

REPORT TO BANFF AND BUCHAN AREA COMMITTEE – 19 SEPTEMBER 2017

LOCAL DEVELOPMENT PLAN 2017 2017: SUPPLEMENTARY GUIDANCE NO 7: DEVELOPER OBLIGATIONS; METHODS FOR CALCULATION

1 Recommendation

The Committee is recommended to:

**1.1 Consider and comment on the Supplementary Guidance:
Developer Obligations: Methods for Calculation.**

2 Background / Discussion

- 2.1 The Aberdeenshire Local Development Plan 2017 contains Policy RD2 Developers' Obligations. This sets out the circumstances and items for which developers are likely to be asked to contribute towards as required by the development. This ensures that when development takes place, developers are aware of and in a position to provide the necessary infrastructure and services to mitigate any shortfall which has arisen as a direct result of their development. All contributions sought must be acceptable in planning terms, in line with the "policy tests" set out in Circular 3/2012, Planning Obligations and Good Neighbour Agreements. The policy refers to associated Supplementary Guidance No.7; Developer Obligations: Methods for Calculation to show how the exact levels of contribution are arrived at.
- 2.2 In the Reporters' Recommendations of the examination of the Local Development Plan, received in December 2016, the Reporters concluded that Policy RD2 (Developers' Obligations) remained sound, insofar as it was clear that contributions must fairly and reasonably relate to the scale of the proposed development and to make it acceptable in planning terms. However, the Reporters considered that the policy did not fully address issues of project viability in its consideration. They recommended that the potential impact of the cumulative effect of contributions on delivery was a matter that could appropriately be addressed in more detail through the Supplementary Guidance. From the Reporters advice the section titled 'Development Viability' on page two of the Supplementary Guidance was amended to reflect the Reporters recommendations.
- 2.3 The revision was then subject to a period of public consultation whereby views were sought specifically on the amendments to the 'Development Viability' section. However, respondents were able to comment on any part of the Supplementary Guidance during this consultation period. The consultation ran for a period of 8 weeks from 13 April 2017 to 9 June 2017.
- 2.4 In response to the consultation, a total of 17 representations were received, covering several sections of the Supplementary Guidance. The Issues and Actions report arising from the consultation responses is contained in **Appendix 1.**

- 2.5 Representations were received in the following areas: Development Viability, Securing and Management of Funds, Transport, Education, Healthcare, Waste and Recycling, Community Halls, Sports and Recreation and Open Space. The representations received have been assessed and where necessary the changes proposed have been incorporated into the Supplementary Guidance document. The main changes proposed relate to the calculation of contributions sought for education and to the Development Viability section where unforeseen costs will be taken into account when calculating developer obligations where the unforeseen costs will have an evidenced impact on the deliverability of development. Matters raised by representations that have not led to changes to the Supplementary Guidance being proposed are documented and evaluated in the Issues and Actions report appended.
- 2.6 The revised Supplementary Guidance is contained in **Appendix 2**.
- 2.7 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section B.1.2 of the List of Committee Powers in Part 2A of the Scheme of Governance as it seeks comment on a recommendation being made to the Infrastructure Services Committee on a matter which impact the Banff and Buchan Area.

4 Implications and risk

- 4.1 An equality impact assessment is not required because the outcome does not have a differential impact on any people with protected characteristics.
- 4.2 There are no staffing or financial implications arising as a direct consequence of this report.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level: Budget pressures and Working with other organisations. The following Risks have been identified as relevant to this matter on a Strategic Level: Balancing the books. It should be noted however that there are no immediate risks at this time as the Committee is being asked to provide comment on the matter prior to it being reported to a future Committee for a decision.

Stephen Archer
Director of Infrastructure Services

Report prepared by Piers Blaxter, Policy Team Leader and Paul Macari (Principal Developer Obligations Officer)

Date: 1 September 2017

Appendix 1: Issues and Actions

Supplementary Guidance No. 7: Developer Obligations: Methods for Calculation

This appendix outlines the issues and actions arising from the consultation on draft Supplementary Guidance No. 7: Developer Obligations, Methods for Calculation which ran from 13 April 2017 to 9 June 2017 in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended). 17 representations were received and have been summarised and assessed within this report.

Within the report: *Italic text represents the Council's response to the representation summary* (which is depicted in regular font).

Respondents

1. Scottish Natural Heritage
2. Echt and Skene Community Council
3. Newtonhill, Muchalls, Cammachmore Community Council
4. Historic environment Scotland
5. SEPA
6. Stuart Milnes Homes
7. Burness Paull
8. Barratt Homes
9. Crathes, Drumoak and Durriss Community Council
10. Scottish Government – Local Government and communities Directorate
11. Aberdeenshire Council – Housing Strategy
12. Bennachie Community Council
13. Norr on behalf of – Castlehill, Grampian, Langstane and Osprey
14. Ryden
15. Homes for Scotland
16. NHS Asset Management
17. RSPB

General Comments

A full definition is requested by respondents 6, 8 and 15 of the term “Proportional Contributions” and how this relates to Developer Obligations. *On examination of the existing text, this has been sufficiently addressed therefore no amendment is required.*

Respondent 3 made comments in regards to assessments not only considering a current application, but additionally any other applications which may be concurrently progressing, to ensure cumulative impacts are sufficiently addressed. *As this comment indicates that further clarification of the assessment process could be beneficial within the Supplementary Guidance, further wording should be inserted within the text to further explain the assessment process.*

Respondent 6 requests that the Supplementary Guidance makes reference to where in the Local Development Plan it makes reference that Developer Obligations will be required. *The relevant Local Development Plan's Policies are referred to within the text, however we agree that providing the full name of each policy within the text would provide clarity.*

Respondent 6 requests that any deficit in infrastructure should be demonstrated. *This is sufficiently addressed in the existing text within the Supplementary Guidance which makes it clear that contributions are not required for any facility of which there is a deficit in provision. Contributions are only required where the impact of development is such it has an impact on existing infrastructure which must be addressed. Additionally, infrastructure currently under pressure as a result of development is highlighted in the Local Development Plan Settlement Statements, and where relevant, the relevant Community Action Plan. Therefore, no amendment is proposed.*

Respondents 6 & 15 request clarity on infrastructure, which although not within the immediate settlement, serves the residents of another settlement. The respondents fail to see how this meets policy tests. *As this is addressed in the Local Development Plan, no amendment is required.*

Respondents 6, 7, 8, 14 & 15 query the relationship between the Supplementary Guidance and the Policy tests. *As this has been sufficiently addressed during the examination of the Local Development Plan by the Department of Planning and Environmental Appeals (DPEA) no amendment is required.*

Respondent 7 requests that the Supplementary Guidance should state that Planning Officers will: consider whether the contributions requested by the Developer Obligations Team are justified; make a development acceptable in planning terms; and meet the policy tests. *This is addressed by providing an explanation within the Supplementary Guidance which clearly defines the Developer Obligations Officers role and expertise.*

Respondent 10 requests a change to the text of P3 to reflect that Circular 3/2012 does not set out a requirement for cumulative contributions as follows;

“This is in line with Circular 3/2012 which sets out the requirement: indicates that Local Authorities can consider requesting proportional payments from subsequent developments which will benefit from that investment until the costs have been recovered in line with the agreed planning obligation/legal agreement.” This amendment is supported.

