

APPENDIX 5: Supplementary Guidance Consultation Respondents, Representations, Responses and Changes

- Infrastructure & Developer Contributions Manual
- Bats & Development
- Children's Nurseries & Sports Facilities
- Gypsy and Traveller Sites

Respondent	Summary of comment	Response to comment	Changes (if any)
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Infrastructure & Developer Contributions Manual

<p>Sport Scotland</p>	<ol style="list-style-type: none"> 1. Welcomes the provision of the guidance 2. Respondent feels that sports facilities could be placed under “Open Space and Green Network” or “Community Facilities”. They would like this to be clarified. 3. There is reference to indoor and outdoor sports facilities but no clear indication of what this means for developments. Some new development may result in new sports facilities being needed where existing ones are at capacity. 4. Respondent makes aware that Council is currently updating Pitch Strategy and looking at indoor sports facilities strategy. Completion of these studies should provide clarity to future requirements and reference to this may be useful. 	<ol style="list-style-type: none"> 1. Noted. 2, 3. <ul style="list-style-type: none"> Outdoor Sports Areas are covered within the Infrastructure and Developer Contributions Manual at present in the section on “Open Space and Green Space Network”. Outdoor Sports Areas are defined within the Open Space Supplementary Guidance (SG) as being ‘natural or artificial surfaces used for sport and recreation, for example playing fields, pitches, tennis courts, bowling greens, athletics tracks and water sports facilities.’ <p>In this section the open space requirements for new residential development are set out and how the open space required will be calculated.</p> <p>Overall the character of Sports Facilities in general means that the topic is covered by both sections ‘Open Space and Green Network’ and ‘Community Facilities’. Outdoor Sports Areas are defined within the Open Space SG and requirements for new or upgraded facilities are also described within this document. Therefore the logical place to be located was in the main ‘Open Space and Green Network’ section.</p> <p>Indoor Facilities are also important and it is felt that they are best covered within the Community Facilities section of the document as the general nature of indoor facilities are covered within</p>	<p>2,3</p> <p>Some additional wording has been added to the section on Open Space and Green Space Network for clarity.</p>
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		<p>Community Facilities such as an indoor hall then it seems logical that they remain classified in that section.</p> <p>The upgrading of Indoor Facilities are also covered alongside Outdoor Facilities within the 'Open Space and Green Space Network' section. This aims to provide flexibility should the size or viability of a development mean that the open space provided would be of limited function and usefulness, and where there is already adequate provision in the surrounding area, then contributions towards the improvement of quality and accessibility of surrounding open spaces may be more appropriate instead. This may allow contributions to upgrade of differing facilities such as Indoor Facilities.</p> <p>4. It has been noted that the Pitch Strategy is currently being updated and members of the Development Plan Team have had discussions regarding this.</p>	
<p>Turnberry Planning</p>	<p>1. Welcome the production of this guidance however the respondent feels the guidance requires further development. The respondent states that the guidance must be assessed against the tests in Circular 1/2010.</p> <p>Scale & Time Test</p> <p>Respondent has two key concerns: 1) Believes the level of infrastructure</p>	<p>1. Note the respondents comments regarding welcoming the guidance however we do not feel that the guidance requires further development. The guidance has previously been through consultation alongside the Proposed Plan and the principles and mechanism of the guidance has been ratified by Reporters at examination. The guidance has now been through further consultation and it is our opinion that the guidance is complete.</p> <p>Notes that the respondent states that the guidance must be assessed against the tests in Circular</p>	

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	<p>and contributions are excessive especially with existing and emerging S75 and Strategic Transport Fund and forthcoming water infrastructure fund. Respondent questions how asking for further developer contributions on top of the previous does not represent “attempts to extract excessive contributions...” as stated in Circular 1/2010. The respondent continues by writing that the requirements set out in SG appear arbitrary and conceived in isolation of the STF and water infrastructure fund. They feel that the Guidance is passing responsibility on to the developers.</p> <p>2) The proposal for the cumulative fund suggests that additional funds may be sought to upgrade the existing infrastructure which Circular 1/2010 forbids. Respondent believes that without further details of this requirement then it should be removed from the document.</p> <p>Relationship to Proposed Development</p> <p>Lack of precision around the purpose of some of the contributions and exact schemes and infrastructure that will be</p>	<p>1/2010. In identifying infrastructure requirements and formulae for developer contributions we have taken account of the tests contained in Circular 1/2010. 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 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>In addition to this, it was the opinion of the Reporter in the Reporters Examination Report that the Council’s approach to this complex issue is appropriate and conforms with guidance in Circular 4/1998, Circular 1/2009 and Circular 1/2010 (Aberdeen LDP Examination Report page 407, paragraph 26.)</p> <p>Scale & Time Test</p> <p>1 & 2)</p> <p>The identification of infrastructure requirements related to new development in the Local Development Plan (LDP) has been based on the</p>	

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	<p>delivered leaves the SG exposed on the issue of the relationship of some of these contributions to the development. STF and Green Space Network contributions in particular are unfocussed on the above. Many of the requirements are based on the application of a formula without regard to the current usage of facilities in the area and whether there is a need for new facilities. The respondent believes that unless greater clarity is provided then the SG will contravene Circular 1/2010 which states that planning agreements should not be used to address existing deficiencies or to achieve wider planning objectives that are unrelated to the development in question. The respondent also writes that further detail is required on what will be taken into account in considering cumulative impact. Is this just within Masterplan Zones or is it wider, in which case the link to infrastructure becomes too tenuous to comply with the tests in the Circular.</p> <p>Reasonableness Test</p> <p>The SG does not provide enough clarity on the obligations of the Council and statutory authorities such as NESTRANS/Scottish Water etc. The SG shows no apparent link between allowing development to proceed and delivery of</p>	<p>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 and Adopted Plans, 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 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>	

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	<p>infrastructure. In particular it is not clear when or how these agencies would invest contributions in a timescale that satisfies the requirements of the private sector developer. The respondent's main concern is the development would proceed with no certainty or clarity as to when the necessary infrastructure facilities will be delivered and by whom. The respondent suggests that this issue would be resolved should the SG look at the role and responsibility of the Council in drafting and monitoring the agreement, and crucially reporting back to contributors. The respondent thinks that the SG should include a statement emphasising direct provision/delivery of infrastructure by the developer and that the extent of directly delivered infrastructure will be taken into account in determining contributions under the different categories.</p> <p>Transport Infrastructure</p> <p>Respondent feels that the inclusion of the STF in the SG raises a number of issues. One issue was that the original consultation undertaken by the SDPA was not responsive to many of the concerns raised, and that these are equally applicable to this incarnation.</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>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</p>	

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	<p>The SG also gives the impression that the initiatives listed as Strategic Transport Infrastructure are clearly defined. However it is the respondents understanding that these schemes have only been identified at conceptual level to date. This means that there can be no certainty about the adequacy of final proposals to deliver the benefit being identified, nor about the costs attributed to their implementation.</p> <p>There is no clear definition between 'Strategic' and 'Local' measures. This is particularly significant for the larger scale projects on which much of the LDP relies. By definition many of these projects have direct impacts on the Strategic networks. Mitigation of impacts requires modifications to these networks, in some cases involving locations identified through Cumulative Transport Appraisal (CTA) process as requiring Strategic intervention. There is currently no set procedure to identify the distinction in these circumstances.</p> <p>It appears the Council has not taken consideration of how phased development can be implemented ahead of significant infrastructure upgrades. The CTA analysis assumes that this infrastructure is in place whilst the LDP</p>	<p>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 Reporters Examination Report to the Aberdeen LDP sets out that the belief is that the Council's approach has involved working with infrastructure providers, other local authorities and consultees and they found that a robust assessment of infrastructure requirements, the funding implications and the timescales involved has been undertaken.</p> <p>The Report continues that without investment in infrastructure the level of development proposed would put an unacceptable burden on existing facilities and communities and would not provide an appropriate level of services to support the new communities.</p> <p>The Reporter finds that the list of contributions relates in scale and kind to the proposed developments and do not regard them as excessive. The Reporter also notes the council's assertion that it has taken into account the capacity of existing services in its calculations and will not be seeking</p>	

