

<b>Issue:</b>	023: Developer Contributions	
<b>Development plan reference:</b>	Policy 6 Developer Contributions and supporting text, Pages 35-37:	<b>Reporter:</b> [DPEA Use only]
<b>Body or person(s) submitting a representation raising the issue representation reference:</b>		
<b>Seeking a change</b> Cupar Community Council (909152) Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) Emac Planning LLP for Delson Contracts Ltd (846826) Emac Planning LLP for F M & G Batchelor (846821) Emac Planning LLP for J G Lang & Son (846827) Emac Planning LLP for Landvest PCC Ltd (910292) Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) Emac Planning LLP for R Watson & Son (846824) Emac Planning LLP for Scotia Homes Ltd (910294) Emac Planning LLP for Stewart Milne Homes North Scotland (347277) Friends of the Earth Tayside (845935) Homes For Scotland (785148)	Montgomery Forgan Associates for Campion Homes Ltd & Dundas Estates & Development Co Ltd (910305) Ms McEwen (832812) RSPB Scotland (328507) RSPB Scotland (910180) Ruth Bickerton (902970) Scott Hobbs Planning for Scottish Enterprise (909506) SEStran (908118)	<b>Supporting as written</b> David Wardrop for Headon Developments Ltd (752939) Network Rail (910281) NHS Tayside (908896) Scottish Natural Heritage (869435) Scottish Water (762198) Sustrans (346798)
<b>Provision of the development plan to which the issue relates:</b>		
This Policy identifies what developer contributions will be sought for. It will be for Local Authorities to operate an appropriate system for seeking such contributions.		
<b>Planning Authority's summary of the representation(s):</b>		
<b>Summary of Representations Seeking a change</b> <u><b>EDUCATION PROVISION</b></u> <b>Ruth Bickerton (902970) PLAN2015_381</b> supports Policy 6 Developer Contributions and would like a school built as part of Dundee Western Gateway Strategic Development Area. The respondent queries whether TAYplan could be the forum for cross boundary working on a new school. <u><b>GREEN INFRASTRUCTURE</b></u> <b>RSPB Scotland (910180) PLAN2015_355</b> considers additional text needs to be added on page 37 which ensures monitoring of conditions and liabilities. The respondent also believes consideration should be given by TAYplan to the need for further guidance regarding financial guarantees to be attached to certain developments. <b>RSPB Scotland (910180) PLAN2015_354</b> considers that additional wording to incorporate habitat restoration should be added on page 35. The respondent also believes consideration should be given by TAYplan to the need for further guidance regarding financial guarantees to be attached to certain developments. <u><b>PLANNING OBLIGATIONS</b></u> <b>Ms McEwen (832812) PLAN2015_3</b> suggests the addition of 'flood/water management' developer contributions to the list of planning obligations and good neighbour agreements as the respondent considers 'new developments invariably put great stress on/overloading water systems'.		

## **SUPPLEMENTARY PLANNING GUIDANCE**

**Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_472** consider Local Development Plans should produce Supplementary Planning Guidance on strategic developer contributions and the respondent considers that this would give the developers "required" certainty at the outset of a project about the level of strategic developer contributions expected by a planning authority.

## **POLICY TO DIRECT LOCAL DEVELOPMENT PLANS**

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_557, Homes for Scotland (785148) PLAN2015\_243, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_521, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_503, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_407, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_435, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_470, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_485, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_444 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_538** all consider that there are varying practices across Planning Authorities and suggest TAYplan could encourage Local Authorities to make improvements to identify and cost infrastructure requirements at an early stage, consider the viability implications of developer contributions and get full draft sets of Supplementary Guidance in place in time to be considered alongside the Proposed Plan. **Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_538** also states the TAYplan Action Programme should set out a robust strategy to deliver the plan.

## **PROPORTIONATE CONTRIBUTIONS**

**Scott Hobbs Planning for Scottish Enterprise (909506) PLAN2015\_351** suggests the addition of the word "proportionate". They believe that it must be explicit that contributions will be sought only which are proportionate to the development proposed.

## **STRATEGIC INFRASTRUCTURE FUNDING**

**SEStran (908118) PLAN2015\_32** considers that text should be added on page 37 to promote other approaches to infrastructure funding. They consider this to be crucial in ensuring there is flexibility to consider a levy on new houses to cover strategic transport infrastructure, especially where there are cross boundary issues.

