

Appendix 4

Respondents, Representations and Officers Responses

Respondent	Summary of comment	Response to comment
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Infrastructure & Developer Contributions Manual		
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Scottish Water (141)	<p>Supportive of the general approach that the Supplementary Guidance has taken to Water and Drainage. However clarity is required on whether the financial contributions associated with water and drainage that are referred to relate to strategic pieces of infrastructure that the Council would be looking to co-ordinate across several developers. Scottish Water require all upgrades to Part 3 Assets be paid for and delivered up-front by the developer, although claim some of these costs can be claimed as part of their Reasonable Cost Contributions (under the Provision of Water and Sewerage Services (Reasonable Cost) (Scotland) Regulations 2006).</p>	<p>The Council recognises that there needs to be clear arrangements in place for the planning and delivery of infrastructure for water supply and waste water disposal. Scottish Water played a crucial role in identifying infrastructure requirements for water through the plan preparation process. The Council intends to continue this by working with Scottish Water and other stakeholders to refine the evidence base for infrastructure and developer contributions.</p> <p>The Manual has been updated since the first publication in order to make the position clearer that the cost and programming of work associated with Part 4 strategic infrastructure is the responsibility of Scottish Water. All other Part infrastructure (1, 2 and 3) are the responsibility of the developer, where financial contributions for Parts 2 and 3 infrastructure can be claimed back from Scottish Water if applicable. This again is done as part of the Reasonable Cost Contributions (Reasonable Cost) (Scotland) Regulations 2006.</p> <p>In light of the comments raised by Scottish Water we would propose to add text to the Supplementary Guidance which explains the process as described above.</p>
Kincorth/Leggart Community Council (329)	<p>How long will it take to gain sufficient funds to build a primary and a secondary school for site OP77? Given that it is unlikely that all 1650 houses will be built at one time. Previous experience has shown that schools and other facilities are not built for quite some time after development has begun.</p> <p>The Supplementary Guidance mentions health, however, the only mention in the LDP is for an extension to the Cove Health Practice. A</p>	<p>The total number of houses will not be built all at one time. Long term phasing of sites is set out in the Local Development Plan and discussions will be held between the Council and developers regarding the planned year to year development rates.</p> <p>As mentioned previously, whilst the Council recognises there are challenges to delivering infrastructure in the current financial climate, it will be important for the Council to work closely with the development industry to find solutions to delivering development and the necessary infrastructure, such as education provision, to mitigate any impacts. The Council can utilise mechanisms to spread costs through staged payments</p>

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	<p>timetable must be set for the construction of the schools. A health centre would also be required within a development of this size. The section on Cumulative Transport Infrastructure makes no reference to the roads that would be required to prevent future problems at the Bridge of Dee that are currently under discussion at Nestrans.</p>	<p>where appropriate, and we are exploring opportunities for up-front funding. In all cases, the precise level of infrastructure requirements and developer contributions will need to be agreed with the Council and other statutory agencies through the masterplanning and planning application processes. Any infrastructure or financial contributions sought will be proportionate to the impact of development and also take account of the capacity of existing services and infrastructure.</p> <p>Masterplans will need to demonstrate how supporting infrastructure will be delivered, along with the phases of development proposed, and provide appropriate evidence to support any request by a developer to diverge from the infrastructure identified. For example, this could be as a result of a change in the scale and/or impact of development proposed from the allocation in the LDP. Subsequent planning applications will need to reflect the agreed masterplan and mitigation measures, and developer contributions will be finalised through a Planning Agreement. This will ensure that infrastructure requirements and developer contributions are necessary and proportionate to mitigate the impact of development. It should also ensure that infrastructure provision and developer contributions do not unduly restrict the implementation of development proposals or affect the viability of development, whilst ensuring that new development will be accompanied by an appropriate level of services to support new communities.</p>
<p>Scottish Environment Protection Agency (408)</p>	<p>Supportive of the recognition in the Local Development Plan of the need to consider delivery of infrastructure at an early stage.</p> <p>Supportive of the approach taken by the Supplementary Guidance of seeking contributions for the Air Quality Action Plan. This approach has been successful in other local authority areas and it will undoubtedly</p>	<p>The comments supporting the approach to contributions towards Air Quality Action Plan are noted and welcomed.</p>