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	<p>requires delivery of development in advance of it provision. We are concerned that this will only lead to requests from Officers for further conventional network-wide assessment which defeats the objective of the STF procedure, and potentially will delay development and therefore the flow of contributions to STF.</p> <p>The respondent believes that the STF penalises mixed developments. The LDP encourages sustainable new communities yet the STF is applied to both residential and commercial development within a development. This discourages developers from providing both employment and residential uses on a site.</p> <p>Finally the respondent believes that the current draft of the SG does not provide assurances to developers that their contribution will be used directly for their site if implementation will be managed by a NESTRANS committee and that the infrastructure will be implemented within the required timescale to deliver a development proposal.</p> <p>The Respondent recommends that: 1) The Council demonstrates that the SG conforms to circular 1/2010 and</p>	<p>contributions to resolve existing inadequacies and is satisfied with this.</p> <p>The Reporter concludes that he believes the process carried out by the council to identify the infrastructure required to implement the level of development proposed in the structure plan to be robust.</p> <p>The City and Aberdeenshire Council, in partnership with NESTRANS, Transport Scotland and the Strategic Development Plan Team have explored options for delivering strategic infrastructure as development comes forward for implementation across the region.</p> <p>Cumulative Transport Appraisal (CTA) demonstrates that new development across the north-east will have an impact on transport infrastructure and that movements rely on a network of road, rail and public transport with a high degree of interdependency between the two council areas. A package of defined transport projects are identified by the CTA to mitigate the impacts of new development. The purpose of the Strategic Transport Fund (STF), as set out in the Supplementary Planning Guidance document 'Delivering Identified Projects Through a Strategic Transport Fund', is to provide a mechanism for securing contributions from development to fund the delivery of the infrastructure needed to support development.</p> <p>The projects include road and public transport interventions in a variety of locations where the cumulative impact of new housing and employment uses</p>	

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	<p>should be subjected to an assessment of its cumulative impact on development when accounting for STF and the forthcoming water infrastructure fund;</p> <p>2) The reference to the water cumulative impact model is removed given that no detail has been advanced at this stage,</p> <p>3) Greater precision is provided as to how generic contributions will be applied to the direct benefit of the site,</p> <p>4) Direct provision by the developer should be recognised as the preferred route rather than contributions,</p> <p>5) Protocols and procedures for negotiating, monitoring and reporting S75 agreements should be included within the document;</p> <p>6) Further discussions need to take place around the administration and implementation of STF.</p>	<p>is likely to cause increased congestion. By sharing the financial burden widely across the region, no one development will be liable for the cost of a specific strategic project or delayed by its implementation. By being upfront about the mechanism for making contributions, developers will have greater certainty over strategic transport requirements.</p> <p>All developments, regardless of Strategic Transport Fund (STF) requirements, will be assessed in terms of their impact on the local transport network and may be required to mitigate these impacts.</p> <p>Developments may be required to make an appropriate contribution towards one or several of the mitigation measures outlined in the Infrastructure and Developer Contributions Manual or any other measure that the Council deem to be appropriate.</p> <p>Overall the Council do not consider the infrastructure requirements to be excessive. The STF has been devised through transport modelling to assess the cumulative impact of development proposed and the scale of strategic transport interventions likely to be required to support this development. Further contributions as stated within the Manual will be identified through negotiation with the Council.</p> <p>Relationship to Proposed Development</p> <p>All development sites will have to provide the infrastructure and developer contributions necessary to mitigate the impact of development. The need for new or</p>	

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		<p>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 Reporter to the Examination Report to the Aberdeen LDP has also noted that the council's approach has involved working with infrastructure providers, other local authorities and consultees and found that a robust assessment of infrastructure requirements, the funding implications and the timescales involved was undertaken.</p> <p>Circular 1/2010 – Planning agreements, recommends that methods and exact levels of contributions should be included in supplementary guidance. The Reporter to the Examination Report is of the opinion that the council has attempted to do this. He continues that he feels that opportunities for discussion about the precise need for infrastructure and the process for delivery are also identified and notes that in certain instances further work is required to finalise the mechanisms or precise costings involved particularly with regard to the cumulative impact of proposals. Contrary to some of the arguments put forward the Reporter does not regard this as a fatal flaw in the council's approach and writes that given the early stage of development on many of the sites proposed it is inevitable that the exact level of contributions may change through time.</p>	

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		<p>In relation to the STF, the approach taken by both Aberdeen City and Aberdeenshire Councils reflects the government guidance set out in Circular 1/2010 Planning Agreements (paragraph 18) which states that: <i>“Planning agreements must be related in scale and kind to the proposed development. In assessing any contributions planning authorities may take into account the cumulative impact of development over time. The effect of such infrastructure investment may be to confer some wider community benefit but contributions should always be proportionate to the scale of the proposed development.”</i></p> <p>In addition to this the Cumulative Transport Appraisal takes account of the capacity of the transport network to accommodate new development and provides evidence that a number of transport-related mitigation measures are required but can not be attributed to the impacts of specific developments. On this basis, the Strategic Development Planning Authority, both councils and key partners took a joint decision to find a mechanism for applying the costs of these cumulative items of infrastructure to new development allocated through the structure plan and subsequent LDPs. Fundamentally, this approach seeks to ensure that development in the future does not have a detrimental impact on the transport network.</p> <p>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</p>	

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		<p>the developer, to ensure that any contributions sought are directly related to the impact of the development.</p> <p>All development sites, whether listed or not within the Masterplan Zones table within the Manual, LDP or Action Programme, will have to provide the necessary infrastructure and developer contributions necessary to mitigate the impact of development.</p> <p>Reasonableness Test</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>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 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>The Reporter to the Examination Report to the Aberdeen LDP notes that in line with the structure plan spatial strategy the local development plan proposes</p>	

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		<p>major development within the Aberdeen City area. This will require a network of new infrastructure such as roads, public transport and sewers together with social infrastructure such as schools, doctor's surgeries, dentists, open space and other community facilities. Without investment in this infrastructure the level of development proposed would put an unacceptable burden on existing facilities and communities and would not provide an appropriate level of services to support the new communities. At the same time a number of transport related projects to improve the regional transport network are being developed by the council in partnership with other key agencies and Aberdeenshire Council. These schemes are not expected to be subject to developer contributions but will bring significant benefits to the transport infrastructure of the entire structure plan area.</p> <p>While acknowledging the concerns about the impact on the viability of developments due to the extra expense which will be incurred, Scottish Planning Policy (SPP) clearly recognises in paragraph 16 that investment in infrastructure may be required as a consequence of existing under provision and/or planned growth. The structure plan states in paragraph 5.7 that considerable investment in existing and new infrastructure will be required in order to maintain the quality of life in communities given the level of growth which it proposes. Paragraph 5.8 confirms that developers will have to accept the need for contributions towards necessary infrastructure, services and facilities within their own site as well as extra contributions in cases where their development has wider effects.</p>	

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		<p>The local development plan emphasises the need for developers to take into account the likely requirement for a contribution when preparing and costing proposals and early discussion with the council is encouraged. The proposed supplementary guidance states that the precise level of infrastructure provision and developer contribution required from any development will be agreed with the council in consultation with other statutory agencies. It goes on to say that the intention has been to avoid deterring development by making unreasonable demands and to seek infrastructure or developer contributions which are proportionate to the development proposed.</p> <p>The Reporter considers that the council's approach includes ample opportunities at both the masterplanning and planning application stages for negotiations to take place to ensure that the cost implications as a result of infrastructure requirements do not unnecessarily impede the effective delivery of sites.</p> <p>Transport Infrastructure</p> <p>The projects are identified at the high level, as are the estimates, which will be subject to review as per the policy and detailed assessment. This is consistent with other strategies where high level projects are identified at an early stage, and through further assessment will be refined and subject to processes such as consultation. The Cumulative Impact Assessment document gives the appropriate level of detail at this stage, and following agreement on prioritisation, will</p>	