Respondent 10 points out an error on P4 under the heading “Upfront Payments” which states; “Where an upfront payments is required, this must be concluded before planning permission can be issued”, and suggests the “s” should be removed. *This amendment is supported.*

Respondent 10 requests that the following sentence be removed as there is no provision in Planning legislation to applying charges in this way;

“The costs of preparation of the legal agreement and their own legal costs, must be met by the applicant.” As there is no planning legislative basis to apply charges for the preparation of legal agreements the suggested amendment is supported.

Respondents 7 & 14 query the use of a formulaic approach, likening it to a roof tax. *Text within the Supplementary Guidance demonstrates the use of a formulaic approach does not mean all development will have to contribute to all elements set out in the Supplementary Guidance. Existing text additionally states each application will be assessed on a case by case basis to establish the impact on existing infrastructure, and mitigation will only be required where there is an evidence impact on provision which must be addressed. Furthermore, this has been tested by DPEA through examination of the Local Development Plan. Therefore, no amendment is required.*

Respondent 15 suggests that the Supplementary Guidance should be clear that assessments will be undertaken on the basis of meeting all the policy tests, and not in accordance with the SG. *Further wording is proposed to be inserted within the text to demonstrate that the SG is prepared in accordance with the policy tests, and that each application is assessed on the basis of meeting all the policy tests.*

Development Viability

Respondent 6 suggests that “unforeseen costs” should be removed from the Supplementary Guidance, with respondent 8 also stating that there is no requirement for its inclusion on the basis that it should not be required as Developer Obligations should be flexible and considered on a site by site basis. *As Developer Obligations is a legitimate development cost, this amendment is considered unnecessary.*

Respondents 6, 8, & 15 suggest that the Council is asking for overly onerous information, nor does the Council have the expertise to determine whether this appropriate particularly as each housebuilder maintains differing margins based on their individual funding arrangements. Respondent 14 comments that the Development Appraisal should demonstrate whether the development is viable, regardless if an earlier appraisal has been undertaken. They emphasise that allowances made within the appraisal for land value and developer profit will be recognised by independent qualified professionals.

To ensure each development viability case is treated fairly, and to sufficiently evidence any agreed reduction in contributions full detailed information is required. The Council assess appropriately, making consideration of differing developer margins. In some instances The Council may request that all information is reviewed by an independently qualified professional to establish the merits and to ensure all information provided is treated impartially with the required expertise. Therefore, no amendment as requested is required.

Respondent 7 queries what is considered justification in a potential reduction of required Developer Obligations contributions? *Further clarification is proposed within the text to advise that all costs should be factored in at the appraisal stage.*

Respondent 9 suggests that transparency is required in regards to processes where a concession has been made and viability issues have been considered. They acknowledge that they understand this process will contain commercially sensitive information, however they request that any non-commercial information should be made available to the public within a set timeframe for public consultation to support the long term benefit of the community. *The Viability Assessment is commercially sensitive and will not be disclosed. However additional text is suggested to be inserted within the document to confirm that the Developer Obligations Assessment Report would be made publicly available once the planning decision has been made.*

Respondent 11 suggests that in order to increase the supply of affordable housing, there is a requirement to acknowledge the difference in tenure when carrying out Developer Obligation Assessments, for example when a site is developed with 100% affordable housing and has suggested that a straightforward process is required with supporting framework and guidance, to illustrate how Affordable Housing providers can easily demonstrate viability with a view to reducing the level of contribution required. *As the cost of developing Affordable Housing is not different to the cost of developing mainstream housing, amendment is proposed to demonstrate all residential development will be considered on the same merits.*

Respondent 14 states the content of the development statement should be indicative and refined to reflect the particular circumstances of each proposal. *On this point, no amendment is required but it is proposed that the text has been amended to state “viability statement” instead of “development statement” to prevent ambiguities in the interpretation of this term.*

Respondent 15 raises concerns in regards to unacceptably high levels of contribution are required to address cumulative impacts, which may impact the viability of development. *All contributions are calculated in accordance with the tests contained within Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Therefore, all contributions are related to a proposed development in scale and kind and should not be disproportionate to the impact that the development shall have on essential infrastructure. Contributions are only required where they are necessary to make a development acceptable in planning terms. The cumulative impact of development is taken into account to ensure that contributions remain proportionate, reasonable and related in scale and kind to the impact of development. Therefore, no amendment is required in this instance. As addressing impact cumulatively can aid the development process no amendment is required.*

Respondent 15 suggests text should be added which demonstrates developer obligations will be assessed on a site for site basis, and be flexible based on each applications circumstances. *As existing wording has already been provided within the introductory paragraphs of the Supplementary Guidance no amendment is required.*

Respondent 16 requests that confirmation is given that soft market testing* has been undertaken to ensure the requirements identified will enable viability to be fully assessed. *As this has already been undertaken, and no amendment is suggested, no change is required to the existing text.*

* **Soft market testing** is a way to find out what provider organisations think about new ideas and service choices. **Soft market testing** does not mean that the Council or organisations must follow the idea they talk about.

Securing and Management of Funds

Respondent 6 states that they do not accept that all contributions require a legal agreement to secure the contribution and suggest the Council should consider other methods, such as an exchange of letters or financial contributions. *Consideration has been made to points made, however there remains instances where a legal agreement is required, and therefore no amendment has been made to the Supplementary Guidance.*

Respondent 6, 7 & 8 state that any funds secured should be held in individual interest bearing accounts to ensure funds are not utilised towards other projects, and additionally for audit purposes. *Wording included within existing text demonstrates that this is the case so no amendment is necessary.*

Respondent 7 suggests the Council should endeavour to utilise funds as quickly as possible, with the maximum period for expenditure within 5 years from implementation of consent for major application sites, and within 3 years for smaller sites. Respondent 14 does not support the amendment to retain funds for a period of 7 years, and believes the standard practice of funds being held for a period of 5 years is sufficient. They further suggest that should funds not be capable of being spent within the 5 year period then the requirement for contributions should be questioned. *Additional wording is proposed to clarify that funds are spent as they are received and most often this is well within the existing 5 year retention period. However, due to the cost of infrastructure it is not always possible for the delivery of Council led infrastructure projects to align with the delivery of the contributing development. To avoid*

contributions being secured, collected and then refunded at cost to both the Council and Contributor it is proposed to extend the retention period for Developer Obligations funds to 7 years. If the contribution is not spent within 7 years of the last instalment being paid the remaining contribution shall be refunded to the contributor. With this in mind no further amendment is required.