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	<p>help to raise the profile of poor air quality.</p> <p>Supportive of the inclusion of Green Space Network (GSN) in Developer contributions. The SG states that the Open Space Strategy and Supplementary Guidance sets out priorities, rationale and delivery mechanism for Green Space Networks, however there is no such Supplementary Guidance on Open Space in the consultation documents.</p>	
<p>Emac on behalf of Scotia Homes (1189)</p>	<p>The Supplementary Guidance states that 'Masterplans will need to reflect the infrastructure requirements identified and should include a Delivery Statement setting out details of how the proposed development, and the accompanying infrastructure, will be delivered.</p> <p>Subsequently, actions relating to the delivery of infrastructure will need to be defined once the Masterplan and Delivery Statement have been agreed with the Council and any key agencies.'</p> <p>The delegation of responsibility to Masterplans, which have not yet been prepared, ignores the above advice that exact levels of contributions should be included in this Infrastructure and Developer Contributions Manual.</p>	<p>In preparing the LDP, the table of infrastructure requirements set out in Appendix 4 was presented in the main body of the text alongside Policy I1 in earlier drafts of the document. However, due to the size of the table and to keep the document as concise as possible it was relocated to an appendix with a cross-reference from Policy I1 to make this link clear. The inclusion of infrastructure requirements in the LDP complies with paragraph 23 of Circular 1 /2010 Planning Agreements which requires infrastructure requirements be set out within the LDP.</p> <p>Policy I1 also includes a cross-reference to the Infrastructure and Developer Contributions Manual, which is published as Supplementary Guidance to the LDP. In doing that the Council is seeking to provide as much information as possible on the likely contributions to be sought through Planning Agreements along with clear guidance on the methodology used to identify infrastructure requirements in the Proposed Plan.</p> <p>The reference to the Action Programme is included to provide details on infrastructure provision as required by paragraph 23 of Circular 1/2010 Planning Agreements. The Action Programme will be updated on an ongoing basis to reflect progress and highlight further actions required to implement each policy, project and development in the LDP.</p>

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		<p>Appendix 2 does not relate directly to infrastructure requirements and is intended to provide a simple list of all opportunity sites in the LDP. In order to be as concise as possible and avoid repetition we do not consider there is a need for a linkage to Appendix 2.</p> <p>In all cases, the precise level of infrastructure requirements and developer contributions will need to be agreed with the Council and other statutory agencies through the masterplanning and planning application processes.</p> <p>The masterplanning and planning application processes, and particularly technical assessments presented to the Council during these stages, will provide an opportunity for verification of impacts of development and mitigation measures proposed and will inform the negotiation of Planning Agreements. This approach will ensure that any infrastructure requirements and Planning Agreements are in scale and kind with the proposed development.</p>
Sportscotland(1244)	<p>Welcomes early definition of the likely requirement for contributions which may be required and would be happy to work with the Council in further defining these.</p>	<p>Comments are welcomed and the Council will strive to continue with collaborative working approach.</p>
Homes for Scotland (1442)	<p>This entire policy should be included within the main LDP. Paragraph 97 of Circular 1/2009 states: 'Matters that should be included in the LDP or SDP, and not in supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.'</p> <p>Homes for Scotland are concerned that the levels of developer contributions that are</p>	<p>The Infrastructure & Developer Contributions Manual defines the criteria and methodology for seeking contributions to mitigate the impact of development.</p> <p>In preparing the LDP, the table of infrastructure requirements set out in Appendix 4 was presented in the main body of the text alongside Policy I1 in earlier drafts of the document. However, due to the size of the table and to keep the document as concise as possible it was relocated to an appendix with a cross-reference from Policy I1 to make this link clear.</p> <p>Paragraphs 23 and 29 of Circular 1/2010 Planning Agreements state that infrastructure requirements should be set out within the LDP and</p>