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		<p>then be subject to the more detailed assessment and development.</p> <p>The transport assessment process will assist in identifying the differences between the local and strategic impacts.</p> <p>The prioritisation process which is currently on-going will seek to deliver the STF in accordance with the pace of delivery of LDP development - bearing in mind both will take several years to build out. Information has therefore already been sought from the development industry to inform this process. The Transport Assessment and more detailed phasing of development via masterplanning and subsequent planning applications will help inform the level of transport infrastructure which must be in place for the development, and what will be progressed in parallel by the local authorities in terms of delivery of the STF.</p> <p>STF contributions are for the cumulative impact measures - not specifically for infrastructure proximal to their development. The policy also outlines the governance of the STF which will be transparent and reported regularly. This, in addition to the prioritisation process which is currently on-going, will all be subject to consultation and regular review after agreement.</p> <p>1) The transport cumulative impact assessment for the STF has already been undertaken. 2) Reference to a potential Cumulative Fund will remain as this is an option which is currently being investigated and may prove a useful tool in the future.</p>	

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		<p>3) The STF looks to deal with the cumulative impact of all development.</p> <p>4) Direct provision by the developer should be recognised as the preferred route rather than contributions, the reason we are doing the STF is that this route hasn't worked particularly well in the past to deal with cumulative impact of development</p> <p>5&6) Protocols and procedures for negotiating, monitoring and reporting S75 agreements should be included within the document; STF is not a negotiation - it is about mitigating the actual impacts of development on the strategic transport network, protocols and procedures re the legal agreements are in place and are being refined as we continue, as I said before the governance and transparency of the STF will be reported regularly via NESTRANS</p>	
<p>Dundas & Wilson on behalf of ASDA Stores</p>	<ol style="list-style-type: none"> 1. Generally support the role of developer contributions and think that they are appropriate where contributions are sought to address the impacts of the proposed development. 2. In terms of the STF, the respondent would like it to clearly state that STF contributions will only be sought from newly allocated sites and windfall sites when the relevant criterion set out in the SG is satisfied. 3. The respondent would support a clearer recognition of the principle set out in Policy I1 and the tests from Circular 1/2010 in all sections. 	<ol style="list-style-type: none"> 1. Welcome the comments made supporting the role of developer contributions and the manual. 2. Process for identifying opportunity sites within the LDP that will contribute towards the STF: <ul style="list-style-type: none"> - If the application site was allocated in the 2008 Local Plan, strategic contributions would not be required, unless an alternative use or larger scale of development is proposed which generates a greater transport impact than that anticipated from the 2008 Local Plan allocation. In that case, the precise level of Strategic Transport Contributions would need to be identified in order to mitigate the wider impact of the development on the transport network. - For any new developments allocated for the first time in the Local Development Plan, these sites would make a strategic transport contribution based on the 	

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	<p>4. The SG should recognise that a need for new or improved services, facilities or infrastructure, relating directly to the proposed development, must be clearly identified before contributions are sought.</p> <p>5. Respondent thinks that bullet point two and three of the General Principles for All Development could be interpreted as suggesting that all development will automatically have an impact on existing services which will require to be mitigated by way of developer contributions. The suggestion is to include the words “where impacts requiring mitigation have been clearly identified” at the end of the second and third bullet points would give recognition to the requirement for developer contributions to be necessary to mitigate the impacts of the development to which they relate.</p> <p>6. Respondent welcomes early engagement.</p> <p>7. Respondent welcomes the increased use of draft heads of terms for Section 75 agreements prior to committee meetings to reduce the likelihood of lengthy negotiations post committee and allow the decision notice to be issued in a timely manner.</p> <p>8. Respondent notes that apart from the</p>	<p>corresponding standards for housing and employment land set out in the Supplementary Planning Guidance ‘Delivery Identified Projects Through a Strategic Transport Fund’.</p> <p>3. 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>Circular 1/2010 – Planning agreements, recommends that methods and exact levels of contributions should be included in supplementary guidance. The Reporter to the Examination Report is of the opinion that the council has attempted to do this.</p> <p>The Reporter to the Reporters Examination Report to the Aberdeen LDP also concludes that he believes the process carried out by the council to identify the infrastructure required to implement the level of development proposed in the structure plan to be robust.</p> <p>Therefore it is believed that a clear recognition has been given to the principles set out in Policy I1 and all the tests from Circular 1/2010.</p> <p>4. The identification of infrastructure requirements</p>	

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	<p>STF the guidance does not note a time limit for which contributions will be held. They would like an extra bullet point within the guidance stating this and would welcome a short time period of time which would be more appropriate to ensure that the developer contribution is associated clearly with the impacts of the relevant development and thus satisfying the tests of the Circular.</p> <p>9. Core Paths Network The respondent feels that it is unfair and there is no justification provided as to why food retailing is assigned the highest weighting factor for contribution towards Core Path Network. The respondent would expect to see the justification for this within the document.</p> <p>10. Development Viability Respondent welcomes the continued and improved collaboration and feel that viability to development is critical to its delivery. The respondent writes the when seeking developer contributions the Council needs to take wider pressures and viability assessments into account to ensure that Aberdeen remains a competitive location in which developers are keen to invest. The commitment in the SG</p>	<p>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 and Adopted 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 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</p>	

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	<p>to treating financial viability as an essential element in the determination of planning applications is therefore welcomed. The respondent would like the SG to clearly state that the Council's review of development viability will be undertaken on a confidential basis.</p>	<p>capacity of existing services and infrastructure.</p> <p>The Reporters Examination Report to the Aberdeen LDP sets out that the belief is that the Council's approach has involved working with infrastructure providers, other local authorities and consultees and they find that a robust assessment of infrastructure requirements, the funding implications and the timescales involved has been undertaken.</p> <p>The Report continues that without investment in infrastructure the level of development proposed would put an unacceptable burden on existing facilities and communities and would not provide an appropriate level of services to support the new communities.</p> <p>The Reporter finds that the list of contributions relates in scale and kind to the proposed developments and do not regard them as excessive. The Reporter also notes the council's assertion that it has taken into account the capacity of existing services in its calculations and will not be seeking contributions to resolve existing inadequacies and is satisfied with this.</p> <p>The Reporter concludes that he believes the process carried out by the council to identify the infrastructure required to implement the level of development proposed in the structure plan to be robust.</p>	

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		<p>5. Point 5 has been noted and the section on General Principles for All Development rearranged for clarity.</p> <p>6. Similarly to the respondent the whole ethos of the LDP and associated Supplementary Guidance has been for early engagement and this is something which we will look to continue with.</p> <p>7. Noted</p> <p>8. Within the current version of the Infrastructure and Developer Contributions Manual there is no time limit given to how long the Council will hold contributions towards mitigation measures. Certain mitigation measures, such as the development of Schools, may require an unknown time frame for collection of developer contributions as items such as this tend to be developed over a long period of time. Any holding of developer contributions will be within the terms of Circular 1/2010 – necessary, serving a purpose, related to the development, in scale and kind and reasonable.</p> <p>9. Food retailing has the highest weighting factor when calculating Core Path Network contributions. The reasoning behind this is that the methodology takes account of use factors, where at one end of the scale there is a warehouse for example with a weighting factor of 0.05. This weighting reflects a warehouse operation where there is likely to be a small number of staff using the facility. At the other end of the scale is a supermarket which has a weighting factor of 1. This is because a supermarket employs a considerable amount of staff and also attracts an even greater amount of customers which is reflected in the weighting factor. The reasoning behind this will be added to the document to provide greater</p>	<p>5. The section on General Principles for All Development has been amended for clarity. The bullet points have been removed and some words added for further clarity.</p> <p>9. The reasoning behind the Core Path Network contribution calculations will be added to the document to provide greater clarity.</p>

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		<p>clarity.</p> <p>10. We welcome the positive response regarding the inclusion of the section on Development Viability.</p> <p>All parties should be aware of the provisions of the Freedom of Information Act and Environmental Information Regulations and also mindful of any conflicts of interest that could taint their advice. Therefore the Council can confirm that the review of development viability will be undertaken on a confidential basis should the following text be included within each development viability submission.</p> <p>“This viability report is provided on a confidential basis to the Council. We therefore request that the report should not be disclosed to any third parties (other than consultants instructed by the Council to review this report) under the Freedom of Information Act 2000 (sections 41 and 43(2)) or under the Environmental Information Regulations.”</p>	<p>10. Include text to set out that the review of Development Viability will be undertaken on a confidential basis should the correct statement be included. Statement to include has been added.</p>
<p>Turley Associates on behalf of Sainsbury's Supermarkets</p>	<p>1. General Principles The respondent would like the General Principles of the manual to refer specifically to the five policy tests set out in the Circular 1/2010.</p> <p>2. Development Viability The respondent supports the approach taken to the consideration of development viability when determining</p>	<p>1. Notes that the respondent would like the General Principles of the manual to specifically refer to the five tests set out in Circular 1/2010. 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</p>	