## **SUSTAINABLE TRANSPORT INFRASTRUCTURE**

**Friends of the Earth Tayside (845935) PLAN2015\_425** considers that developer contributions should not be sought only to mitigate negative impacts of a development as they believe is implied in Policy 6. The respondent believes the policy should be modified to recognise the opportunity to use such contributions to enhance the benefits provided to society from a development.

## **WHOLE POLICY**

**Cupar Community Council (909152) PLAN2015\_233** consider that the plan should adopt a stronger policy position on how investment will be secured. They also consider the issue of a lack of front-end investment in primary infrastructure which they consider is stalling the process of the Strategic Development Areas requires resolution.

**RSPB Scotland (328507) PLAN2015\_289** consider a 'stronger' policy is needed to cope with habitat restoration with particular regard to financing this in the event of operators/owners going out of business. The respondent also believes consideration should be given by TAYplan to the need for further guidance regarding financial guarantees to be attached to certain developments.

## **Summary of Supporting Representations**

### **GREEN INFRASTRUCTURE**

**Scottish Natural Heritage (869435) PLAN2015\_188** is supportive of developer contributions covering green infrastructure and recognises this could be sought for related offsite improvements to green infrastructure.

### **SUSTAINABLE TRANSPORT INFRASTRUCTURE**

**Sustrans (346798) PLAN2015\_493** supports the principle of seeking developer contributions towards new sustainable transport infrastructure.

### **WHOLE POLICY**

**David Wardrop for Headon Developments Ltd (752939) PLAN2015\_502** comments on the implementation of the policy in relation to Strategic Development Areas and the need to holistically consider consequential impacts on existing infrastructure capacity.

**Scottish Water (762198) PLAN2015\_271** supports policy 6.

**NHS Tayside (908896) PLAN2015\_326** supports the need for Local Development Plans to consider infrastructure. The respondent also states that this should also include aspects of healthcare infrastructure.

**Network Rail (910281) PLAN2015\_570** considers that demand on Network Rail infrastructure will likely be as a direct result of new residential development and supports the policy specifically identifying that developer contributions can be sought towards these works.

### **Modifications sought by those submitting representations:**

#### **EDUCATION PROVISION**

##### **Ruth Bickerton (902970) PLAN2015\_381**

- Would like to ensure that the Dundee Western Gateway has a school built as part of its development.

#### **GREEN INFRASTRUCTURE**

##### **RSPB Scotland (910180) PLAN2015\_355**

- Insert at the end "Tayplan Councils will ensure proper monitoring of conditions takes place and that sufficient guarantees are in place for any large-scale infrastructure with significant restoration liabilities"

##### **RSPB Scotland (910180) PLAN2015\_354**

- Insert after "green infrastructure" the words "including habitat restoration".

#### **PLANNING OBLIGATIONS**

##### **Ms McEwen (832812) PLAN2015\_3**

- Propose that the list of planning obligations and good neighbour agreements should also, and specifically, include the requirement for flood/water management developer contributions.

#### **SUPPLEMENTARY PLANNING GUIDANCE**

##### **Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_472**

- Propose that policy 6 should be amended to address strategic and site specific developer contributions requirements.

## **POLICY TO DIRECT LOCAL DEVELOPMENT PLANS**

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_557, Homes for Scotland (785148) PLAN2015\_243, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_521, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_503, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_407, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_435, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_470, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_485, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_444 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_538**

- Propose that Policy 6 should include wording to encourage the production of Supplementary Guidance on Developer Contributions through the LDP process to be considered alongside Proposed Plan consultations and examinations.
- **Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_538** also propose that the TAYplan Action Programme should therefore set out a robust strategy to deliver the plan.

## **PROPORTIONATE CONTRIBUTIONS**

**Scott Hobbs Planning for Scottish Enterprise (909506) PLAN2015\_351**

- Propose the addition of the word 'proportionate' in the policy after the words 'new development' and before the words 'developer contributions'.

## **STRATEGIC INFRASTRUCTURE FUNDING**

**SEStran (908118) PLAN2015\_32**

- Propose adding the following to the end of paragraph 3: "Other approaches will continue to be explored to fund strategic infrastructure especially where there are cross boundary issues."