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	<p>emerging through the Supplementary Guidance (SG) are much higher than anticipated and fear that this will result in many schemes becoming unviable. The lists of contributions set out in the SG appear excessive, and do not relate in scale and kind to the proposed developments.</p> <p>PROPOSED MODIFICATION The following areas of greatest concern require justification by Aberdeen City Council that can clearly demonstrate that ‘the requirements are directly related to the development proposal and the need for them arises from its implementation,’ (Circular 1/2010, para 22). Unless this evidence is robust, Homes for Scotland requests that they be removed from the SG, until such time as it can be demonstrated that they are ‘fair and proportionate’.</p> <p>Circular 1/2010, para 23 goes on to say: ‘The Scottish Government wishes to improve the speed, efficiency and transparency of preparing and agreeing planning agreements. This means that: - Supplementary guidance should specifically identify expected contributions’</p> <p>1. Cumulative Transport Infrastructure The fact that Aberdeen City Council is ‘currently exploring a mechanism for securing developer contributions towards cumulative</p>	<p>associated Action Programme. Policy I1 also states that “the level of provision will be commensurate to the scale and impact of development”. Policy I1 includes a cross-reference to the Infrastructure and Developer Contributions Manual, which is published as Supplementary Guidance to the LDP. In compliance with Circular 1/2010 the LDP (at Appendix 4) and Action Programme list items for which contributions are likely to be sought and, alongside, the Supplementary Guidance is intended to provide as much information as possible on the contributions likely to be sought through conditions and/or Planning Agreements.</p> <p>The identification of infrastructure requirements related to new development in the Local Development Plan (LDP) has been based on the following principles:</p> <ul style="list-style-type: none"> - assessing the spare capacity of existing services/facilities/infrastructure and their ability to accommodate new development; - measuring the likely impact of new development on these services in different areas of the City; and - identifying where new infrastructure, or improvements to existing infrastructure, would be required to mitigate the impact of new development. <p>This work was carried out in partnership with colleagues from across Aberdeen City Council and key agencies involved in the planning and delivery of infrastructure, through the Aberdeen Future Infrastructure Requirements for Services Group. This process led to the identification of infrastructure specified in the LDP as being required to support particular developments across the City. The information gathered was published as a list of infrastructure requirements in the Proposed Plan, which served to share information with the development industry and other consultees as soon as possible in the plan preparation process.</p> <p>In all cases, the precise level of infrastructure requirements and developer contributions will need to be agreed with the Council and other statutory</p>

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	<p>transport infrastructure and further details will follow shortly' is contrary to para 23, above. Without this additional information, developers cannot know the full extent of their liabilities which may arise from their proposals, and cannot determine development viability. We therefore reserve the right to comment when further information is available.</p> <p>2. Schools The SG states that 'on larger sites, the applicant may be required to provide a school site. For primary provision this should be 3.25 hectares or thereby and for secondary schools this should be 10 hectares or thereby of serviced and where possible reasonably flat land'. We would expect the ultimate size to be concluded through the masterplan process and to be a size meeting the standards prevailing at that time. It is possible that with wide spread cost cutting throughout local authorities, the councils will not want the management responsibilities of 10 hectare sites for schools.</p> <p>3. Water The SG again states that 'The Council is currently exploring a mechanism for securing developer contributions towards the cumulative impact of development on water infrastructure and further details will when they are available'. We are understandably concerned about the lack of clarity provided by this statement and reserve the right to comment when further</p>	<p>agencies through the masterplanning and planning application processes. Any infrastructure or financial contributions sought will be proportionate to the impact of development and also take account of the capacity of existing services and infrastructure.</p> <p>Masterplans will need to demonstrate how supporting infrastructure will be delivered, along with the phases of development proposed, and provide appropriate evidence to support any request by a developer to diverge from the infrastructure identified. For example, this could be as a result of a change in the scale and/or impact of development proposed from the allocation in the LDP. Subsequent planning applications will need to reflect the agreed masterplan and mitigation measures, and developer contributions will be finalised through a Planning Agreement. This will ensure that infrastructure requirements and developer contributions are necessary and proportionate to mitigate the impact of development. It should also ensure that infrastructure provision and developer contributions do not unduly restrict the implementation of development proposals or affect the viability of development, whilst ensuring that new development will be accompanied by an appropriate level of services to support new communities.</p> <p>The principles outlined above are reflected in the formulae for developer contributions identified in the Infrastructure and Developer Contributions Manual.</p> <p>The Council will not be seeking contributions to resolve existing inadequacies.</p> <p>We have sought to find the most appropriate method for calculating costs for infrastructure provision. It has not been possible to set per-unit costs for infrastructure provision as this will vary depending on the circumstances of each site.</p>