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	<p>developer contributions.</p> <p>3. Core Paths Network Respondent questions whether a contribution towards the core path network is appropriate in all circumstances and in particular where the development is not enhancing or linking in to it.</p> <p>Request that the second criterion for determining if a contribution is required is amended to the following: “Where there is no provision of core paths or links to the Core Path Network, developers will <u>may (depending on the particular circumstances of the case)</u> be required to make a financial contribution at a rate of £371 per dwelling or per house equivalent for non-residential developments.”</p> <p>The respondent seeks clarity on the Council’s justification for applying weightings in the calculation of core path contributions. How have the individual site usage weighting factors been calculated? It is unclear as to why food retail has the highest weighting factor. In calculating the core path contribution, the manual states that an individual site usage weighting factor (WF) is then applied to reflect the probable occupation</p>	<p>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 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>Circular 1/2010 – Planning agreements, recommends that methods and exact levels of contributions should be included in supplementary guidance. The Reporter to the Examination Report is of the opinion that the council has attempted to do this.</p> <p>The Reporter to the Reporters Examination Report to the Aberdeen LDP also concludes that he believes the process carried out by the council to identify the infrastructure required to implement the level of development proposed in the structure plan to be robust.</p> <p>Therefore it is believed that a clear recognition has been given to the principles set out in Policy I1 and all the tests from Circular 1/2010.</p> <p>2. We welcome the comments made regarding the Development Viability section of the Manual.</p>	

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	<p>level of the site. The Council should define what probable occupation means as this is not clear in the manual.</p> <p>The respondent would like further information as to how the Council have calculated the £371 per dwelling equivalent.</p>	<p>3. Enhancement of, or links into the Core Path Network are appropriate and in particular where a development is not currently linking in to, or enhancing the core path network this is even more crucial. Contributions will be sought to enable off site improvements. Policy NE9 Access and Informal Recreation sets out that development's should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel. Further guidance within the Transport and Accessibility and Open Space SG add weight to this. This is conveyed by the ability to access, move around and through the built and natural environment by walking and cycling is a major contributor to quality of life and, in particular, an individual's ability to freely access the services and facilities they need without using a vehicle. New development will be required to protect and enhance existing access rights including core paths, rights of way and paths within the wider network.</p> <p>Guidance continues that new development must be permeable to walkers and cyclists and should ensure that new routes are planned in accordance with the 5 C's – connected, convenient, comfortable, convivial and conspicuous – as referred to in the Aberdeen Local Transport Strategy 2008 - 2012.</p> <p>Connecting our urban and rural green spaces to each other and to the communities around them, offers a wide range of social, health, economic and environmental benefits. Green networks can provide an enhanced setting for development and other land uses and opportunities for outdoor recreation, nature</p>	

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		<p>conservation, landscape enhancement and providing a sense of place and local distinctiveness. Therefore it is considered that it would not be appropriate to make the suggested change.</p> <p>Food retailing has the highest weighting factor when calculating Core Path Network contributions. The reasoning behind this is that the methodology takes account of use factors, where at one end of the scale there is a warehouse for example with a weighting factor of 0.05. This weighting reflects a warehouse operation where there is likely to be a small number of staff using the facility. At the other end of the scale is a supermarket which has a weighting factor of 1. This is because a supermarket employs a considerable amount of staff and also attracts an even greater amount of customers which is reflected in the weighting factor. The reasoning behind this will be added to the document to provide greater clarity.</p> <p>The £371 per dwelling equivalent is calculated through the cost of a range of past schemes and the average path lengths.</p>	
<p>Scottish Enterprise</p>	<p>1. Respondent broadly welcomes the guidance and welcomes the openness as good planning practice, provided a flexible approach is adopted and planning applications are not delayed.</p> <p>2. Flexible Approach Concerned that if document becomes too prescriptive in its application then</p>	<p>1. Response is welcomed from the respondent. The Council will endeavour to continue to progress planning applications within the set timescales. The Manual should help to hasten the process where the purpose is to provide clear, open and transparent upfront information that will allow developers and stakeholders to see what requirements should be taken into account from an early stage when preparing and costing proposals.</p>	

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	<p>developers and inward investors could be discouraged from pursuing planning applications, particularly on sites which are constrained by inadequate infrastructure. Respondent requests a flexible approach when applying the policy in practice.</p> <p>3. Development Viability Respondent notes and welcomes the process outlined for assessing development viability. Respondent would like the applicant and advisors to remain involved in discussions to ensure that there is no mis-interpretation of information or assumptions.</p> <p>Welcome the fact that income (including void periods etc) will be based on comparable evidence. Respondent request that realistic adjustments are made to reflect current economic conditions in particular localised market and physical factors which may need to be taken account of against market rates.</p> <p>Respondent requests that a flexible approach is adopted for reassessing finance costs on a regular basis. In the current climate borrowing costs and lending criteria are subject to abrupt change and can have a big impact on viability.</p>	<p>2. 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> <p>The Reporters Report to the Examination of the Aberdeen LDP notes that without investment in infrastructure the level of development proposed would put an unacceptable burden on existing facilities and communities and would not provide an appropriate level of services to support the new communities.</p> <p>The Reporter finds that the list of contributions relates in scale and kind to the proposed developments and does not regard them as excessive. The Reporter also notes the council's assertion that it has taken into account the capacity of existing services in its calculations and will not be seeking contributions to resolve existing inadequacies and is satisfied with this.</p>	

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	<p>4. Planning Timescales Respondent requests that this process does not hinder or delay the planning process, and we trust this document will assist and speed up applications and the assessment of developer's contributions in particular.</p> <p>Respondent requests that the 3rd party dispute resolution process step is identified as a measure of last resort at the end of the flowchart. Respondent feels that it is a useful diagram, however there is a risk it sends out the wrong message that the dispute resolution route will be take too early or automatically and the overall process is at risk of being interpreted as unduly costly and time consuming.</p> <p>5. Additional Comments Request that developer contributions are held and used within a shorter more reasonable period up to a potential maximum of 10 years. This will encourage the Council to spend the contribution within a timescale where the development and the community can meaningfully benefit from the infrastructure coming forward.</p> <p>To assist and make reading of the</p>	<p>The Reporter concludes that he believes the process carried out by the council to identify the infrastructure required to implement the level of development proposed in the structure plan to be robust.</p> <p>3. We welcome the positive response to the Development Viability section of the SG. Viability appraisals, if required, will be led by a qualified independent practitioner and suitably qualified surveyor. Professionals conducting such work will have the knowledge and reasoning to assess the viability of a site reflecting the current economic conditions locally and nationally.</p> <p>3. In relation to the request from the respondent for a flexible approach to be adopted for reassessing finance costs on a regular basis the Manual does states that 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. In relation to Section 75 agreements, there is scope for variation of these agreements under the Planning etc. (Scotland) Act 2006.</p> <p>4. The Council will endeavour to continue to progress planning applications within the set timescales. The Councils approach to the planning and delivery of infrastructure has been open and transparent. The aim is to provide clear guidance to all stakeholders, in particular the development industry, on the infrastructure required to support development. It is</p>	

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	<p>document easier there should be a reference in the back of the Manual which provides links to all the relevant related documents where available.</p> <p>Respondent welcomes the collaborative approach taken to the preparation of this document.</p>	<p>hoped that by providing this information early and up front will help to streamline the process.</p> <p>Third party dispute resolution is one of the final steps within the flowchart relating to Development Viability. It is our opinion that there are several steps and opportunities for discussion with development management and planning gain officers to take place before a third party is brought in to try and resolve a dispute. The dispute resolution route will not be taken automatically and every opportunity will be given to discuss any issues arising. Viability Assessments are thought of as good practice and have been adopted as such by professional bodies RTPI and RICS.</p> <p>5. We welcome the suggestion that a reference section should be included at the back of the document. This will be added to the document before publication.</p> <p>Within the current version of the Infrastructure and Developer Contributions Manual there is no time limit given to how long the Council will hold contributions towards mitigation measures. Certain mitigation measures, such as the development of Schools, may require an unknown time frame for collection of developer contributions as items such as this tend to be developed over a long period of time. Any holding of developer contributions will be within the terms of Circular 1/2010 – necessary, serving a purpose, related to the development, in scale and kind and reasonable.</p>	<p>5. Addition of a reference section to the rear of the document.</p>