Respondents 6, 7 & 15 request the removal of wording within the SG which states that the cost of preparation of the legal agreement should be paid by the applicant, as they believe this cost should be met by the Council. *As requested this should be removed from the Supplementary Guidance, as there is no provision in Planning legislation for applying charges in this way.*

Respondent 7 & 15 both have concerns in regards to the inclusion of a requirement of 9% of interest being utilised towards the monitoring and management of developer obligations, and request its removal from the SG.

Respondent 7 points out this is contrary to case law that payment of a monitoring/administration fee was not necessary to make a development acceptable in planning terms; that it is part of a Planning Authority's functions to administer, monitor and enforce planning obligations in legal agreements: and that there was nothing in the legislation nor Government guidance which suggest that authorities could claim administration or monitoring fees. *On review, this amendment is considered reasonable, and have therefore propose to remove this from the text.*

Respondents 7 & 8 request that index linking should be maintained as currently utilised (from the January following the submission of application). Respondent 6, 7, 8, & 15 all raise concerns in relation to the use of Building Cost Information Service (BCIS) as a means of indexation. The respondent's state that it is not publically available, has cost implications, and can pose a greater financial risk to the developer. Respondent 6 states that full justification of rates should be provided for construction costs, which can subsequently be scrutinised and agreed by the development industry should they be considered appropriate. *While we have considered this point, it should be noted that the use of BCIS as a means of indexation provides a true reflection of the inflationary impact on materials in construction. We therefore feel no amendment is required to the approach, or text within the Supplementary Guidance.*

Transport

Respondents 6, 8 & 15 all request that all reference to the Strategic Transport Fund should be deleted. *As requested all reference to the Strategic Transport fund is proposed to be removed from the Supplementary Guidance.*

Education

Respondent 3 states it is currently unclear if the Supplementary Guidance is applicable to both primary and secondary education. *As requested, additional wording is proposed within the text to demonstrate this applicable to both primary and secondary education.*

Respondent 3 wishes consideration to be made to the impact of school transport, to evaluate if additional buses or taxis are required as a result of new development. *As this comment refers to an operational issue, it cannot be addressed within the Supplementary Guidance. Therefore, no amendment is required.*

Respondents 6, 7, 8, 14 & 15 all raise concerns in relation to a requirement for contributions where a school is forecasted to exceed 80% capacity. They further query how there can be a requirement for contributions towards additional capacity where 20% capacity remains available. *On review, we consider this request to be reasonable and therefore recommend removal of all references from the text.*

Respondent 6 queries whether the use of Scottish Futures Trust build rates for schools is the most efficient, and request information from the Council to support this. *Further details on build rates will be published either within Planning Advice or a Policy Interpretation Note that will sufficiently address this point. No change to the Supplementary Guidance is required.*

Respondents 6, 7 & 15 all raise issue with the requirement for rezoning as a result of new development to be funded by the applicant, as they believe the Council has a statutory obligations to provide education facilities within the Local Authority area. Therefore, they believe these costs should be met by the Council. *We have considered this point, and while the developer will not be responsible for funding re-zoning which is not fully required as a result of a proposed development. Where there is a requirement to re-zone only as a result of the proposed development, then the developer should be required to fund this exercise as the most efficient and least costly form of mitigation. Additional wording is proposed to be inserted within the text to clarify this.*

Respondents 6, 8, 14 & 15 raise concern to the inclusion of a requirement for land at “Nil” value, particularly for serviced land and where there are a number of developers in the same locality. Respondent 14 additionally points out that a new school will serve an existing area as well as the new development and therefore part of the cost of land should be met by the Council. *We have reviewed this aspect, and proposed to amend the Supplementary Guidance to advise where land is required, this will be at market value based on use as a site for a school. Furthermore, amendment would be made to demonstrate that any financial requirement will be deducted from the level of contribution required.*

Respondent 7 raises a query in relation to the provision of land for the school, in the absence of supporting information justifying rates, the respondent states it is not clear whether land prices have been included in the rates per pupil set out in the SG. They therefore believe clarification is required on whether land values have been taken into account in the rates being used for education contributions. *Further detailing which demonstrates how rates are calculated will be provided within a Planning Advice Note.*

Respondent 7 notes the absence of the methodology for calculating the impact of a development on a school (The overcapacity), and suggest it prevents a critical examination of this issue. They further state that recent discussions with the Developer Obligations Team have ascertained that regardless of the phasing of a development, calculations are undertaken by identification of the number of pupils produced by the development and then assume all those children will enter the relevant school within a 5 year period. They continue on to state that this is even when developers have provided phasing information which shows that the development will take place over a much longer period. The respondent suggests this approach the Council are artificially inflating the impact which a development will place on the school in the first 5 years and are therefore require contributions from a development based on artificially create over capacity. They therefore suggest that the Council examine the proposed phasing of development, building in a review clause as necessary if phasing goes beyond the Council’s current school roll forecasting horizon.

The respondent goes on to suggest that the wording “A baseline school roll forecasts (based on the current published annual school roll forecast) excluding the development is run” means in practice the Developer Obligations Team will run the figures to include every other

development which will impact on the school within the baseline (even where the developments are scheduled to be built over the same period) thus “using up” capacity, and then add the pupils from the current application on top, effectively claiming the current application is creating an over capacity.

Respondent 7 provides an example to illustrate their concerns in relation to the current methodology of calculating contributions toward education infrastructure.

They suggest the approach of calculating a developments impact on schools, as set out in the SG, should be deleted as it leads to double counting/over payment. Developments which will produce children attending a school within the same period should be considered together and the impacts pro-rated based on the size of the development. In addition, the impacts of a development should be considered in accordance with the agreed phasing of a development, not artificially squeezed into a 5 year period which bears no resemblance to the build out rates.

Following further detailed consultation, amendment is proposed, and methods subsequently re-examined to ensure they effectively consider the scale of the development. Amendment is proposed to the supplementary guidance to illustrate how education contributions are calculated, and additional detailed information will be provided within Planning Advice or a Policy Interpretation Note.

