

Infrastructure and Developer Contributions Manual (Supplementary Guidance) – Consultation Responses

| Respondent | Comment | Officer Response | Modification to SG |
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| Jane Smith – Scottish Government (1/1) | No comments. | Noted. | No modification required. |
| Ewen Cameron – Scottish Natural Heritage (1/5) | Welcome the continued inclusion of walking and cycling routes. However, the statement in figure three could be amended to say ‘...to fund external improvements and / or links to the wider cycle / walking network...’ so that contributions as appropriate to the development of the strategic walking and cycling network itself are secured. | Comment is noted, however the consultation only covered the amendments to the Core Path Network, Open Space, Water and Drainage and Education sections of the document. There will be a further review of this SG with the Proposed Aberdeen Local Development Plan towards the end of this year. This comment will then be taken into consideration then. | No modification required. |
| Ewen Cameron – Scottish Natural Heritage (2/5) | We welcome the continued inclusion of core paths. However, it could be made clearer how this relates to the wider cycle / walking network. | This document only covers matters related to developer contributions to help deliver the Core Path network rather than give detail on how it relates to the wider cycle / walking network. | No modification required. |
| Ewen Cameron – Scottish Natural Heritage (3/5) | Welcome the continued inclusion of open space and green space network. However, it is recommended that it is made clear that any provision of green space or natural habitat to mitigate an adverse impact on the existing green space network would be additional to the | Comment noted. | Add a sentence to the end of paragraph 11.2 which reads ‘Also, any provision of green space or natural habitat to mitigate an adverse impact on the existing green space network would be additional to the general |

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| | general open space requirement, and would not form part of that delivery. | | open space requirement, and would not form part of the open space delivery.' |
| Ewen Cameron – Scottish Natural Heritage (4/5) | The section on Green Space Network might also include reference to smaller scale provisions to protect wildlife movement, e.g. badger tunnels under roads. | This document only covers matters related to developer contributions to help deliver open space / Green Space Network. Therefore, it is not deemed necessary to include reference on provisions to protect wildlife movement. | No modification required. |
| Ewen Cameron – Scottish Natural Heritage (5/5) | Reference to Circular 1/2010 Planning Agreements at the end of the document should be amended to the replacement Circular 3/2012 Planning Obligations and Good Neighbour Agreements. | Comment noted. | Replace reference to Circular 1/2010 Planning Agreements with Circular 3/2012 Planning Obligations and Good Neighbour Agreements in Section 16 Further Reading. |
| Clare Pritchett – Scottish Environment Protection Agency (1/4) | Pleased to see the requirement to contribute to Core Path Networks and hope that we can assist Aberdeen City Council to develop this network, particularly 'blue' networks in relation to watercourses. | Comment noted. | No modification required. |
| Clare Pritchett – Scottish Environment Protection Agency (2/4) | Note that it is identified that there are opportunities for Aberdeen City Council to develop flood protection schemes that serve a dual purpose as regional SUDS facilities. We look forward to assisting Aberdeen City Council to develop these schemes. | Comment noted. | No modification required. |
| Clare Pritchett – Scottish Environment | We look forward to working with Aberdeen City Council to identify mitigation measures | Comment noted. | No modification required. |

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| Protection Agency (3/4) | targeted to the protection or enhancement of the Green Space Network. | | |
| Clare Pritchett – Scottish Environment Protection Agency (4/4) | Note that additional demands from new development on water supply and disposal of water waste may require the upgrade and extensions of existing infrastructure. The limited capacity of existing water treatment works and waste water treatment facilities can be detrimental to not just the water environment but the natural environment as a whole. The Supplementary Guidance should recognise a requirement for contributions to both committed infrastructure and those currently under construction. | Comment noted. | Add a sentence to Section 9 Drainage that reads ‘Contributions can be sought on both committed infrastructure and / or infrastructure currently under construction.’ |
| Andrew Stevenson – Historic Scotland (1/1) | No comments. | Noted. | No modification required. |
| Sophie Day – Scottish Water (1/4) | We welcome the inclusion of paragraph 1.6, which explains that not all infrastructure is provided through developer contribution, such as water and drainage. | Comment noted. | No modification required. |
| Sophie Day – Scottish Water (2/4) | There is a lack of clarity on infrastructure requirements and developer contributions for SUDs. The document states that SUDs could be adopted by Aberdeen City Council but doesn’t outline the other options they would consider acceptable. Scottish Water may also vest SUDs | Comment noted but this scheme is still being worked on. More information will be available towards the end of the year when this SG and the Flooding and Drainage SG will be out for consultation along with the | Sentence has been added to Section 9 reading ‘Scottish Water may also vest SUDs, if they comply with Scottish Water’s design standards. If a developer wishes their SUDs to be vested by Scottish Water, early |