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Aberdeenshire Council	<ol style="list-style-type: none"> 1. Respondent recognises the importance of, and supports the provision of, clear guidance to stakeholders on the methodology used to identify infrastructure requirements. 2. Respondent feels that by identifying specific figures within the document that they will become out of date quickly. This could be remedied by stating that up-to-date figures are available via contact with Planning Gain. 3. Respondent believes that the format of the document makes it difficult to identify the topic areas and that there seemed to be a considerable amount of contextual information dating back a number of years. 4. Respondent believes that the SG contains a duplication of information to that within the LDP which could be removed and replaced with cross-referencing to reduce the size of the document. 	<ol style="list-style-type: none"> 1. We welcome the comments made supporting the provision of clear guidance to stakeholders to identify infrastructure requirements. 2. Within the section 'Methodology for Infrastructure Requirements and Developer Contributions' it states that "Any costs for infrastructure will be reviewed annually and adjusted according to an agreed indexation." Identifying figures early allows stakeholders and the development industry to get an idea of likely costs and plan accordingly. <p>Paragraphs 23 and 29 of Circular 1/2010 Planning Agreements state that infrastructure requirements should be set out within the LDP and 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. 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>	

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		<p>3. We do not believe that the format of the document makes it difficult to identify the topic areas. Each area is headed clearly for example “Schools” and “Community Facilities”. Pages and paragraph numbers have now been added to the document as this was an oversight from the consultation document. The contextual information is important as it sets where the SG document sits in relation to the LDP and planning system.</p> <p>4. We recognise that there are short paragraphs of information that are similar to information given in the LDP, however it is felt that they are important in setting out what the document is trying to achieve and will therefore be retained. It is not thought beneficial to remove this information and its removal would not shorten the document dramatically.</p>	
Aberdeen City Council	<p>1. Page 9 and bus passes section - the text names of the bus operators should be changed. Could the wording in both sections recognise that these are the City’s two main operators but there are smaller operators out there too – smaller bus operators may not necessarily offer annual bus passes at the moment but they may offer similar duration passes and may go on to offer annual in the future and it would be inappropriate to exclude these possibilities.</p>	<p>1. Comment has been taken onboard and the name and wording around the bus operators changed to reflect that First Bus and Stagecoach are the two main operators but there are smaller operators present too.</p>	<p>1. Sentence has been changed to recognise that First Bus and Stagecoach are the main operators, however also note that there are other smaller operators present within the City.</p>

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Scottish Water	<p>The respondent clarifies several points within the water section of the SG.</p> <ol style="list-style-type: none"> 1. At present water and drainage infrastructure is not funded via Developer Contributions and this point should be made clearer. <p>Strategic assets are termed as Part 4 Assets. Scottish Water is funded to upgrade Part 4 Assets when there is growth requirement, initiated by a development meeting our 5 Growth Criteria.</p> <ol style="list-style-type: none"> 2. The local bulk infrastructure, such as trunk mains and trunk sewers, water service reservoirs and some SUDS are Part 3 Assets. Should these Assets require to be upgraded as the result of new development then the responsibility will be with the Developer, however they will be entitled to a Reasonable Cost Contribution from Scottish Water. 3. The respondent provides a slight change to the water section text within the SG. 	<p>1, 2 & 3. Scottish Water have provided a reworded Water section which clarifies all the points which they have highlighted. Water section has been rewritten to clarify the role of Scottish Water and what will be expected in terms of Infrastructure and Developer Contributions.</p>	<p>Water and Drainage section has been amended to reflect the comments from Scottish Water. This context and direction of the section has not changed and the amendments provide further clarity.</p>
Scottish Natural Heritage	<ol style="list-style-type: none"> 1. Generally support the production of this guidance. 2. The respondent welcomes the clear statement that greenspace is a 	<ol style="list-style-type: none"> 1. Welcome the support for the document from the respondent. 2. The suggested rewording of the last sentence of the first paragraph relating to Green Space Network on 	<ol style="list-style-type: none"> 2. The final sentence will be reworded to read:

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	<p>fundamental part of the City’s infrastructure from the 1st paragraph of page 19. However the respondent feels that there is also a function of greenspace missing from the sentence. The phrase should be re-written to read the following: “...providing an enhanced setting for development, opportunities for adapting to climate change, a facility for the people living or working in the developments and to help the Council meet its biodiversity duty.”</p> <p>It is thought that the suggested addition emphasises the importance of the connectedness of the habitats that comes from the network, rather than just the habitats on their own.</p> <p>3. Respondent recommends that the final sentence of the second paragraph is amended to read “Such mitigation and enhancement measures...”</p> <p>4. It is suggested that the fourth bullet point is amended to read “strategic habitat networks, wildlife corridors and habitat development project.”</p> <p>5. Finally the respondent asks if the Council foresees any situations where</p>	<p>page 20 is acceptable and the manual will be altered to reflect.</p> <p>3. The suggested amendment has been considered and adapted to fit the needs of the document. The respondent sought the final sentence of the second paragraph to read “Such mitigation and enhancement measures...” However it is thought more appropriate that the sentence reads as “Such mitigation and/or enhancement measures...”</p> <p>4. The suggested amendment to the fourth bullet point on page 20 to read “strategic habitat networks, wildlife corridors and habitat development project” is accepted and will be changed within the document.</p> <p>5. There are potentially situations where strategic landscaping would be on such a scale where it would require developer contributions. The strategic landscaping would have to be related to the development and setting of the site in context to the surrounding area. In this situation it would be a part of the Green Space Network and would not require its own separate category in the manual.</p>	<p>“providing an enhanced setting for development, opportunities for adapting to climate change, a facility for the people living or working in the developments <i>and to help the Council meet its biodiversity duty</i>”</p> <p>Additional text is in italics.</p> <p>3. Addition of “...and/or enhancement measures...”</p> <p>4. Amend fourth bullet point on page 20 to read “strategic habitat networks, wildlife corridors and habitat development project”</p>

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	strategic landscaping would be on such a scale that it would require developer contributions. If so, would that be part of the green space network or require a separate category in the manual?		
SEPA	1. We have no additional comments to make to those previously made in relation to the Infrastructure and Developer Contributions Manual. We support the recognition in the LDP and supporting documents of the need to consider infrastructure delivery at an early stage.	1. Comments welcomed and noted.	
Bats & Development Supplementary Guidance			
SNH	<u>Permitted development</u> The recent expansion of householder permitted development rights means that a lot of development in houses that could affect bats will now be permitted development, so there is no direct role for the planning authority. We recommend that a sub-heading could be added about 'Permitted Development Works' and then the point made that even if proposed works (e.g. alteration or extension of a dwelling house) are permitted development, the same principles of this supplementary guidance should be followed, and that if it is suspected that	Agreed.	Change made.

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	works could not proceed without an offence being committed, SNH should be contacted prior to commencement.		
SNH	<u>Bats and Legislation (section 3)</u> It is also an offence to deliberately or recklessly disturb a bat while migrating or hibernating.	Agreed.	Change made.
SNH	<u>Bats and Licensing (section 4)</u> SNH is now the main licensing authority for bats for all purposes. We recommend that the text is amended to reflect this, for instance, by removing the second sentence.	These changes were already made.	No changes made.
SNH	We recommend that the text on the first licensing test is amended so that the second sentence reads 'For example, a licence may be granted'. This is because there are other purposes for which licences for bats can be granted.	Agreed.	Change made.
SNH	<u>Bats and Land Use Planning (section 5)</u> In table 1 it would be useful to clarify that 'priority' species refers to the UKBAP, as this means something very different under the Habitats Directive.	Agreed.	Change made.
SNH	<u>Establishing if a survey will be required (section 7)</u> The guidance on when a survey may be required is not precise and so could be open to interpretation. It is not clear how the councils GIS would be used to help decide if a survey is required, nor what other factors would be taken into account. It is also unclear what is meant by 'close'	Agreed. Most changes were made prior to the consultation period. Leaving out the reference to 200 metres as there is a separate flowchart which refers to GIS layers indicating freshwater and other relevant habitats.	Changes made.