Respondents 7 & 14 raise concerns in relation to amendment of education calculations on the basis of maximum over capacity, as opposed to average over capacity as currently utilised, as no justification has been provided to explain this change. *As addressed above, this amendment has also been considered and subsequently amendment is proposed to the Supplementary Guidance, and further details and a working example will be provided within the Planning Advice /Policy Interpretation Note.*

Respondent 8 requests the total build cost of a new primary and secondary school in an effort to understand if the costs of schools are most efficient. *A worked example will be included within Planning Advice or a Policy Interpretation Note to ensure a clear and concise position is presented to illustrate how costs are calculated.*

Respondent 8 makes reference to recent consultation of the Aberdeen City Council SG which stated that the land requirement for a two-stream primary school was 1.2 hectares in comparison to the required 2.2 hectares set out in Aberdeenshire Council’s consultation. For a three-stream school the City show 1.8, and Aberdeenshire set out 2.8, and similarly a secondary school is set out by the City as 4.3 hectares larger than set out by the City. The respondent therefore suggests that land requirements should remain consistent across Scotland, and therefore queries this element to ensure consistency and clarity. *As this is a query in relation to Aberdeen City Council, it cannot be addressed through the Supplementary Guidance. Therefore no amendment is required to the Supplementary Guidance.*

Respondent 15 suggests that further detail is required on the authority’s contributions towards education infrastructure. Stating that where funds are received through estates sales then these funds should be invested directly into the schools estate. They additionally state that the development industry cannot be responsible for renewing the authority’s school estate. *Although the respondents query has been considered, this information is not considered necessary within the Supplementary Guidance. Therefore, no amendment has been made to the text.*

Healthcare

Respondents 6, 8 & 15 state that they remain opposed to the principle of securing contributions towards healthcare provision, as they feel this should not be subsidised by the developer. Respondent 6 states they feel it is sufficiently addressed through taxation mechanisms. *A requirement for Healthcare contributions is set out in the Local Development Plan and therefore should not be challenged within the Supplementary Guidance. Therefore, no amendment is required.*

Respondents 6 & 15 suggest that the section on healthcare is amended to meet reporter's recommendations on the LDP examination, with healthcare contributions required clearly relating to the relevant settlement, and only being utilised for NHS owned facilities. *As this is sufficiently addressed in the Local Development Plan settlement statements, no amendment is required.*

Respondents 6, 8 & 15 suggest the use of a formula based approach in regards to healthcare does not reflect a proper assessment of whether a development creates an additional requirement for facilities. *The assumption appears to be that no consideration is made towards existing provision, and a blanket cost will be applied to each new home proposed. The Local Development Plan Settlement Statements identify where a contribution is required, and to which facility it will be directed, which is further evidenced by NHS Grampian. Therefore, no amendment is required.*

Respondent 6 requests that clear and transparent information of the capacity of existing healthcare provision should be provided. *As already addressed, this information is provided within the Local Development Plan, therefore no amendment is required.*

Respondents 6 & 15 request that a clear breakdown of costs should be provided. Respondent 8 queries how the Council came to the figure of £1,373 per SHUE contributions, or to what this contribution will cover. They additionally query why the rate for healthcare is higher than the City's which has been set out at £1,023.57 per SHUE. *Amendment is proposed to the existing wording to provide additional clarity on how rates are calculated. Furthermore, additional information which will include a worked example will be included within a Policy Interpretation Note or Planning Advice to aid understanding.*

Respondent 16 wishes the methodology for calculation of the required contributions to be amended as follows from;

<i>Permanent Accommodation</i>	<i>£1,373.00</i>
<i>Internal Reconfiguration</i>	<i>£ 692.00</i>

They wish these figures to be amended in line with project costs provided with Scottish Future Trust which have been updated to Q1 2016. The amended figures will also take into account average household sizes based on the Local Authority Area for 2017 provided by the national records for Scotland, and should be revised as noted to follow;

<i>Permanent Accommodation</i>	<i>£1,340.00</i>
<i>Internal Reconfiguration</i>	<i>£ 788.00</i>

As requested, amendment is proposed to the rates towards healthcare mitigation within the text.

Respondents 6, 14 & 15 all raise concerns in regards to situations where land is required at nil value. Respondent 6 suggests that land should have an appropriate value and be taken into account when calculation contributions. Respondent 14 believes that developers should not be expected to provide a whole site at nil value as in the majority of cases a new healthcare

facility will not only serve the development but also the wider community, so a proportion of the cost should be met by the Council. Respondent 15 believes all land has a value and should be taken into account on a site by site basis. This aspect has been reviewed, *and an amendment is proposed within the Supplementary Guidance to advise that where land is required, this will be at market value based on use as a healthcare facility. Furthermore, amendment is proposed to demonstrate that any financial requirement will be deducted from the level of contribution required.*

Respondent 15 states that should contributions towards healthcare continue to be required, then they suggests that a mechanism is built in to allow a refund of monies from private medical practices to public sector should the practices be sold on in future. While we have taken these comments on board, we feel no amendment is required to the Supplementary Guidance.

Waste & Recycling

Respondents 6 & 8 request further detailing on the costs of proportionate contributions towards this element. Respondent 6 requests that more information is provided on how the council determine whether a facility is at capacity, to include a full breakdown of costs. Respondent 8 queries how the figure of £361 per SHUE is arrived at. *As suggested by the respondent, a full breakdown will be provided within Planning Advice or a Policy Interpretation Note to provide clarity.*

Community Halls

Respondent 6 requests that the Council provides clear and consistent information on the capacity of existing community facilities, to include timetable information. *The Local Development Plan Settlement Statements identify where a contribution may be likely to be required, with additional information provided within Community Action Plans. Further detailed information may be available on request through the assessment process, however its inclusion within the Supplementary Guidance is considered onerous and therefore no amendment is required.*

Respondent 6 requests that the Council should take into account community facilities which are provided by schools to ensure no double counting of contributions. They further request that a full breakdown for costs are provided. *Community hall provision provided in new schools are considered outwith baseline education contributions, which ensures no double counting of community hall provision. Further costing information will be provided within Planning Advice or a Policy Interpretation Note demonstrating baseline costs of education facilities and community hall provision.*

Respondent 7 suggests that the use of a formula based approach in regards to healthcare and community facilities, does not reflect a proper assessment of whether a development creates a need for additional facilities. They believe the application of formula based on every house requiring a specified amount of community facilities ignores the availability of existing facilities, and the potential for longer opening hours etc, and is designed to support a requirement for contributions to be required form every house. *This conflicts with Circular 3/2012 and the reporter's findings at the LDP examination on Issue 15. The Local development Plan Settlement Statements illustrate where a contribution will be required towards community hall provision. Additional wording is proposed within the Supplementary Guidance to further demonstrate assessment of this element, which clarifies how this meets the policy tests.*