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| | <p>if they comply with our current design standards – which will be updated in the next few months. If a developer wishes their SUDs to be vested by Scottish water, early engagement is always recommended.</p> | <p>Proposed Aberdeen Local Development Plan.</p> <p>A paragraph advising developers to engage with Scottish Water if they wish their SUDs to be vested by Scottish Water will be added.</p> | <p>engagement is recommended.'</p> |
| <p>Sophie Day – Scottish Water (3/4)</p> | <p>Early consideration should be given in the planning application process to the SUDs maintenance programme; this will ensure a high quality open space delivered on a long term basis.</p> | <p>Comment noted.</p> | <p>Sentence added to the end of paragraph 9.3 which reads 'Early consideration should be given in the planning application process to the SUDs maintenance programme. This will ensure that a high quality open space is delivered on a long term basis.'</p> |
| <p>Sophie Day – Scottish Water (4/4)</p> | <p>Recommend that paragraph 9.3 (printed as 9.2 in the document in error) is amended to read – 'Developers are advised to contact Scottish Water to discuss the water and drainage needs of their development as early as possible. A Pre Development Enquiry form (available at scottishwater.co.uk) can be filled out and submitted to Scottish Water, which will allow an initial assessment to be carried out.'</p> | <p>Comment noted.</p> | <p>Change paragraph numbering and paragraph 9.3 now reads 'Developers are advised to contact Scottish Water to discuss the water and drainage needs of their development as early as possible. A Pre Development Enquiry form (available at scottishwater.co.uk) can be filled out and submitted to Scottish Water, which will allow an initial assessment to be carried out.'</p> |
| <p>Emelda Maclean - Emac Planning LLP on behalf of Scotia Homes Ltd.</p> | <p>Support paragraph 8.1.</p> | <p>Noted.</p> | <p>No modification required.</p> |

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| (1/5) | | | |
| <p>Emelda Maclean - Emac Planning LLP on behalf of Scotia Homes Ltd.</p> <p>(2/5)</p> | <p>The section on schools conflicts with paragraph 18 of Circular 3/2012 and is considered unreasonable to request that all development provide contributions at the stated threshold (which is under the school roll capacity). It is unreasonable because in the event that a development results in the capacity of the school reaching say 90%, there is still capacity within the school in accordance with School Roll Forecast. Although the class configurations become less flexible, there is still capacity. The threshold appears to be promoted on school managerial grounds. The depicted threshold is not clearly justified on planning grounds. Obligations should only be requested when capacity is at 100%.</p> | <p>Paragraph 18 of Circular 3/2012 states that ‘planning obligations should not be used to extract advantages, benefits or payments from landowners or developers which are not directly related to the proposed development.’ We do not think it is unreasonable to ask for contributions once a primary school has reached 80% capacity or a secondary school has reached 90% capacity because Aberdeen City Council must meet National Legislation, class configurations and Teachers Conditions of Service.</p> <p>All schools have a range of capacity which is to take into account class configurations. The range differs year on year dependent on the configuration but effectively this would be the maximum capacity of the school in that year.</p> <p>The planning capacity of a primary school is calculated by dividing the total clear floor area of teaching rooms by the space allocation per child, which in the case of Aberdeen City Council is 2.0m² per child. For example a classroom with a clear floor</p> | <p>Change the third sentence of paragraph 8.2 to read ‘Therefore, contributions will be sought when a primary school is forecast to exceed 80% of the maximum capacity of that school and is projected to have a rising roll which takes the school above 100% capacity.’</p> <p>Amend the last sentence of paragraph 8.3 to read ‘It should be noted that as the roll approaches the school capacity, i.e. over 90%, class configurations will become less flexible, potentially reducing the available spaces. Therefore, contributions will be sought when a secondary school is forecast to exceed 90% of the maximum capacity of that school and is projected to have a rising roll which takes the school above 100% capacity.’</p> |

