on the number of pupils generated by the proposal. The financial contribution is likely to fund the cost of providing temporary classroom accommodation for instance. It is unlikely that given the level of development proposed in the National Park and the period of the plan that a new school will be required in this timeframe.

The figures set out below are the pupil product ratio and these will be used to determine the number of pupils that a development is likely to create. One bedroom units are not assessed for education contributions.

Pupil product ratio	Secondary School	Primary School
Private housing development	0.2	0.4
Private flatted development	0.03	0.06
General social rented housing	0.1	0.4
Housing for the elderly	0.0	0.0

Transport infrastructure (inc Public Transport and Outdoor Access)

The provision of on-site car parking and access is an integral part of any development proposal and is normally controlled through the use of planning conditions. These are standard development costs. However, developments may have off-site transport implications and there may be a need to provide or improve transport infrastructure such as roads, footpaths, cycleways or improve or provide traffic or parking management solutions or provide public transport services and facilities outwith the immediate development site.

The standards and levels of off-site parking, roads, footpaths, cycleways and other construction works, will be to the prevailing standard specified by the Council or Transport Scotland. Where a proposal is accessed via a substandard road or junction then the required upgrade will be agreed with the Council or Transport Scotland and may require a financial contribution to be agreed.

We will seek development contributions, either wholly or in part, towards their funding through agreements of new and improved public transport services and facilities which reduce the need to travel by car. This could be a contribution towards the maintenance or improvement of the core path network in the vicinity of the proposal.

Applicants may be required to make contributions, either wholly or in part, towards the development and implementation of safer routes to school and other road safety measures in the vicinity of development site or linking to local services and facilities such as rail or bus stations or the core path network. Stirling Council have highlighted that the existing pedestrian bridge, which provides a safe route to the town centre from the south of the river, has a limited lifespan and this is considered further in the Callander South Masterplan Framework.

Stirling Council have also highlighted that a second river crossing (road bridge) in the town would be beneficial to help reduce the load of traffic using Bridgend. It would also take some of the intrusive traffic away from the town centre and the congestion issues for the High Street. In this regard, residential and commercial development within or adjacent to Callander, including the Callander South Masterplan area, are likely to be required to contribute to the long-term requirement for a new road bridge. A Strategic Infrastructure Assessment will be required to be produced and will be included within any subsequent updated version of this planning guidance. The assessment will include projected costs for the road bridge and how much contribution is required per house in Callander.

The Blairmore, Kilmun and Strone Community Development Trust have highlighted the issues with the un-adopted High Road in Blairmore and Strone. Development proposals within these villages may be required to contribute towards the upgrade of the High Road leading to adoption and this would be discussed and agreed with Argyll and Bute Council depending on the type and scale of development.

Water and Sewage infrastructure (including sustainable drainage system)

This includes the provision of new or improved water and sewerage infrastructure (including maintenance of Sustainable Urban Drainage systems in perpetuity). A planning agreement may be required to secure the future maintenance of Sustainable Urban Drainage schemes.

Open Space (including landscaping and public access)

This includes provision of new open space and/or planting and there may be a requirement for contributions towards long-term maintenance and management of open space including woodlands. Please note that play parks are found under community facilities and landscape enhancement is found under natural heritage.

In terms of landscaping and open space, including establishing new areas of planting, their implementation and maintenance will be addressed through planning conditions. In certain circumstances, such as a tourism development, landscaping may be integral to the support of the proposal. The long term management of the landscaped areas and areas of open space will be required as part of a planning obligation.

Where the landscaping or open space could be provided on other land in the applicant's control (not within the development site) then a planning obligation may be required to secure its delivery.

We support, promote and create sustainable access routes. Where developments have implications for off-site infrastructure there may be a need to provide or enhance cycleways, footpaths, equestrian routes and access points to water recreation both within and outwith the development site. Contributions for such infrastructure provision, enhancement and, where appropriate - maintenance will be sought on an application by application basis dependent upon proposed development size and location following consultation with the Access team.

Community Facilities (including health, leisure, sport and recreation)

In addition to local play and recreational land, developments may, individually or cumulatively, give rise to a need for new or enhanced sports or community facilities e.g. all weather sports pitches and village halls to serve the wider community.