Respondent 8 queries how the Council arrived at a figure of £1,976 per SHUE towards Community Hall Provision as no information has been provided. They further suggest they believe transparency is required of baseline costs where a proportionate contribution may be sought, and request that a fully worked example is provided within an appendix to clarify matters and to aid developers understanding. *It should be noted that the Council have not arrived at a figure of £1,976 per SHUE towards Community Hall Provision. Instead we have provided 2 rates dependent on the method of mitigation required at a particular facility. Where a contribution is required towards permanent accommodation of community facility a rate of £1,373.00 is applicable, and where additional capacity can be provided by means of internal re configuration a rate of £692.00 will be applicable. Further detailing on costs, to include a worked example, will be provided within the Planning Advice / Policy Interpretation Note to aid understanding.*

Sports and Recreation

Respondents 6 & 8 raise issue in regards to the assessment of Sports and Recreation facilities being undertaken within academy catchment area, as they believe this fails to meet the test “fairly and reasonably”. *Further clarification has been provided within the text which demonstrates that Sports & Recreation facilities which serve settlements are within the relevant academy catchment. This is a reasonable planning unit, with a reasonable level of population to use the facilities. On this basis, no amendment is required to the Supplementary Guidance.*

Respondent 6 requests the inclusion of a clear method of demonstrating capacity at existing Sports and Recreation facilities is provided within the Supplementary Guidance, with a breakdown of costs. Respondent 8 also queries how the figures were arrived at for SHUE contributions towards Sports and Recreation facilities as no information has been made available. *Full details of costs, with a worked example will be provided within Planning Advice or a Policy Interpretation Note to aid understanding of how rates are derived.*

Respondent 8 states that it is essential to understand if there are capacity issues for facilities and how a development will impact on capacity, with the resultant requirement for mitigation. *The Local Development Plan settlement Statements identify where a contribution may be likely to be required towards Sports and Recreation, with additional information provided within Community Action Plans. To aid understanding additional wording is proposed within the Supplementary Guidance to clarify how assessment of existing capacity is undertaken.*

Respondent 8 queries why Aberdeenshire’s proposed rates are higher than suggested within the city of £964 for outdoor facilities and £250 for indoor facilities. *As this refers to Aberdeen City Councils Supplementary Guidance no amendment to the Supplementary Guidance is required, however, additional information will be provided on how Aberdeenshire’s rates are derived within Planning Advice or a Policy Interpretation Note.*

Open Space

Respondent 5 state that although Open Space is identified as a type of obligation within the table on Page 3 of the Supplementary Guidance, no further details on requirements are provided. *Development does not attract contributions towards open space as this is addressed through the Development Management process. We therefore propose to remove this element from the Supplementary Guidance.*

Respondent 5 states that whilst on site works and the design of the development will often be sufficient to ensure adequate provision that it may also be necessary for developers to contribute towards off site works directly or through pooled resources towards green infrastructure or improving the water environment. *This is sufficiently addressed through existing policy within the Local Development Plan, therefore no amendment is required.*

Respondent 5 further suggests that consideration should be given to the amendment of the wording in the proposed SG “Safeguarding 1: Protection and conservation of the water environment” in the fourth paragraph of the justification. After the first sentence they suggest the following text (or similar):

“A developer contribution may be sought in circumstances where water body restoration or enhancement opportunities have been identified through the mater planning/development brief process” or The River Basin Management Plan”. SEPA Further state this has been adopted in other local authority areas (Perth and Kinross, Dundee, Stirling)”

As this is not relevant to the Supplementary Guidance, no amendment is required.

Miscellaneous

Respondent 3 wishes the following amendments to be made;

Under the heading “What are Developer Obligation sought for” Paragraph 3, Line 4:

Replace “may” with “will”

Replace “take” with taken”

Under the heading “Development Viability”

Replace the last word “confidentiality” with “confidence”

Under the heading “How will Developer Obligations be secured and managed – Upfront payments”

Remove the “s” from Where and upfront payment”s” is required

As suggested, amendments are proposed to the supplementary guidance as requested.

Equations

All equations, such as;

“Maximum Number of Pupils Over Capacity x Relevant Rate = Contribution”

Should be written in the form

“Contribution = Maximum Number of Pupils Over Capacity x Relevant Rate”

Residents

The word resident is used twice. This should be written residents’ as it refers to more than one resident.

With regards to the requests to re-draft the Equations and Residents sections: this is unnecessary so no amendment has been made.

Respondent 9 requests that where possible a transparent process for front end engagement between all stakeholders should be stipulated. They further suggest this could be part of, or support greater front end engagement advice given by the Council's planners to whether an up to date community action plan would benefit the overall Developer Obligations process. Respondent 9 additionally states the Supplementary Guidance does not make clear when and what information is made available for consultation during the planning process. They suggest this could aid the overall support and understanding of the process including the role, if any, of community councils or other community groups. *The comments made do not have a direct bearing on the content of Supplementary Guidance, therefore no amendment is required.*

Respondent 12 request more involvement in regards to decisions made on the spending of Developer Obligations, as they believe the public need to quantify the benefits to the community as a result of new development. They further request transparency in regards to this element. The respondent states that they believe it is difficult to see where development has improved infrastructure, and further comments that inaccurate calculations of school rolls has led to capacity issues which they believe is unacceptable. *Developer Obligations purpose is to mitigate the impact of development, and not to provide benefit to the community. An up to date list of projects to which developer obligations have contributed towards can be provided on request, but it is considered that addition of this within the Supplementary Guidance would be onerous.*

Respondent 12 suggests that cohesive thinking and strategy is required between planning and infrastructure services, as they believe some planning proposals do not make sense. The respondent (12) states that they believe once developers are committed to their obligations then they must then deliver upon them, as they perceive it has been difficult to do so in the past. They further comment that they would be interested to know the balance of funding between the developer and the Government is regards to new and extended infrastructure within their area. *No amendment has been requested and therefore can be made in respect of the points made within the Supplementary Guidance. Therefore, no change has been made to the text.*

Respondent 14 suggests that the formulaic approach utilised within the Supplementary Guidance should be reviewed, as it does not take into account individual sites or local circumstances. They further suggest that reconfiguration costs of no two buildings will be the same. *As this is sufficiently addressed within each element, no further amendment is required.*