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| | | <p>area of 60m² will have a planning capacity of 30 pupils.</p> <p>There are rooms which although are used in the delivery of the curriculum are excluded from the capacity of the school. These rooms include the library, gym hall, break out areas outside of classrooms, designated ASN bases and General Purpose areas which are used for activity such as drama, art, ICT, dance and music.</p> <p>The working capacity of a school takes account of maximum class sizes, for example, composite classes which are limited to 25 pupils and the maximum class sizes for Primary 1, 2 and 3 classes which are limited to 25 for P1 and 30 for P2 and P3. For example a room which has a planning capacity of 30 pupils and which is used for a P1 class has a working capacity of 25 pupils.</p> <p>It is generally the working capacity which determines how many pupils a school can accommodate in any given year, as it would be highly unlikely that each teaching room will be matched to the size of the class.</p> <p>By using 80% for primary schools and</p> | |
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| | | 90% for secondary schools as a benchmark it provides flexibility to mitigate the impact of additional pupils which may require additional accommodation to be provided. | |
| Emelda Maclean - Emac Planning LLP on behalf of Scotia Homes Ltd. (3/5) | Clarification is sought on paragraph 8.2 as to whether this is related to primary school provision. | It is agreed that there is a need for further clarity on this paragraph. | The word 'primary' has been added to the third sentence of paragraph 8.2. |
| Emelda Maclean - Emac Planning LLP on behalf of Scotia Homes Ltd. (4/5) | The SG should provide further clarity on circumstances where an existing education community campus facility serving a development already provides shared facilities for the community. Where this already exists there should be a requirement for additional community / library contributions in addition to education contributions. Without clarity there is potential conflict with paragraph 20 of Circular 3/2012. | It is agreed that there is a need for further clarity on this paragraph. | The following has been added to paragraph 8.6 after the first sentence 'Where community facilities are provided within a school for public use, the floorspace will be taken into account for any contribution required. Should a shortfall in provision be identified based on the number of dwellings proposed, the existing provision will be deducted from the space standards formula in order to assess the contribution required.' |
| Emelda Maclean - Emac Planning LLP on behalf of Scotia Homes Ltd. (5/5) | There are three main concerns regarding the amendment to the Core Paths section of the SG: 1. Providing core path links through residential development should be considered through the design and layout of the submitted planning | Provision of core path links through residential development through the design and layout is already the first principle. The developer obligations team take into account any provision on site when calculating any required contributions. | No modification required. |

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| | <p>application rather than seeking financial contributions to external links beyond the site boundary.</p> <ol style="list-style-type: none"> 2. The additional financial burden on residential development further exacerbates the vitality of the delivery of new housing. 3. Policy tests have not changed with the introduction of Circular 3/2012 and the SG does not provide any planning justification for the introduction of this obligation. | <p>It should be noted that this is not a new developer obligation – before contributions were taken per household now per household equivalent.</p> <p>Achieving a well integrated and sustainable transport system can be significantly assisted by protecting and improving links, suitable for no-motorised use, between residential, employment, recreation and other facilities, making it quick, convenient and safe for people to travel by walking or cycling. It is particularly important that any new development takes into account permeability, maintaining and enhancing any connections which help to facilitate active and sustainable development.</p> | |
| <p>Shelley Thomson – Stewart Milne Homes (1/5)</p> | <p>Object to the process of calculating planning obligations for education provision on the basis that contributions will be an unknown quantity for development spread over more than five year period. This provides uncertainty within development within that period and a review built in to the s75 agreement for later phases. This provides uncertainty with development finance and provides developers with significant issues relating to drawing down of land for development and for landowners to be</p> | <p>An alternative approach which would provide more certainty is to factor in all the development over a five year period. We cannot accurately forecast beyond this because pupils beyond the five year phase will not have been born yet.</p> <p>This method would provide certainty on a per unit rate and any legal agreement could include a</p> | <p>Sentence added to the end of paragraph 8.1 reading ‘Where a development is anticipated to be phased beyond a five year period an assessment will be undertaken on all of the development over a five year period. Any legal agreement could include a reconciliation at the end.’</p> <p>Paragraph 8.4 (from the draft that was consulted on) has now been removed.</p> |