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	<p>information is available.</p> <p>4. Health The level of contributions required, as listed in Appendix 4, to supply NHS Grampian with additional GP surgeries, dental chairs and community pharmacies is totally unreasonable. Unless a transparent and independent audit of all existing health facilities clearly demonstrates a deficiency of facilities, and which can be directly related to proposed new development, our member companies will not be contributing to new ones. No other Local Authority in Scotland requires the housebuilding industry to contribute to the NHS.</p> <p>5. Open Space and Green Network The SG states that 'The level of contributions required will be based on cost estimates to be included in the emerging Supplementary Guidance on Open Space.' It goes on to say that 'The Open Space Strategy and Open Space Supplementary Guidance also include information on the rationale and delivery mechanisms for Green Space Network.' Unfortunately neither document is available, as they are yet to be finalised, and will not go to committee until January 2011 (after the consultation period for the LDP is passed). This is contrary to Circular 1/2010, para 23 and should be removed. Our members reserve the right to comment on them when they are available.</p>	<p>The Council's approach recognises that infrastructure is necessary to mitigate the impact of development and that without the necessary infrastructure development would not function effectively. It is therefore necessary to identify infrastructure requirements. By identifying these early in the plan preparation process, and applying those to specific sites and/or groups of sites, costs for infrastructure provision can be factored into land costs and shared more equitably, thereby avoiding any disproportionate cost to, or affecting the viability of, specific developments. The requirement to prepare Masterplans will provide developers with the opportunity to demonstrate how development and accompanying infrastructure will be delivered.</p> <p>The Council will continue working with the FIRS Group to help deliver supporting infrastructure according to the timing and phasing of development.</p> <p><u>Cumulative Transport Infrastructure</u> Provision of new transport infrastructure including services and facilities will always need to be negotiated between the Council and the Developer and informed by evidence presented in technical documents such as Transport Assessments as well as mitigation measures proposed. Where it is considered that development will generate the need for new transport infrastructure, contributions will be sought.</p> <p>The Council has carried out a significant level of work with transport colleagues and partners, as well as public transport operators, to establish the likely level of new infrastructure and services that will be required to support new developments. The transport schemes associated with new developments fall into two categories, Local Infrastructure and Strategic Infrastructure. Local transport projects are expected to be provided as part of new development and should be reflected in the associated Masterplan and subsequent planning applications. Strategic transport projects have been identified by a partnership group consisting of officers</p>

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	<p>6. Library Provision and Community Facilities The SG states that ‘the Council will seek contributions towards the creation of libraries’, and ‘new development will generate a requirement for the provision of community facilities’. We would require evidence that the existing provision would not be able to cope with increased demand created by the development of more housing. Are the existing facilities at capacity, or are there any threatened closures of existing libraries and community facilities? Before any member of Homes for Scotland agrees to any justifiable contribution, they would require evidence that they are ‘not be(ing) used to resolve existing deficiencies in infrastructure provision’. It may well be the case that existing facilities require additional funding to stay open, and the creation of new libraries and community centres is not a cost effective way of ensuring this. Further consideration should be given to enhancement of existing services.</p>	<p>from Aberdeen City Council, Aberdeenshire Council, the Strategic Development Planning Authority, Transport Scotland and NESTRANS. Funds realised from this initiative will be managed and delivered by Nestrans.</p> <p>For the provision of local transport infrastructure, each site will be dealt with on a case by case basis and will need to be negotiated between the Council, Commercial operators and the Developer. Discussions should take place as early as possible in the Masterplanning and/or planning application process.</p> <p><u>Schools</u> Following an assessment of the capacity of existing schools the Council has identified where increased capacity is required in primary and secondary schools to support new development. The work that was carried out to determine if increased capacity is needed is based on the latest information available at the time of preparing the Proposed Plan and will be updated on an annual basis. Where developments are being brought forward for implementation through masterplan and planning applications, the Council will discuss with developers the exact level of contribution and scale of intervention required to mitigate any impacts. Such discussion will be informed by more detailed information submitted by the developer, to ensure that any contributions sought are directly related to the impact of the development. Indicative sizes for school sites are included as a guide, and this will also be determined through this process. The costs identified are based on build costs for previous school developments. The Council will seek the provision of facilities that can be shared between school and community use.</p> <p><u>Water</u></p> <p><u>Health</u> NHS Grampian has assessed the capacity and catchment areas of existing services and facilities, and have recommended where new or</p>

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		<p>improved facilities are required. The Council considers that it is reasonable to highlight where new development would trigger the need for new services such as health facilities. The delivery of health facilities will need to be discussed and agreed with NHS Grampian at the masterplanning and planning application stages.</p> <p><u>Open Space</u> The Open Space Supplementary Guidance replaces the Open Space Development Guidelines for Greenfield Sites 2001 and was developed in parallel with the draft Open Space Strategy 2011. The two draft documents were consulted on for eight weeks from 20th May to 15th July 2011 and after taking into consideration the comments received the documents were adopted as Interim Supplementary Guidance on September 13th 2011.</p> <p><u>Library Provision and Community Facilities</u> Regarding Libraries and Community Facilities, amendments have been made to the revised Supplementary Guidance. Contributions will only be sought where there is deemed to be an impact on current provision from new development.</p>
<p>Stewart Milne Homes (1464)</p>	<p>The development industry cannot be accountable for delivering these facilities and improvements in their entirety, with fair and proportionate investment also needed by the Local Authority. The Development Plan must not be based on the assumption that developers can pay for the majority of new public infrastructure. Full assessment of existing capacities are required and contributions should only be sought where they relate in scale and kind to the development proposal.</p>	<p>We consider that the proposed approach to planning and delivering infrastructure is appropriate and complies with Scottish Planning Policy and the corresponding five tests contained within Circular 1/2010 Planning Agreements.</p> <p>In identifying infrastructure requirements and formulae for developer contributions we have taken account of the tests contained in Circular 1/2010.</p> <p>The need for new or improved infrastructure has been identified following detailed analysis of the capacity of existing services to cope with additional development, as well as the forecasted impact of developments</p>