Respondent 14 also requests that should the Council persist in utilising the current methodologies then the monies should be refunded to developers where it transpires that the cost of the development or reconfiguration was less than the contribution made. They further state that no justification is provided for various costs, and therefore the Circular tests cannot be satisfied. They therefore suggest that to ensure greater transparency in the cost of provided community infrastructure, where the cost is less than the planning obligation made then there should be scope to return the unspent monies. *As this is sufficiently addressed within the existing text, no amendment is required.*

Respondent 11 states that evidence is required of existing capacities for schools, healthcare facilities, waste and recycling facilities, community halls and Sports and Recreation Facilities, to support a requirement for contributions. They further suggest that a full breakdown of costs should accompany the guidance in a technical note, with detail of exact requirements set out to ensure there is no double counting, and that costs are transparent and evidenced. *As this is sufficiently addressed within amendments proposed, no further amendment is required.*

Respondent 13 requests that the proposed Supplementary Guidance is amended to reflect the differences the impact developer obligations will have on Affordable Housing in comparison to open market housing. They further request that the Council's policy is amended to reflect the importance, and prioritise Affordable Housing by providing relief from developer obligations contributions for Affordable Housing delivered by a Registered Social Landlord (RSL). *As all residential development is treated in the same manner, no amendment is required.*

Respondent 13 suggests the approach taken for regeneration areas within town centres, could be adopted for proposals for Affordable Housing, to ensure the policy does not slow down and hinder the delivery of affordable housing. This approach has been adopted in other Local Authorities, who recognise the financial constraints in the delivery of affordable housing. *This is not a matter which can be addressed through the Developer Obligations Supplementary Guidance, therefore no amendment is required.*

The respondent additionally states that as the delivery of new affordable housing is reliant heavily on the policy requirement of new development contributing 25% affordable housing. Therefore, where these are delivered by an RSL, relief from Developer Obligations would allow and encourage onsite delivery. Provision to allow this approach, should be incorporated within the S75. They finally suggest within the current housing market, this will allow the Council to capitalise on the early delivery of affordable housing. *As Developer Obligations is a development cost, and Affordable Housing is addressed within a different policy with its own Supplementary Guidance it is not appropriate to consider Affordable housing within the Developer Obligations supplementary Guidance revision. No amendment is required.*

Rates

Respondent 7 raises concern in regards to the methodologies/rates set out in the SG, stating that little or no background information is provided to demonstrate how contributions towards education, healthcare, waste/recycling, comment and sports and recreation facilities are arrived at. They suggest justification required to demonstrate that these amounts are fairly and reasonably related to the provision of relevant facilities in the relevant settlements. *As this is sufficiently addressed within the Supplementary Guidance within each element, and detailed information will be provided within a Planning Advice Note, no further amendment is required.*

Respondent 7 states that some contributions have increased, while others have reduced, but point out that no explanation is provided for the changes made. They suggest that the application of standard rates is akin to applying a levy, which there is no opportunity for developers/landowners to critically evaluate and challenge. They therefore do not see how the SG's approach fits with the reporter's requirements to avoid the policy being applied as a roof tax. They therefore request that further justification is required to demonstrate the rates used comply with the tests in the circular. *The methodologies and rates set out in the Supplementary Guidance have been tested through the examination process, there is therefore no requirement to provide any additional amendment unless this is specified by the reporter.*

Respondent 2 requests Justification is provided to demonstrate that the rates in the SG are fairly and reasonably related to the provision of the relevant facilities' in the relevant settlements, failing which an acknowledgement on the SG that the rates may differ and will be agreed with the applicant having regard to appropriate evidence. *As this is sufficiently addressed within the Supplementary Guidance amendments made within each element, no further amendment is required.*

Local Development Plan 2017: Draft Amended Supplementary Guidance

Supplementary Guidance No. 7

Developer Obligations: Methods for Calculation

To comply with Policies RD1: Providing Suitable Services and RD2: Developers' Obligations, set out in "The responsibilities of developers" section of the Plan, a Developer Obligations package may be required. This will be detailed in a Developer Obligations Assessment Report, carried out by the Developer Obligations team, which assesses the level of proportional contributions required towards Developer Contributions and Affordable Housing.

Requirements in respect of affordable housing are set out in Policy H2 Affordable Housing.

Reasoned Justification

The aim of this Supplementary Guidance is to set out the methodology employed in calculating the level of Developer Obligations which may be required as a result of new development.

In order to provide transparency, standardised charges and formulae form the framework for calculations dependent on site specific requirements. The Settlement Statements set out the key requirements for facilities and likely infrastructure which development is required to contribute to proportionally.

Any Developer Obligations sought must be linked to the specific development and meet the tests set out on Circular 3/2012

Necessary To make the proposed development acceptable in planning terms.

Serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans.

Relate to the proposed development either as a direct consequence of the development *or* arising from the cumulative impact of development in the area.

Fairly and reasonably relate in scale and kind- to the proposed development.

Be reasonable- in all other respects.

What are Developer Obligations sought for, and how will these be assessed?

Proportional Developer Obligations may be sought from all types of development creating new housing units or commercial floor space, to address the cumulative impact on infrastructure. The developer is not expected to account for existing deficiencies, but to ensure that any proposed development does not generate additional pressures on existing infrastructure to the detriment of the amenity of existing residents.

Proportional contributions are based on the impact of the development on existing infrastructure and amenity of the settlement in which the development is based. This also applies to infrastructure which although not located within the settlement, directly serves the development elsewhere.

Infrastructure requirements for each proposal vary, and in some instances it may be more cost effective for the developer to mitigate the impact of their development on such infrastructure through works in kind. If further infrastructure requirements are discovered through the planning process additional to elements identified through initial assessment, these will also be taken into account.

Infrastructure requirements to support proposed developments are assessed on a case by case basis, as each site is considered on its individual merit. Infrastructure requirements are generally set out in the Settlement Statements.

Providing infrastructure necessary to allow a development to proceed may require the Council to incur costs while working in partnership with developers, or through upfront investment by the Council. Council expenditure to support development requires to be recouped at a later date. This accords with Circular 3/2012, which indicates that Local Authorities can consider requesting proportional payments from subsequent developments which benefit from that investment until the costs have been recovered in line with the agreed planning obligation/legal agreement.

Developer Obligations Assessments are carried out for each qualifying planning application by the Developer Obligations Team, through consultation from the Development Management Case Officer. Qualifying applications are those that create new housing units or commercial floor space. The Developer Obligations team establishes where mitigation is required, working with internal and external agencies to ensure evidence is provided to support any required contribution. Consideration is made to any concurrent applications pending to ensure mitigation is proportionate to the level of development proposed. During the assessment process, each policy test is considered and where all policy tests are met, and sufficient evidence is provided this will result in a requirement for a contribution. Developers are encouraged to engage with the Team as part of pre-application discussions prior to the submission of an application for planning permission. This will enable developers to ascertain the likely level of contribution required by a proposed development.