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	<p>to freshwater and other habitats. Bats will forage at least 200m from their roost and so roosts could be this distance, or more, from these habitats. In Aberdeen, the corridors of the rivers Dee and Don are some of the key areas where bat roosts are more frequently found.</p> <p>The guidance in its current form could lead to it being applied inconsistently and cause confusion amongst developers and planners. This might result in situations where it is decided at a relatively late stage in the planning process that a bat survey is required, resulting in a delay to the planning decision. We recommend making it clearer when a survey will, may or will not be required. We have already provided a suggested approach to your environmental planner in an email on 6 June 2012 (copy attached) and understand that this section of the guidance is currently being amended.</p> <p>Please note that we are aware of a recent case where a bat roost was found in a castle on a sea cliff and so while bats are not generally found by the sea, this is not always the case.</p> <p>Similarly bat roosts are now sometimes found in trees of less than 1m girth.</p>		
SNH	<p><u>Survey standards (section 8)</u> For paragraph 9, beginning 'If winter surveys...' we recommend it is amended to read 'further survey' rather than 'a</p>	Agreed.	Changes made.

Respondent	Summary of comment	Response to comment	Changes (if any)
	<p>further survey' as sometimes more than one additional survey is required. It may be helpful to provide links to the guidance referred to in this section: Bat Mitigation Guidelines: http://publications.naturalengland.org.uk/publication/69046 Bat Surveys Good Practice Guidelines: http://www.bats.org.uk/pages/batsurveyguide.html</p>		
SNH	<p><u>Once a survey is complete (section 10)</u> The second bullet point might be worded more clearly as 'If a survey has been conducted during the winter (outwith mid-May to mid-August) and has reported suitable habitat for bats but no evidence of bats has been found...' The fourth bullet point says that where a direct impact on bats cannot be avoided, the developer will be advised to apply for a licence from SNH. It may be helpful to set out more accurately the role of the council. We therefore recommend amending this bullet point to read: where a direct impact on bats cannot be avoided, the council will only grant planning permission if it is satisfied that all three tests for a EPS licence can be met, and it would then remind the applicant of the need to apply for a licence from SNH prior to any commencement of works.</p>	Agreed.	See next section for changes made.

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SNH	<p><u>SNH suggested approach for when bat surveys are required</u></p> <p>Built Structures</p> <p>Survey will usually be required for demolition/alteration of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> underground and other structures such as tunnels, kilns, cellars, ice houses and fortifications which can provide hibernations sites with stable temperatures; and/or <input type="checkbox"/> buildings or other structures with known bat roosts or where bats are known to be present; and/or <input type="checkbox"/> buildings or other structures within the area shown on the Council's GIS where bats have been noted in the city; and/or <input type="checkbox"/> buildings or other structures within 200m of freshwater and wetland habitats such as rivers, burns, ponds or wet grassland or from woodland, hedgerows and/or lines of trees. <p>The buildings that may support bat roosts include traditional stone and slate buildings with an intact or almost intact roof structure (eg churches, steadings, mill buildings) and also any constantly heated buildings such as houses, nursing homes, schools and swimming pools. Other structures such as bridges can also contain bat roosts.</p> <p>Surveys may be required for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Buildings and other structures more 	<p>Have taken on some of the suggestions but not all of them. It is felt that some of the suggestions are still vague and could lead to misinterpretation.</p>	<p>Some changes made.</p>

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	<p>than 200m from suitable habitats where there is evidence to suggest they may be present.</p> <p>Surveys will not be required for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> buildings in a very exposed location by the sea with no suitable foraging habitat within 1km <p>Trees</p> <p>Surveys may be required for developments proposing tree work (felling or lopping) of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> old and veteran trees older than 100years; and/or <input type="checkbox"/> trees with obvious hole, cracks or cavities; and/or <input type="checkbox"/> trees with a girth greater than 1m at chest height. <p>Note that trees other than these can sometimes contain bat roosts. Young plantations of conifers are not likely to have bat roosts. Trees are more likely to be used by bats if they are linked by other trees or hedgerows to woodland or other habitat suitable for bats.</p>	<p>Some suggested changes here have already been carried out, while others have now been made.</p> <p>Changes relating to trees already made.</p>	<p>Some new changes made.</p>
SEPA	<p>We have no additional comments to make to those previously made in relation to the Infrastructure and Developer Contributions Manual (SEPA Ref: PCS/110085). We support the recognition in the LDP and supporting documents of</p>	<p>Comments noted.</p>	<p>No changes required.</p>

Respondent	Summary of comment	Response to comment	Changes (if any)
	the need to consider infrastructure delivery at an early stage.		
Historic Scotland	While welcoming the preparation of this guidance I can confirm that we have no detailed comments to offer on this occasion.	Comments noted.	No changes required.
Bat Conservation Trust (BCT)	<p>Like the use of photos but have a minor suggestion. For improvement Use 4 photos to illustrate;</p> <ol style="list-style-type: none"> 1. Bat Habitat 2. Roosts – traditional buildings 3. Roosts – modern buildings 4. Bats <p>EG</p> <ol style="list-style-type: none"> 1. Good bat habitat (water and woodland/ park/ gardens/ riparian woodland) in aberdeen 2. A traditional/ posh property that is a roost 3. A modern council estate type environment (great for pipistrelles) 4 Bats in roost (use photo on RHS) 	Do not have access to such photos, plus, it is felt that these photos would not add any further value to the guidance. Adding this number of photos would also make the guidance quite a large document.	No changes required.
Bat Conservation Trust (BCT)	Suggest items 6 and 7 should be “swapped” so Establishing if a survey is required comes as item 6 and identifying roosts is 7.	Section 8 ‘survey standards’ and section 9 ‘minimum survey details’ etc, naturally follows section 7 ‘establishing if a survey is required. Therefore, it is felt that there is no value in swapping section 6 and 7 around.	No changes required.

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Bat Conservation Trust (BCT)	Suggest including a sentence to say who the guidance is aimed at.	Agreed.	Sentence now added to introduction.
Bat Conservation Trust (BCT)	Lisa Kelly this is fine for activity surveys but I'm not sure what to say about identifying hibernacula. My problem is that a winter survey may NOT show bats using a structure but a week later the bats may be there. Is it better to identify potential winter sites in summer and assume bats might be there in winter, rather than ask developers to wait for a winter survey which does not find bats using the site at the time ???	The guidance does not suggest that developers wait for winter surveys but only suggests them if summer surveys cannot be carried out and that there is access to all parts of the building. If a winter survey has to be conducted, then it is stated that further summer surveys may be required if the evidence is inconclusive or there is potential for bats. That said, a new sentence has been added stating that if a summer survey suggest possible evidence of a hibernation roost, then further winter surveys will be required. Changes made.	Changes made.
Bat Conservation Trust (BCT)	Include Natterer's bat in section 2.	Agreed.	Change made.
Bat Conservation Trust (BCT)	Section 3 – Do we need the word “wild “in?	The inclusion of the word ‘wild’ helps to distinguish between wild and captive bats.	No change made.
Bat Conservation Trust (BCT)	Section 3 - Suggest adding – Bats will roost in a variety of structures including; trees, caves, rock faces, bridges and buildings both old and modern. Perhaps put this text in a box to make it stand out.	This is covered in section 6 ‘Identifying Bat Roosts’.	No changes required.
Bat Conservation Trust (BCT)	Section 3 – Perhaps illustrate with pictures of suitable sites; tree, bridge, modern building Eg	Do not feel that this would add value to this section which covers ‘Bats and Legislation’.	No changes required.