## **SUSTAINABLE TRANSPORT INFRASTRUCTURE**

**Friends of the Earth Tayside (845935) PLAN2015\_425**

- Propose that the policy should be modified to recognise the opportunity to use such contributions to enhance the benefits provided to society from a development.

## **WHOLE POLICY**

**Cupar Community Council (909152) PLAN2015\_233**

- Propose a stronger policy position on how the necessary investment will be secured.

**RSPB Scotland (328507) PLAN2015\_289**

- Propose a stronger policy to cope with habitat restoration with particular regard to financing this in the event of operators/owners going out of business.

## **Summary of responses (including reasons) by Planning Authority:**

### **Context**

The Approved TAYplan (2012) Policy 8 (Doc16) was entitled Delivering the Strategic Development Plan. This has become the Proposed Plan (2015) Policy 6 and has been renamed Developer Contributions. This is clearer given the structure of the Proposed Plan (2015). The emphasis of the proposed policy is identical. There have been 2 changes: i) the policy has been split into 2 sections, and ii) there has been the addition of green infrastructure.

The references to Scottish Government Circulars have also changed to reflect the newer Circular 3/2012 (Doc24) that now covers Planning Obligations.

## **Authority's Responses To Proposed Changes**

### **EDUCATION PROVISION**

#### **Ruth Bickerton (902970) PLAN2015\_381**

Dundee City Council has established that the existing catchment area schools have capacity to accommodate the pupils generated by the proposed development at this time. An appropriate developer contribution in relation to education shall be sought in order to ensure that, when required, a new primary school can be provided to deal with an increase in demand arising from the development. This will be decided by Dundee City Council. Further details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=N93YOQGCK8G00> (023/Extract/3).

TAYplan would not be the forum for these decisions to be made, as it is the responsibility of the local authorities as the Education Authorities. Therefore TAYplan does not consider any change to be necessary.

### **GREEN INFRASTRUCTURE**

#### **RSPB Scotland (910180) PLAN2015\_355**

TAYplan has no remit in respect of planning applications or in monitoring any related conditions/legal agreements. Therefore TAYplan does not consider any change to be necessary.

#### **RSPB Scotland (910180) PLAN2015\_354**

TAYplan agrees that habitat restoration is an important issues and Policy 8 Green Networks (Doc80) identifies that Local Development Plans should include 'improvements to habitat networks' which would include habitat restoration where appropriate. The additional text is considered too detailed. Therefore TAYplan does not consider any change to be necessary.

### **PLANNING OBLIGATIONS**

#### **Ms McEwen (832812) PLAN2015\_3**

TAYplan agrees that flood risk is an important issue but this is already covered in Policy 2 (Doc80). The 'list' of planning obligations and good neighbour agreements is directly from Circular 3/2012: Planning Obligations and Good Neighbour Agreements (Doc24). SEPA are consulted on development sites and proposals. Therefore TAYplan does not consider any change to be necessary.

### **SUPPLEMENTARY PLANNING GUIDANCE**

#### **Montgomery Forgan Associates for Champion Homes Ltd & Dundas Estates & Development Co Ltd (910305) PLAN2015\_472**

TAYplan is aware that some local authorities have either recently published, or are in the process of preparing guidance on developer contributions and/ or infrastructure funding. TAYplan does not consider there is a requirement for any further detail to be included within Policy 6. TAYplan considers that the level of detail currently within Policy 6 provides a meaningful basis for local authorities to consider their own policies, with a level of consistency. Therefore TAYplan does not consider any change to be necessary.

### **POLICY TO DIRECT LOCAL DEVELOPMENT PLANS**

**Emac Planning LLP for A&J Stephen Ltd & Avant Homes (910368) PLAN2015\_557, Homes for Scotland (785148) PLAN2015\_243, Emac Planning LLP for Delson Contracts Ltd (846826) PLAN2015\_521, Emac Planning LLP for F M & G Batchelor (846821) PLAN2015\_503, Emac Planning LLP for Landvest PCC Ltd (910292) PLAN2015\_407, Emac Planning LLP for Linlathen Estates (Tayside) Ltd & James Keiller Estates Ltd (846825) PLAN2015\_435, Emac Planning LLP for R Watson & Son (846824) PLAN2015\_470, Emac Planning LLP for Scotia Homes Ltd (910294) PLAN2015\_485, Emac Planning LLP for J G Lang & Son (846827) PLAN2015\_444 and Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_538**