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	<p>The school sites should be developed sustainably as part of wider masterplanning process and will not in every instance need the same area of land take dependant on building design and overall pupil requirement and public authority requirements prevailing at the time.</p> <p>Object to the requirement to provide both facilities and the land on which to locate the facilities. This policy approach seeks to cover all eventualities leaving the Council the ability to alter the required developer contributions through SG at any time. The development industry requires clear structured policy and guidance at the outset in order that essential development contributions can be factored into the development finance of the site at the very early stage. Any significant changes to contributions later in the planning process has the ability to render development unviable leaving the Council unable to meet Structure Plan requirements.</p> <p>Remove specific reference to areas for schools within the SG (3.25ha for primary schools and 10ha for secondary schools).</p> <p>Remove developer requirement to provide NHS facilities (GP surgeries, dental chairs and community pharmacies).</p>	<p>based on the information available at that time. As such, these requirements are necessary in planning terms to make development acceptable, and to avoid any detrimental impact on services and infrastructure.</p> <p>Policy I1 also states that “the level of provision will be commensurate to the scale and impact of development”. The negotiation of infrastructure provision and developer contributions through the Masterplan and planning application process will ensure infrastructure provision does not unduly restrict the implementation of development proposals or affect the viability of development, whilst ensuring that new development will be accompanied by an appropriate level of services to support new communities.</p> <p>Following an assessment of the capacity of existing schools the Council has identified where increased capacity is required in primary and secondary schools to support new development. The work that was carried out to determine if increased capacity is needed is based on the latest information available at the time of preparing the Proposed Plan and will be updated on an annual basis. Where developments are being brought forward for implementation through masterplan and planning applications, the Council will discuss with developers the exact level of contribution and scale of intervention required to mitigate any impacts. Such discussion will be informed by more detailed information submitted by the developer, to ensure that any contributions sought are directly related to the impact of the development. Indicative sizes for school sites are included as a guide, and this will also be determined through this process. The costs identified are based on build costs for previous school developments. The Council will seek the provision of facilities that can be shared between school and community use.</p> <p>NHS Grampian has assessed the capacity and catchment areas of existing services and facilities, and have recommended where new or</p>

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		<p>improved facilities are required. The Council considers that it is reasonable to highlight where new development would trigger the need for new services such as health facilities. The delivery of health facilities will need to be discussed and agreed with NHS Grampian at the masterplanning and planning application stages.</p>
<p>GVA Grimley on behalf of Heron Property Group Ltd (1547)</p>	<p>Supportive of the principle of the Infrastructure and Developer Contributions Manual and ACC's approach to make the planning and delivery of infrastructure open, transparent and supported by a robust evidence base. The document sets out a range of infrastructure requirements relating to transport, core paths, schools, water, health, open space/green space network, library provision, community facilities and air quality. The method for working out the required contributions under each category however is inconsistent and is in places difficult to calculate with complex formulas being used. A unit cost would be a more consistent method for setting out the requirements and would assist developers in understanding the requirements upfront.</p> <p>The manual also makes no mention of phasing and funding arrangements which are critical to the viability and deliverability of development. Accordingly, the manual should make reference to the acceptability of staged payments in accordance with paragraph 20 of Circular 1/2010. This states: It is essential that planning authorities understand the implications of a planning agreement on the viability of development. Entering into an</p>	<p>We consider that the proposed approach to planning and delivering infrastructure is appropriate and complies with Scottish Planning Policy and the corresponding five tests contained within Circular 1/2010 Planning Agreements.</p> <p>In identifying infrastructure requirements and formulae for developer contributions we have taken account of the tests contained in Circular 1/2010.</p> <p>Paragraph 3.3 of the Proposed Plan points towards the relevant references to infrastructure provision and developer contributions – Appendix 4 of the Proposed Plan, the Action Programme and the Infrastructure and Developer Contributions Manual.</p> <p>Whilst the Council recognises there are challenges to delivering infrastructure in the current financial climate, it will important for the Council to work closely with the development industry to find solutions to delivering development and the necessary infrastructure to mitigate any impacts. The Council can utilise mechanisms to spread costs through staged payments where appropriate, and we are exploring opportunities for up-front funding.</p> <p>Policy I1 also states that “the level of provision will be commensurate to the scale and impact of development”. The negotiation of infrastructure provision and developer contributions through the Masterplan and planning application process will ensure infrastructure provision does not unduly restrict the implementation of development proposals or affect the viability of development, whilst ensuring that new development will be accompanied by an appropriate level of services to support new</p>