Respondent	Summary of comment	Response to comment	Changes (if any)
	school and an older traditional property.		
Bat Conservation Trust (BCT)	Section 5 – Check with Lisa and Kelly – Does it have to be a roost? I suspect so but want to check – would the use of the area as a foraging site of commuting route count a material consideration (albeit with less protection)?	The use of an area as a foraging site or commuting route is not a material consideration. Section 3 clearly states what is included in the law.	No changes required.
Bat Conservation Trust (BCT)	Section 5 - Suggest using the Planning and development for bat surveys from the BCT Bat surveys – Good practise Guidelines as a tool for identifying when a bat survey should be carried out.	This is covered in section 7 ‘Establishing if a Survey is Required’ which tailors various guidance into concise guidance for an urban environment. Reference to this guidance has now been made in section 8 ‘Survey Standards’.	No changes required.
Bat Conservation Trust (BCT)	Section 5 – And must show how FCS will be safeguarded.	Local authorities are not the regulators for felling. FCS regulates their own work.	No changes required.
Bat Conservation Trust (BCT)	All resident bat species (in the Aberdeen area) are identified as “species of principal importance “under the Nature Conservation Act (Scotland) 2004. Also under this act local and regional authorities have a duty to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions	This is already covered under the Natural Heritage guidance and the Council’s Nature Conservation Strategy 2010-2015. This information would not add any further value to this guidance.	No changes required.
Bat Conservation Trust (BCT)	Add Natterer’s Bat to Table 1.	Agreed.	Change made.

Respondent	Summary of comment	Response to comment	Changes (if any)
Bat Conservation Trust (BCT)	Add to Table 1 - SPI: species of principal Importance (on Scottish biodiversity list.	Agreed.	Change made.
Bat Conservation Trust (BCT)	'The Local Planning Authority should request a bat survey to establish the impacts on bats before the planning application is determined.' Excellent that this is made so clear.	Comment noted.	No changes required.
Bat Conservation Trust (BCT)	Section 6 – Stress that bats use a variety of roosts, different roosts in winter and summer. In addition they will use both modern and old/ traditional buildings or structures.	This is covered in section 6 and also in sections 2 under 'General Information about Bats' and 7 'Establishing if a Survey is Required'.	No changes required.
Bat Conservation Trust (BCT)	Section 6 – Caution – droppings may NOT be visible even with large number of bats. Pipistrelle bats in particular may use tiny spaces eg between slates/ tiles and sarking. Their droppings may not be visible inside a roof space and thinly scattered outside a structure or too high up on a wall to be noticed.	This is covered further on this section.	No changes required.
Bat Conservation Trust (BCT)	Section 6 - Delete "where light enters" I think this is a typo. BLE bats will roost in spaces that are quite light but this is not a prerequisite.	Agreed.	Change made.
Bat Conservation Trust (BCT)	Section 6 last paragraph - Suggest putting the text in bold also in a box – to make it stand out.	This section is already in bold.	No changes required.

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Bat Conservation Trust (BCT)	<p>Section 6 - Suggest adding a diagram to show the actual size / dimensions of a gap that a Pipistrelle bat could use as an entry/exit point into a roost. Draw torpedo shape 2cm wide by 1cm high.</p>	<p>Trying to keep this guidance as brief and concise as possible. Adding further information would make the guidance too long, plus don't think that this would add value to the guidance.</p>	<p>No changes required.</p>
Bat Conservation Trust (BCT)	<p>Section 7 – See BCT trigger list for further info.</p>	<p>Links to the BCT guidance is already on section 8, plus this section has a more concise trigger list developed for the urban Aberdeen City.</p>	<p>No changes required.</p>
Bat Conservation Trust (BCT)	<p>Section 7 – <i>Buildings which are in a very exposed location by the sea with no suitable foraging habitat within 1km are unlikely to be used by bats and will not require a survey.</i></p> <p>Check – not sure about this at all. I really don't know if this is true or not. Would bats use an ice house / fishing station as a hibernation site if it lacked good feeding habitat but had suitable temp and humidity for hibernation? Bats will feed over seaweed.</p>	<p>Agreed. SNH have recently reported that a bat roost was found in a castle by the sea.</p>	<p>This sentence has now been removed.</p>
Bat Conservation Trust (BCT)	<p>Section 7 - Remember, bats can be found in any structure and/or building both old and new if it is in the correct environment! YES – suggest putting this in a box and in even bigger type.</p>	<p>This section is already in bold. Do not think putting in a box in bigger font size would add any value to the guidance.</p>	<p>No changes required.</p>
Bat Conservation Trust (BCT)	<p>Section 8 - b. Bat Surveys Good Practice Guidelines – Bat Conservation Trust.</p>	<p>Point noted.</p>	<p>No change required.</p>

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	(note now on edition 2 , July 2012)		
Bat Conservation Trust (BCT)	<p>Section 8 - For householder applications and other small scale developments such as steading conversions, winter surveys may be acceptable to rule out the presence of bats but these will only be accepted where all relevant parts of the building can be adequately inspected.</p> <p>NO!! Note a Winter survey MAY confirm the presence of bats / use of the building as a bat roost but it cannot be relied on to show bats will not be present in summer .</p>	The Council is satisfied that the guidance stipulates that it requires confirmation that there is access to all parts of the buildings before agreeing to a winter survey. The guidance goes on to say that if findings are inconclusive or there is potential for bats, the Council will request further surveys in the summer months. This is also repeated in Section 10.	No changes required.
Bat Conservation Trust (BCT)	<p>Section 8, Diagram 1 –</p> <p>Add to text, for active bats . Hibernation surveys – from October to March.</p>	This guidance focuses on the best time to survey for bat activity which is during the summer months. However, reference to the best time to survey for hibernation roosts has been included in the main text of section 8 and below the Bat Activity Calendar. It has also been added to Section 1 – Introduction.	Changes made.
Bat Conservation Trust (BCT)	<p>Section 9 - Minimum Survey Details</p> <p>Note – see Template p28, BCT Bat survey = good practice guidelines.</p>	Reference to this literature is already included in Section 8.	No changes required.
Bat Conservation Trust (BCT)	<p>Section 9 – Minimum Survey Requirements – item 2.</p> <p>Add '/s' to the word 'survey'.</p>	Doesn't add any further value to sentence. Whether there is one or more survey conducted, the instruction is the same.	Change not required.
Bat Conservation Trust (BCT)	<p>Section 9 – Minimum Survey Requirements – item 4.</p> <p>Add to sentence – '(Including timings /</p>	Agreed.	Change made.

Respondent	Summary of comment	Response to comment	Changes (if any)
	stages)		
Bat Conservation Trust (BCT)	Section 9 – Minimum Survey Requirements – item 6. Add to sentence – ‘grid reference/s, photos’	Item 14 already mentions photographs but not grid references. Will add grid references to item 14.	Change made.
Bat Conservation Trust (BCT)	Section 9 – Minimum Survey Requirements – item 7. Add to sentence – ‘(Field surveys’, roost surveys, activity surveys)’	The Council does not want to specify either activity, field or roost surveys, but a general survey that covers all.	No changes required.
Bat Conservation Trust (BCT)	Section 9 – Minimum Survey Requirements – item 10. Add to sentence – ‘Equipment used’.	This is already covered in item 8.	No changes required.
Bat Conservation Trust (BCT)	Section 9 – Minimum Survey Requirements – item 11. Add to sentence – ‘and /’	Agreed.	Change made.
Bat Conservation Trust (BCT)	Section 9 – Minimum Survey Requirements – item 12. Add to bullet points - Foraging areas – safeguard / enhance Flight lines - safeguard / enhance	Disagree. Local authorities do not by law have to protect foraging areas of flight lines. Local authorities are concerned with bats and bat roosts.	No changes required.
Bat Conservation Trust (BCT)	Section 9 – Minimum Survey Requirements Add ‘summary’ at the end of section.	Although this does not constitute minimum survey details, it is useful to have and will include this in the guidance.	Changes made.