For Planning Permission in Principle applications, where specific details of development are unknown, rates are based on location either per standard house unit, or per sqm for commercial/retail premises.

A summary of the types of development and possible obligations is outlined below:

- Residential Development: All proposals which involve the creation of a new dwellinghouse. *(In cases where multiple related applications may be received, consideration will be given to the cumulative impact of the development and contributions sought for the infrastructure impact)*
- Commercial Development: All development which require identified Local Transportation mitigation measures.
- Other applications where the Development Management Service considers the proposal to be of a scale or type of development approach to consult with the Developer Obligations team

TYPE OF OBLIGATION	RESIDENTIAL	COMMERCIAL
Strategic Transportation	✓	✓
Local Transportation	✓	✓
Education	✓	
Healthcare	✓	
Community Facilities	✓	
Sports & Recreation	✓	
Waste	✓	

Development Viability

Aberdeenshire Council acknowledges that unforeseen costs can affect development viability and may take this into account dependent upon circumstances. There is an expectation for all developers to undertake a full viability appraisal at the outset of their development which takes into account all likely costs including developer obligations and affordable housing in accordance with Policy RD2: Developers' Obligations and Policy H2: Affordable Housing. Aberdeenshire Council cannot take into account issues of viability where this has not been prepared.

For unforeseen costs to be taken into account the developer is required to prepare and submit an independent and verified Development Viability Statement. This allows a comparison of costs to be evaluated against projected value.

The Viability Statement must be prepared by an independent qualified professional and provide the following;

- A dated copy of the original viability appraisal setting out the allowances made for developer obligations.
- Cost plans providing estimates which include a detailed breakdown, produced in accordance with RICS published costing data.
- Detailed specifications (including external works) to provide itemised information on all development costs pertaining to the proposed development produced by a RICS accredited firm.
- Projected market valuations for each property within the development.
- An indication of the timescales within which each property would be marketed and sold and, where appropriate, development phasing information.
- A Report detailing the financial implications of the additional costs and their implications for the viability of the development.

Due to the commercially sensitive nature of viability appraisals information provided will be dealt with in strict confidence. However, the full Developer Obligations Assessment Report shall be publically available once a planning decision has been made.

How will Developer Obligations be secured and managed?

Developer Obligations may be secured through upfront payments under Section 69 of the Local Government (Scotland) 1973, Section 48 of the Roads (Scotland) Act 1984 or a Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Upfront Payments

The applicant must enter into an agreement with Aberdeenshire Council in terms of Section 69 of the Local Government (Scotland) Act 1973.

Where an upfront payment is required, this must be concluded before planning permission can be issued, the applicant is advised to ensure this is the final matter to be concluded before planning permission is issued.

Phased payments

The council will consider phasing payment of Developer Obligations in accordance with the phasing of the development and based on evidenced completions. Phased payments require a legal agreement to set out the terms and conditions of phased payments. Agreement on timing of payment will be included in the legal agreement with the addition of any specific clauses which relate to the proposal. Payments will be index linked in accordance with this guidance and dates as set out in the assessment report with reference to the General Building Cost Index as published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors or such other index as the Council and developer may agree.

Management of funds

Contributions, identified individually, are currently held in the Council's balance sheet in a unique account to which notional interest, unless otherwise stipulated, is added on a monthly basis. In the event of a repayment of contribution the interest added will be calculated to reflect, in addition, compounding on an annual basis.

The council undertake to spend contributions received in respect of an appropriate project or projects in line with the detail of assessment within 7 years of the date when contributions are paid. For developments involving phased payment of developer obligations the 7 year period for spending contributions shall commence on the date that the final phased payment is made to the Council. In the event of the contribution or part of it not being spent within this time period the contribution or part will be refunded to the applicant or their nominee along with relative interest accrued.

TYPES OF OBLIGATIONS AND THE METHODOLOGY FOR CALCULATING THE REQUIRED CONTRIBUTION

Some contributions through this Supplementary Guidance are based on a per-house-equivalent. The figures below calculate the contribution required. A three bedroomed house is taken as a 'standard sized unit (SHUE)'.

1 bed = 0.6
2 bed = 0.8
3 bed = 1 'standard sized unit'
4 bed = 1.2
5 bed = 1.4
6 bed = 1.6

Where an application is received for Planning Permission in Principle and the precise mix of units is not available then a formula may be included within the agreement to allow the contribution to be calculated based on the *final* mix proposed or a subsequent assessment undertaken.

All rates as set out in this guidance are correct as of Q1 2016 and will be reviewed and published on an annual basis in line with the General Building Cost Index as published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors. The published index linked rate for the year the application is submitted will be used in the assessment report.

LOCAL TRANSPORTATION

All developments, will be assessed in terms of their impact on the local transport network and may be required to mitigate these impacts. All developments, where impacts requiring mitigation have been clearly identified, will make an appropriate contribution towards local transport infrastructure and / or services related to that development, to ensure that the required facilities / infrastructure provision is in place in time to mitigate the impacts of the development.

EDUCATION

When and where do they apply?

In order to ensure the necessary infrastructure is delivered timeously to meet the required need, mitigation will be sought from all residential development where the primary and/ or secondary school roll cumulatively along with other identified development is projected to exceed 100% of the total capacity in the 5 years following the submission of a planning application for housing.

The required additional capacity will be provided by the most appropriate method by either a permanent extension, reconfiguration of the existing building to provide additional classroom space, or through the erection of a new build school. As these separate methods have differing associated costs, separate rates will be applied. These rates are identified in the tables below. If the necessary capacity required by a development can be delivered through a rezoning exercise then a contribution will be sought towards the cost of the rezoning consultation.

How is the contribution calculated?

Calculations for each development are based upon the content of the Housing Land Audit (HLA) and school roll forecasts (SRF) for Aberdeenshire using the following formula:

$$\text{Average Number of Pupils Over Capacity}^* \times \text{Rate of Mitigation} = \text{Contribution}$$

Contributions are calculated on the basis of the average number of pupils over capacity over the 5 year period following the submission of a planning application.

*The average number of pupils over capacity shall be expressed as a percentage of the number of houses proposed by a development against the total number of houses built during the 5 year period.

Contributions relating to applications for Full Planning Permission and Matters Specified in Conditions shall be calculated using Standard House Unit Equivalents. This shall ensure that contributions are proportionate and related in scale and kind to the development proposed.