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	<p>agreement is likely to have financial consequences. Cash flow can be affected where substantial sums of money have to be paid before a development proceeds or at an early stage in the construction. Where a planning agreement requires financial contributions, staged payments in line with the construction programme can help avoid prejudicing the overall viability of a project.</p>	<p>communities.</p> <p>The need for new or improved infrastructure has been identified following detailed analysis of the capacity of existing services to cope with additional development, as well as the forecasted impact of developments based on the information available at that time. As such, these requirements are necessary in planning terms to make development acceptable, and to avoid any detrimental impact on services and infrastructure.</p> <p>The Council is reviewing its evidence base for services and infrastructure on an ongoing basis to ensure that there is sufficient infrastructure for seeking the provision of infrastructure or developer contributions through new development.</p>
<p>Dundas and Wilson CS LLP on behalf of Asda Stores Ltd (1558)</p>	<p>Supportive of the general principle of developer contributions as set out in the Supplementary Guidance provided that they are necessary and relevant to the proposed development. The principal means for securing developer contributions, identified in the Proposed Plan, is to be through planning conditions and/or Planning Agreements. It is, therefore, necessary that the basis for securing developer contributions is consistent set out in Scottish Government Circulars 4/1998 and 1/2010.</p> <p>Clarity is required as to whether the Manual provides criteria for infrastructure requirements and developer contributions for (i) all development; (ii) only development within Masterplan Zones; or (iii) all development except Masterplan Zones. This is currently</p>	<p>The draft Infrastructure and Developer Contributions Supplementary Guidance contained as much information as was available at the time it was prepared. The Council aims to provide greater clarity by re-consulting on a revised draft of the Infrastructure and Developer Contributions Manual in early 2012.</p> <p>In response to the representation querying which developments the SG is applicable to, All development sites will have to provide the infrastructure and developer contributions necessary to mitigate the impact of development. The Masterplan Zones correspond to the list of infrastructure requirements identified in Appendix 4 of the LDP and the Action Programme. The guidance set out in the SG provides. The Council has clarified this position on page 4 of the draft Supplementary Guidance.</p> <p>We consider that the proposed approach to planning and delivering infrastructure is appropriate and complies with Scottish Planning Policy and the corresponding five tests contained within Circular 1/2010 Planning</p>

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	<p>unclear and should be clarified.</p> <p>The Manual is inadequate in other respects:</p> <ol style="list-style-type: none"> 1. Requirements for certain contributions are excessive and are not necessarily consequent upon or related to developments proposed. For example, contributions to core paths are not necessarily relevant to new retail development. This would not meet the requirements for either Circular 4/1998 or 1/2010. 2. Either insufficient or no information is provided for contributions for important infrastructure e.g. for transport or water supply. Without this information the Manual is of negligible use and should not be included as formal Supplementary Guidance. Consultation and subsequent inclusion within the Proposed Plan should only be made when full details on all areas of potential contribution are available. 3. The Manual should expressly note that any developer contributions or requests for infrastructure provision will only be made where they are clearly in accord with the requirements of either Circular 4/1998 and 1/2010 (depending upon whether the requirement is made through conditions or planning agreements respectively). These tests are set out in full in the above Circulars but in short, conditions must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Agreements must meet the tests of necessity; serving a 	<p>Agreements.</p> <p>In identifying infrastructure requirements and formulae for developer contributions we have taken account of the tests contained in Circular 1/2010.</p> <p>Paragraph 3.3 of the Proposed Plan points towards the relevant references to infrastructure provision and developer contributions – Appendix 4 of the Proposed Plan, the Action Programme and the Infrastructure and Developer Contributions Manual.</p> <p>The need for new or improved infrastructure has been identified following detailed analysis of the capacity of existing services to cope with additional development, as well as the forecasted impact of developments based on the information available at that time. As such, these requirements are necessary in planning terms to make development acceptable, and to avoid any detrimental impact on services and infrastructure.</p> <p>The Council is reviewing its evidence base for services and infrastructure on an ongoing basis to ensure that there is sufficient infrastructure for seeking the provision of infrastructure or developer contributions through new development.</p> <p>In preparing the LDP, the table of infrastructure requirements set out in Appendix 4 was presented in the main body of the text alongside Policy I1 in earlier drafts of the document. However, due to the size of the table and to keep the document as concise as possible it was relocated to an appendix with a cross-reference from Policy I1 to make this link clear. The inclusion of infrastructure requirements in the LDP complies with paragraph 23 of Circular 1 /2010 Planning Agreements which requires infrastructure requirements be set out within the LDP.</p> <p>Policy I1 also includes a cross-reference to the Infrastructure and Developer Contributions Manual, which is published as Supplementary</p>