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Bat Conservation Trust (BCT)	Section 10 – Second bullet point. Remove the word ‘probably’.	Agreed.	Change made.
Bat Conservation Trust (BCT)	Section 11 – Conditions or obligations Add to bullet points ‘Restrictions/prescriptions on lighting’	Agreed.	Change made.
Bat Conservation Trust (BCT)	Section 12 – What you can do to Help Bats Add to sentence – ‘Bat boxes can also be built into walls or roof spaces.’	This section already suggests placing bat boxes in buildings plus bat bricks and slates which will allow bats into the roof space.	No changes required.
Rachael Thwaites	P 8 Not sure it’s a good idea to provide too much information which will help remove evidence... I do know this has happened. Although this would help the applicant determine the need for a survey, it may also give them the opportunity to remove it prior to a survey.	As well as developers, this information is required by case officers determining applications. This information assists the Council in fulfilling its legal obligation for EPS and particularly bats. Both planners and developers/homeowners need to be informed of the law and what is required as per the law when it comes to bats. If a developer or homeowner chooses to remove evidence of bats prior to a request for planning permission, the council cannot be held responsible for any unlawful action taken by them. If caught, those responsible will be dealt with by the appropriate authority according to the law.	No changes required.
Rachael Thwaites	P 8 and 10. I doubt there would be many who would carry out a survey unless specifically asked to do so by the Council.	This information helps case officers understand what is required in a bat survey and what they should do next once it has been received. It also informs developers and homeowners of the process.	No changes required.
Rachael Thwaites	Minimum survey requirements do not strictly adhere to those in BCT’s Bat Surveys Good Practice Guidelines, as these recommend that all of the roof should be seen at all times (p61 of the	As stated, this is the ‘minimum’ requirements requested by the Council. There is reference to the BCT’s Bat Survey Good Practice Guidelines for more detailed requirements. Given that this is an opinion and one that is not shared by all surveyors.	No changes required.

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	2nd edition). This is often not achieved where only one individual carries out the survey. However, this is an opinion not shared by all surveyors.		
Rachael Thwaites	BCT's Bat Surveys Good Practice Guidelines - Also recommends that 2 or 3 (surveys) should be carried out at different times of the summer (p 62/63). This is rarely done in Aberdeenshire and the practical and financial consequences are obvious, however, bats do use a number of roosts and their use can be missed by a single visit.	The council does not request as standard 2 or 3 surveys throughout the summer as this would add further delays to the planning process. That said, if no bats have been found but there is enough evidence to suggest that bats may be there at a different time, then the Council will request a further survey as noted in Section 8 and repeated in Section 10.	No changes required.
Rachael Thwaites	P 12. I'm always banging on about this, but it may be appropriate to use the term 'potential' when dealing with winter surveys rather than inconclusive. Evidence of bats is not always present when bats use hard to find spaces. This again is an area which not all surveyors agree upon.	This is actually page 10. Agreed.	Change made.
Children's Nurseries and Sports Facilities			
Sport Scotland – Lorraine Jones	The respondent previously made comment in relation to this SG in the context of the LDP. As noted at that time, it is considered that the wording of the SG is largely covered within the policies of the LDP itself. Also, it is our view that the wording of the guidance is unduly negative. Sports facilities are a vital part of the life in villages, towns and cities and	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. A further sentence will be added to the Guidance which will make reference to the positive contribution which sports facilities make to the quality of life in Aberdeen.	The further sentence 'Sports Facilities are a vital part of life in villages, towns and cities and can make a positive contribution to the quality of life to the citizens of Aberdeen.' Has been added to the Guidance.

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	<p>while we appreciate that there are amenity and other planning considerations which need consideration in relation to their location, these appear to be covered in other parts of Plan.</p> <p>Reference is made to the Pitch Strategy. This is currently being revised and it would make sense to include reference to the 'updated' Pitch Strategy.</p> <p>In conclusion, we would request that a more positive form of wording is used in this SG, or that an additional sentence is contained within it which makes reference to the positive contribution which sports facilities make to the quality of life in the LDP area.</p>		
Gypsy and Traveller Sites Supplementary Guidance			
Chris Pattison Turnberry Planning	We make the point that specifying detailed requirements around the delivery of such sites, often in absolute terms, is counter-intuitive where few sites have been delivered in previous years when the approach has been less rigorous.	It is important that planning authorities identify suitable locations for meeting the needs of Gypsies and Travellers. Through research undertaken the sites identified would deliver the minimum requirement. This policy is contained in the Adopted Aberdeen Local Development Plan and through the examination into the Plan the Reporters agreed that the approach was reasonable and appropriate.	No Changes are suggested.
Chris Pattison Turnberry Planning	The provision is likely to be a barrier to the delivery of sites. Instead, a more pragmatic and flexible approach needs to be adopted if the flow of sites which need to provide on site provision should be.	The larger development sites were chosen to contribute towards the development of Gypsy and Traveller sites as the impact on deliverability will be minimised. If there are alternative proposals that deliver the required provision these will be considered either through the	No Changes are suggested.

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		Masterplanning Process or Development Management process.	
Chris Pattison Turnberry Planning	Include the following at Paragraph 1.7: “This Guidance provides a framework through which Gypsy/Traveller sites can be located, developed and managed, but successful delivery is a key priority and the overarching policy framework and detailed provisions of this Guidance should be seen in this context.”	The purpose of policy H6, H7 and the Supplementary Guidance is to assist in the successful delivery of sites for Gypsies and Travellers. Additional text has been included at paragraph 1.5 to make this clear.	Insert the following text: Therefore, the successful delivery of Gypsy and Traveller Sites through the Local Development Plan is a key priority.
Chris Pattison Turnberry Planning	We suggest that paragraph 2.2 of the Guidance is amended to make it clear that the nature of the contribution from the LDP sites will be reviewed at the time a planning application is made, having regard to the up to date position across the City.	The provision of Gypsy and Traveller sites is an ongoing issue that requires to be addressed. There is no alternative strategy that will deliver additional pitches in Aberdeen City. If there is a change in circumstances then the taken into account when the plan is reviewed. It is outwith the scope of Supplementary Guidance to make changes to this policy requirement.	No Changes are suggested.
Chris Pattison Turnberry Planning	Who or how the site will be managed will be delivered in not discussed. It is assumed that the land required for the pitches will be transferred to the Council or a registered social landlord who will take forward the proposal in accordance with the guidance.	It would most likely be the responsibility of the Council, but there may be a registered social landlord that would be interested in such a project.	To clarify additional information has been provided at Paragraph 2.3.
Chris Pattison Turnberry Planning	Greater clarity on the issue of long term management is required, particularly in respect of temporary halting sites which are potentially susceptible to abuse and as such will impact on the surrounding development.	It is a requirement of Policy H6 – Gypsy and Traveller Caravan Sites that it can be demonstrated that the site will be properly managed.	To make it clear that this is a requirement on new sites paragraph 2.3 makes it clear that sites will need to meet the criteria in Policy H6.

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Aberdeenshire Council	The supplementary guidance provides a clear statement of the process of identifying suitable sites and requirements that need to be considered.	This is Noted.	No Changes are suggested.
Aberdeenshire Council	<p>Whilst it is for Aberdeen City to decide the criteria for new sites and site management (using Good Practise guide as a basis) within the local authority boundary it appears to be quite prescriptive in places and it might be difficult for new sites to comply with all of the requirements.</p> <p>Both Aberdeen City and Aberdeenshire should be consistent with the level of provision recommended within the respective LDPs for gypsy and traveller sites. The supplementary guidance seeks a higher level of provision within Aberdeen City than is being sought within Aberdeenshire.</p>	The level of provision will vary greatly depending on the type of site that is to be provided. In the circumstances that a permanent site is to be developed it is considered appropriate that higher standards are expected. The expectation would be for any new permanent sites to be integrated with the local community and provide greater access to services and facilities. For the temporary halting sites a the services expected will not be the same and these have been amended to ensure that they are consistent with the approach being taken by Aberdeenshire Council.	The services and facilities required for halting sites detailed at paragraph 3.16 has been amended. The requirement for waste water facilities as a minimum has been removed.
Aberdeenshire Council	It is clear what level of contribution is required from the sites listed under Policy H7 e.g. equivalent of approx 15 affordable housing units. However, further clarity is suggested with regard to the method of contribution for the sites (Greenferns and Countesswells) which are to provide off site e.g. is a commuted sum for the equivalent of 15 affordable housing units being sought?	For sites where the delivery is to be off-site it is expected that a commuted payment equivalent to 15 affordable units is made towards the provision of Gypsy and Traveller sites.	To clarify this point make it clear that this is a requirement on new sites paragraph 2.3 makes it clear that sites will need to meet the criteria in Policy H6.