Where the phasing of development increases the build out period beyond 5 years F, contributions for the extended period of development and remaining housing units shall be calculated using the following formula:

$$\text{Number of Houses Remaining} \times \text{Relevant Pupil Product Ratio} \times \text{Rate of Mitigation}$$

Rates

The rates per pupil as set out below are in line with the Scottish Futures Trust space standards and rates per sqm, index linked.

Primary Education

TYPE OF MITIGATION	RATE PER PUPIL
New Build (232-462 capacity)	£21,375.00
New Build (463+ capacity)	£18,525.00
Permanent Extension	£18,525.00
Reconfiguration	£7,833.00
Rezoning	£3,820.00

Secondary Education

TYPE OF MITIGATION	RATE PER PUPIL
New Build (801-1200)	£26,147.00
New Build (1200+)	£23,770.00
Permanent Extension	£23,770.00
Reconfiguration	£10,444.00
Rezoning	£3,820.00

Land Requirements

On larger developments, where the development as a whole or as part of a masterplan, generates the need for a new school, the developer will be required to reserve and provide an appropriate sized area of land for a school based on the following:

Primary School:

5.5 acres (2.2 hectares) (based on a 232-460 place community school)

7 acres (2.8 hectares) (based on a 460+ place community school)

Secondary School:

26 acres (10.5 hectares) (based on a 1200 place community school)

Consultation should be undertaken with the Council in respect of the location of any school sites as part of a development. The provision of reasonably flat serviced land, at market value shall be deducted from the level of education contribution generated by the proposed development.

HEALTHCARE FACILITIES

Healthcare facilities can include General Medical Services (GMS), Dental Services and Community Pharmacies.

Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities.

When and where does it apply?

Applies to all residential developments where the capacity of existing facilities will be exceeded as a result of the development. Site specific requirements are identified in the Settlement Statements.

The baseline is identified as the recommended number of patients of 1500 per General Practitioner (GP). Contributions may be sought for a new build facility, permanent extension or internal reconfiguration works to provide additional capacity.

How is the contribution calculated?

$\text{No of SHUE} \times \text{Relevant Rate} = \text{Contribution}$

The Scottish Health Planning Notes identify a floorspace requirement per GP of 271sqm, with each GP capable of accommodating a maximum of 1500 patients. Primary healthcare provision now also includes a number of Community Health Partnership (CHP) facilities located within the same facility. Additional floorspace is therefore included for this element.

The total project cost is based on information provided within the Quality & Efficiency document produced by Scottish Futures Trust, updated to Q1 2016. The Build Cost per Square metre is then multiplied by floor area, patients per GP, and the average household size which results in the relevant contribution.

REQUIRED MITIGATION	CONTRIBUTION PER SHUE
Permanent Accommodation	£1,340.00
Internal Reconfiguration	£788.00

For development sites where a new build facility is proposed a proportionate land contribution may also be required. This shall be in the form of flat serviced land. The provision of land shall be deducted from the level of healthcare contribution generated by the proposed development. The market value of the land shall be based upon its use as a site for a healthcare facility only.

WASTE AND RECYCLING FACILITIES

Development may generate a need for new or additional waste and recycling facilities to service the growing population. Schedule 3 and the Supplementary Guidance Settlement Statements identify where there is a requirement for new or replacement facilities to serve communities in line with the Updated Integrated Sustainable Waste Management Strategy for Aberdeenshire 2001-2020.

Contributions are calculated at a cost per standard house unit equivalent and will be spent on facilities that serve the local population. Costs per household for each type of facility are based are set out in the table below.

TYPE OF FACILITY	CONTRIBUTION PER SHUE
Household Waste & Recycling Centre	£233.00
Waste Transfer Station/Bulking Point	£128.00

COMMUNITY HALLS

Community halls include provision such as town, community and village halls.

When and where do they apply?

In order to ensure the necessary infrastructure is provided to meet resident's needs, mitigation will be sought from all residential development where it has been identified that as a result of new development additional capacity within existing facilities or the creation of new facilities would be required.

As guided by Circular 3/2012, contributions will not be used to resolve existing deficiencies in infrastructure provision or to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development.

Contributions may be required where the capacity of existing facilities shall be impacted by new development, subsequently detracting from the amenity of existing residents unless mitigation is implemented. Financial contributions may be secured towards internal reconfiguration works to enhance the capacity of the building, additional works in the form of an extension, or a new build facility. During the assessment process detailed consultation is undertaken with relevant services.

The required additional capacity will be provided by the most appropriate method, by either re-configuration of existing community halls where possible, or through the erection of an extension or a new community hall. As these separate methods have different associated costs, separate rates will be applied. These rates are identified in the table below.

How is the contribution calculated?

The level of contribution is calculated on the requirement of 0.75sqm of community hall per dwellinghouse for developments of all sizes in line with recommended standards.

$\text{No of SHUE} \times \text{Relevant Rate} = \text{Contribution}$

REQUIRED MITIGATION	CONTRIBUTION PER SHUE
Permanent Accommodation	£1,267.00
Internal Reconfiguration	£709.00

SPORTS & RECREATION FACILITIES

Sports & Recreation facilities include both indoor and outdoor facilities including sports halls, football pitches, rugby pitches, all weather pitches, multi-use games areas, cricket pitches and any supporting facilities.

When and where do they apply?

In order to ensure the necessary infrastructure is provided to meet resident's needs, mitigation will be sought from all residential development where it has been identified that as a result of new development an impact on existing facilities would occur.

As guided by Circular 3/2012, contributions will not be used to resolve existing deficiencies in infrastructure provision or to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development.

How is the contribution calculated?

A requirement for Sports & Recreation contributions is determined based on population numbers, current provision, usage, and the impact of the proposed development. As Sports & Recreation facilities usage serves the wider community, assessment is undertaken on the basis of academy catchment, which relates directly to the proposed development. Any contributions secured will be expended within the relevant academy catchment.

Where development is likely to have an impact on indoor and or/outdoor sports facilities resulting in a requirement of mitigation, it will usually be identified in the Settlement Statements, and relevant community action plan. Further consultation may also be required with internal services to establish how each facility is impacted by the proposed development to further evidence any required contributions.

The required mitigation will be provided by the most appropriate method, by either re-configuration where possible to maximise use, extension to existing provision, or through the erection of new Sports & Recreation facilities. Furthermore, indoor and outdoor rates will differ and as these separate methods have different associated costs, separate rates will be applied. These rates are identified in the table below.

TYPE OF FACILITY	CONTRIBUTION PER SHUE
Outdoor Sports Facilities(New Build)	£863.00
Indoor Sports Facilities & Community Learning Hubs (New Build)	£1,303.00
Outdoor Sports Facilities (Reconfiguration)	£483.00
Indoor Sports Facilities & Community Learning Hubs (Reconfiguration)	£729.00