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	<p>planning purpose; relate to the proposed development; be fair in terms of scale and kind; and be reasonable in all other aspects. The wording of Policy I1 should be amended to reflect these tests.</p> <p>Changes:</p> <ol style="list-style-type: none"> 1. Publication of the Manual is premature. The Manual should only be published for consultation as Supplementary Guidance when all sections are complete regarding the proposed levels of contribution. In the meantime the Supplementary Guidance should be withdrawn. 2. When published, the Manual should clearly state in the Introduction section which new development it is applicable to. 3. The Manual should state in the section entitled "Our approach to Infrastructure delivery" on page : "Notwithstanding the guidance contained in this Manual, all requirements for infrastructure provision and/or developer contributions shall be made only where they fully satisfy the appropriate planning tests set out in Scottish Government Circular 4/1998 (namely: need, relevance to planning; relevance to development permitted; ability to enforce; precision and reasonableness – as set out in Annex A to this Circular) and/or Scottish Government Circular 1/2010 (paras 11-22) or any subsequent replacement of these Circulars. 	<p>Guidance to the LDP. In doing that the Council is seeking to provide as much information as possible on the likely contributions to be sought through Planning Agreements along with clear guidance on the methodology used to identify infrastructure requirements in the Proposed Plan.</p> <p>The reference to the Action Programme is included to provide details on infrastructure provision as required by paragraph 23 of Circular 1/2010 Planning Agreements. The Action Programme will be updated on an ongoing basis to reflect progress and highlight further actions required to implement each policy, project and development in the LDP.</p> <p>Appendix 2 does not relate directly to infrastructure requirements and is intended to provide a simple list of all opportunity sites in the LDP. In order to be as concise as possible and avoid repetition we do not consider there is a need for a linkage to Appendix 2.</p> <p>In all cases, the precise level of infrastructure requirements and developer contributions will need to be agreed with the Council and other statutory agencies through the masterplanning and planning application processes.</p> <p>Policy I1 is currently being scrutinised by an independent Reporter as part of the Examination in Public of the Aberdeen Local Development Plan Proposed Plan. Therefore Policy I1 can not be amended to reflect the tests at this time.</p> <p>Provision of new transport infrastructure including services and facilities will always need to be negotiated between the Council and the Developer and informed by evidence presented in technical documents such as Transport Assessments as well as mitigation measures proposed. Where it is considered that development will generate the need for new transport infrastructure, contributions will be sought.</p> <p>The Council has carried out a significant level of work with transport colleagues and partners, as well as public transport operators, to establish</p>

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		<p>the likely level of new infrastructure and services that will be required to support new developments. The transport schemes associated with new developments fall into two categories, Local Infrastructure and Strategic Infrastructure. Local transport projects are expected to be provided as part of new development and should be reflected in the associated Masterplan and subsequent planning applications. Strategic transport projects have been identified by a partnership group consisting of officers from Aberdeen City Council, Aberdeenshire Council, the Strategic Development Planning Authority, Transport Scotland and NESTRANS. Funds realised from this initiative will be managed and delivered by Nestrans.</p> <p>For the provision of local transport infrastructure, each site will be dealt with on a case by case basis and will need to be negotiated between the Council, Commercial operators and the Developer. Discussions should take place as early as possible in the Masterplanning and/or planning application process.</p>
<p>Bancon Developments Ltd (1561)</p>	<p>Objects to the SG and submit that the Infrastructure and Developer Contributions Manual be deleted in its current form, and be re-written on the basis of a guide, rather than a specific set of criteria and requirements, and be provided as a complete document for public comment prior to adoption, rather than with information omitted 'to follow shortly'.</p>	<p>The Infrastructure & Developer Contributions Manual defines the criteria and methodology for seeking contributions to mitigate the impact of development.</p> <p>We consider that the proposed approach to planning and delivering infrastructure is appropriate and complies with Scottish Planning Policy and the corresponding five tests contained within Circular 1/2010 Planning Agreements.</p> <p>The draft Infrastructure and Developer Contributions Supplementary Guidance contained as much information as was available at the time it was prepared. The Supplementary Guidance document was subject to consultation alongside the Aberdeen Local Development Plan Proposed Plan from September 2010 until January 2011. Following the consideration of the representations received and modifications made, the Supplementary Guidance will be published again for consultation in due</p>