New play areas, both formal and informal, or a financial contribution to upgrade an existing play area maybe required for residential developments over 4 units depending on the existing play area facilities within the settlement. The contribution required will be assessed on a case by case basis dependent on the size and type of housing and the current facilities within the settlement.

In terms of Healthcare facilities, should any NHS services be required within larger community facilities, cross-service discussion will be encouraged.

Development may also generate a requirement for an indoor community facility (e.g. hall, centre). The level of contribution will be determined by the size of existing facilities and current population served by the facilities together with the anticipated increase in population from the new development. In some instances no contribution will be required is the hall/centre is adequate to cope with an increase in usage.

Waste Management Facilities (including recycling):

In general terms, all developers will be required to develop schemes that make proper provision of storage, collection and recycling of refuse and waste. Development contributions may be required where the proposal impacts on the public waste facilities and there is either a need to provide a new communal recycling facility or upgrade/relocate an existing facility to make it larger to support the proposed development. The specific nature of the provision will be determined by the requirements of the local authority in which the development is located.

Built and Natural Heritage

Applicants are required to give due consideration to the built and natural heritage when formulating their proposals. It is not expected that financial contributions for the natural or built heritage should be an acceptable starting point for a proposal. This type of contribution would be a last resort taken as compensation where onsite mitigation measures to avoid or minimise adverse effects do not fully address the unacceptable impacts on the natural and built heritage interest. Any financial contributions are likely to be off site and be equivalent level of those natural or built heritage interest lost or adversely affected. Please note that natural heritage includes impacts on landscape as well as biodiversity (wildlife).

Built heritage may include conservation or interpretation of historic sites and artefacts, townscape improvements and improvement or provision of public realm (for example street furniture or public art), protection, investigation and interpretation of historical buildings and features or archaeology. Development contributions may also be required towards the provision, maintenance and replacement of planters, tubs, seats, litter bins and other street furniture and art. Cultural landscape features are regarded in a like manner to natural heritage features and habitats and shall be treated accordingly.

In terms of natural heritage, compensation is not always feasible either because the habitat cannot be created elsewhere or where the timescales for creation or restoration are impossible within reasonable timescales. In those instances the development may not be able to proceed.

Where a financial contribution is taken for natural heritage enhancement or promotion such as wildlife interpretation, removal of invasive species, habitat and landscape enhancement or species protection then the contribution will be administered by the countryside trust which operates in the National Park. The calculation of the contribution will be based upon the cost of replacing the feature or habitat elsewhere and the maintenance of that feature. This is set out in Table 2 below.

Table 2 – Replacement Cost (Reference: Cairngorms Supplementary Guidance 2011)

Habitat or Landscape Feature	Replacement Cost	Maintenance Period (Years)	Cost of annual Maintenance (£)	Final cost (£)
Woodland (m ²) ¹	2.5	5	.75	6.25
Individual Tree ²	50.00	5	10.00	100.00
Scrub (m ²) ³	2.5	5	.75	6.25
Grassland (m ²) ⁴	1.0	5	.5	3.5
Open water feature or wetland (m ²) ⁵	5.0	5	5	30
Running water feature (m ²) ⁶	25	5	2	35
Stone wall or boundary feature/linear (m) ⁷	100	2	5	110

NOTES FOR TABLE

- 1 Includes cost of plant material, planting with additives, protection from animals. Maintenance is an average of two visits per year over the period for weed killing, and repair of protection as necessary.
- 2 Includes cost of plant material (selected standard), planting with additives, staking, and protection from animals. Maintenance is an average of two visits per year over the period.

- 3 Includes cost of plant material, planting with additives, protection from animals. Maintenance is an average of two visits per year over the period for weed killing, and repair of protection as necessary.
- 4 Includes cost of seed, ground preparation and fertiliser. Maintenance is an average of three visits per year over the period.
- 5 Includes cost of excavation, ground preparation, lining as necessary and some planting for edge of feature. Maintenance includes repair of liner and clearance of weed in early years.
- 6 Includes cost of excavation, ground preparation lining as necessary and some planting for edge of feature.
- 7 Includes cost of material, excavation and construction. Maintenance is an average of one visit per year over the period to cover replacement for damage