TAYplan agrees that at times there has been variations in the way policies are presented across local authorities. However, TAYplan considers that a role of Strategic Development Plans is to produce a high level approach to developer contributions which provides local authorities with a platform to consider how this could be presented locally and in relation to specific development proposals. TAYplan considers that this has been achieved within the Proposed Strategic Development Plan, adhering in full to the requirements set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements (Doc24). Therefore TAYplan does not consider any change to be necessary.

**Emac Planning LLP for Stewart Milne Homes North Scotland (347277) PLAN2015\_538**

TAYplan considers that the Action Programme presents an up to date account of the key projects and proposals to deliver the Plan and, where possible, TAYplan is working with delivery bodies to drive these projects forward. Therefore TAYplan does not consider any change to be necessary.

**PROPORTIONATE CONTRIBUTIONS**

**Scott Hobbs Planning for Scottish Enterprise (909506) PLAN2015\_351**

TAYplan does not consider it necessary to include the word 'proportionate' within the policy. Such matters are already covered by Circular 3/2012 (Doc24). TAYplan considers that the scope of this policy is sufficient to ensure cross-boundary consistency in how this is delivered through the local authorities. It will be for the local authorities to consider that contributions are proportionate to the development proposed when reviewing specific proposals and planning applications. Therefore TAYplan does not consider any change to be necessary.

**STRATEGIC INFRASTRUCTURE FUNDING**

**SEStran (908118) PLAN2015\_32**

Infrastructure funding mechanisms have not been considered in detail through the Strategic Development Plan, however some of TAYplan's local authorities are looking at more innovative ways in which this can be considered. TAYplan will provide an updated position on this in relation to the Strategic Development Areas, through the Action Programme. Therefore TAYplan does not consider any change to be necessary.

**SUSTAINABLE TRANSPORT INFRASTRUCTURE**

**Friends of the Earth Tayside (845935) PLAN2015\_425**

The principle of developer contributions is to mitigate against impacts of development. They are not sought in order to enhance the benefits provided to society from a development, although this may be a secondary benefit of these contributions. Therefore TAYplan does not consider any change to be necessary.

**WHOLE POLICY**

**Cupar Community Council (909152) PLAN2015\_233**

The Proposed Plan has been written to facilitate investment across the TAYplan area. The benefits of development are recognised throughout the Plan. Local Authorities will continue to consider alternative funding models to assist in delivering development. Therefore TAYplan does not consider any change to be necessary.

**RSPB Scotland (328507) PLAN2015\_289**

TAYplan does not consider the points raised to be a strategic planning issue and does not consider there a requirement for such issues to be detailed in this policy. Therefore TAYplan does not consider any change to be necessary.

**Authority's Response To Supporting Representations**

**Scottish Natural Heritage (869435) PLAN2015\_188, Sustrans (346798) PLAN2015\_493, David Wardrop for Headon Developments Ltd (752939) PLAN2015\_502, Scottish Water (762198) PLAN2015\_271, NHS Tayside (908896) PLAN2015\_326 Network Rail (910281) PLAN2015\_570**

TAYplan welcomes the support of these issues.

## **CONCLUSIONS**

TAYplan is satisfied that many of these issues are dealt with appropriately by the Policy as currently written or by supporting elements of Policies 1, 2, 3, 4, 5 and 10.

The Policy is clear and entirely consistent with Circular 3/2012 (Doc24). TAYplan's Topic Paper 2: Growth Strategy (Doc104) clearly sets out a clear framework for delivering the Strategic Development Plan, whilst achieving better quality places (Doc80). As set out in Scottish Planning Policy (2014) (page 63, paragraph 275) (Doc84) 'the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made'. TAYplan's Proposed Action Programme will be monitored and updated to include more detailed information, when available. All key agencies worked in partnership in developing TAYplan's Proposed Action Programme and are in agreement with this document.

TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

<b>Reporter's conclusions:</b>
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<b>Reporter's recommendations:</b>
DPEA use only

Committee Version