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<p>Paull and Williamsons LLP (1571)</p>	<p>Concerned with the approach set out in this SG. It is contrary to the terms of Circular 1/2010 as it fails to regard the 'scale and kind test' in Circular 1/2010. The approach in the SG appears to be simply a formula to each development to conclude that a contribution of a fixed amount will be required. The SG is incomplete therefore the Council seem to be seeking to obtain LDP status without giving landowners/developers and other interested parties an opportunity to properly comment. Seeking road improvement costs completely from landowners/ developers is unfair. We fail to understand how development anywhere in the city should contribute towards improvements. This objection is made for Core Paths contributions as well. Object to the formula for calculating per house equivalents for commercial premises. Same density (30 dwellings) should be used in the formula. Council should consider the individual impacts of each development. There should be a division of cost for educational provision between developers/landowners and the Council (same objection with regards to health facilities). Figures regarding the cost to develop a school must be justified. Concerned there may be an element of duplication in the costs as this may cover provision of community facilities as well. Object to the proposal to base the open space and green space network requirement on the number of bed spaces in a</p>	<p>course.</p> <p>We consider that the proposed approach to planning and delivering infrastructure is appropriate and complies with Scottish Planning Policy and the corresponding five tests contained within Circular 1/2010 Planning Agreements.</p> <p>In identifying infrastructure requirements and formulae for developer contributions we have taken account of the tests contained in Circular 1/2010.</p> <p>Paragraph 3.3 of the Proposed Plan points towards the relevant references to infrastructure provision and developer contributions – Appendix 4 of the Proposed Plan, the Action Programme and the Infrastructure and Developer Contributions Manual.</p> <p>Whilst the Council recognises there are challenges to delivering infrastructure in the current financial climate, it will important for the Council to work closely with the development industry to find solutions to delivering development and the necessary infrastructure to mitigate any impacts. The Council can utilise mechanisms to spread costs through staged payments where appropriate, and we are exploring opportunities for up-front funding.</p> <p>Policy I1 also states that “the level of provision will be commensurate to the scale and impact of development”. The negotiation of infrastructure provision and developer contributions through the Masterplan and planning application process will ensure infrastructure provision does not unduly restrict the implementation of development proposals or affect the viability of development, whilst ensuring that new development will be accompanied by an appropriate level of services to support new communities.</p> <p>The open space and green space network requirement is based on the Average Household Occupancy in Aberdeen as detailed in the Open</p>
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	<p>development. It should be done on the average household figure. Inappropriate to charge per square metre based on building works. Also object to the application of a build cost unless the Council are actually going to go on and build indoor and outdoor facilities etc for that particular development. Object to same approach used for library and community facilities.</p>	<p>Space Supplementary Guidance.</p> <p>Regarding Libraries and Community Facilities, amendments have been made to the revised Supplementary Guidance. Contributions will only be sought where there is deemed to be an impact on current provision from new development.</p> <p>The Supplementary Guidance document was subject to consultation alongside the Aberdeen Local Development Plan Proposed Plan from September 2010 until January 2011. Following the consideration of the representations received and modifications made, the Supplementary Guidance will be published again for consultation in due course.</p>

Children's Nurseries and Sports Facilities		
<p>Sportscotland (1244)</p>	<p>Combining these 2 issues in 1 SG is illogical as there is no connection between the two.</p> <p>The SG guidance in relation to sports facilities is confusing as it deals with redevelopment of these (which is covered already by policy NE3 within the LDP itself, in respect of which we have made separate representation) and the development of new sports facilities. It is considered that this is an unduly negative policy and is not required.</p> <p>Delete this SG in relation to sports facilities. The SPP requirements in relation to the policy presumption against the redevelopment of playing fields can be covered by an appropriately revised Policy NE3 and the assessment of new sports proposals can be considered in relation to other policies in the</p>	<p>Although the two subjects appear unrelated. Both are concerned with protecting the local environment and residential amenity. Because of this we would wish to retain the Supplementary Guidance as it is.</p>

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	LDP, principally policy CF2.	
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Bats and Development		
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