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| | <p>confident of land values. It is not clear what the Councils intentions are at the five year period review. If contributions calculated and paid to the Council within the previous five year period are in excess of the actual pupil numbers generated, are the Council then prepared to refund the difference or look at then discounting that against the next five year forecast? There must be a more robust and scientific method for forecasting and calculating pupils generated from development.</p> | <p>reconciliation at the end. This would provide certainty to both Council funding and development viability.</p> | |
| <p>Shelley Thomson – Stewart Milne Homes (2/5)</p> | <p>Object to the contributions threshold being set to 80% and 90% for primary and secondary contributions. These % thresholds should not require contributions until such times as the school is forecast to be at capacity and equal to 100% of functioning capacity. This would then meet the tests set out in Circular 3/2012.</p> | <p>Paragraph 18 of Circular 3/2012 states that ‘planning obligations should not be used to extract advantages, benefits or payments from landowners or developers which are not directly related to the proposed development.’ We do not think it is unreasonable to ask for contributions once a primary school has reached 80% capacity or a secondary school has reached 90% capacity because Aberdeen City Council must meet National Legislation, class configurations and Teachers Conditions of Service.</p> <p>All schools have a range of capacity which is to take into account class configurations. The range differs year on year dependent on the configuration but effectively this</p> | <p>Change the third sentence of paragraph 8.2 to read ‘Therefore, contributions will be sought when a primary school is forecast to exceed 80% of the maximum capacity of that school and is projected to have a rising roll which takes the school above 100% capacity.’</p> <p>Amend the last sentence of paragraph 8.3 to read ‘It should be noted that as the roll approaches the school capacity, i.e. over 90%, class configurations will become less flexible, potentially reducing the available spaces. Therefore, contributions will be sought when a secondary school is forecast to exceed 90% of the maximum capacity of that school and is projected to have a rising roll which takes the school above</p> |

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| | | <p>would be the maximum capacity of the school in that year.</p> <p>The planning capacity of a primary school is calculated by dividing the total clear floor area of teaching rooms by the space allocation per child, which in the case of Aberdeen City Council is 2.0m² per child. For example a classroom with a clear floor area of 60m² will have a planning capacity of 30 pupils.</p> <p>There are rooms which although are used in the delivery of the curriculum are excluded from the capacity of the school. These rooms include the library, gym hall, break out areas outside of classrooms, designated ASN bases and General Purpose areas which are used for activity such as drama, art, ICT, dance and music.</p> <p>The working capacity of a school takes account of maximum class sizes, for example, composite classes which are limited to 25 pupils and the maximum class sizes for Primary 1, 2 and 3 classes which are limited to 25 for P1 and 30 for P2 and P3. For example a room which has a planning capacity of 30 pupils and which is used for a P1 class has a working capacity of 25</p> | <p>100% capacity.'</p> |
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| | | <p>pupils.</p> <p>It is generally the working capacity which determines how many pupils a school can accommodate in any given year, as it would be highly unlikely that each teaching room will be matched to the size of the class.</p> <p>By using 80% for primary schools and 90% for secondary schools as a benchmark it provides flexibility to mitigate the impact of additional pupils which may require additional accommodation to be provided.</p> | |
| <p>Shelley Thomson – Stewart Milne Homes (3/5)</p> | <p>In paragraph 8.5 the Council have noted where these figures have been taken from however fall short of publishing and justifying these figures. The Council require to be open and transparent in where these figures have been taken from.</p> | <p>Agree that the document should be more open and transparent regarding the figures stated in paragraph 8.5 (now paragraph 8.4).</p> | <p>There has been a change to paragraph 8.4 following further information from Aberdeen City Council's Education, Culture and Sport Service. The N.B's for Primary and Secondary permanent extensions now read 'N.B. The cost quoted above for each pupil generated is taken from historic procurements undertaken by Aberdeen City Council for a school with 10 sq. m. per pupil.' and 'N.B. The cost quoted above for each pupil generated is taken from historic procurements undertaken by Aberdeen City Council (removing any community facility cost) and basing costs on a school with 12.5 sq. m. per pupil.'</p> |

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| | | | <p>Further information has been added to paragraph 8.4 reading 'N.B. Whilst we are mindful of the Scottish Government's indicative minimum allocations of 7.5 sq. m. for primary pupils and 10 sq. m. for secondary pupils, we believe that additional flexibility can be achieved from allowing 10 sq. m. for primary pupils and 12.5 sq. m. for secondary pupils. This will improve the building's ability to deliver all aspects of the Curriculum for Excellence.'</p> <p>Further information regarding plot sizes for new schools has been added to paragraph 8.4 reading 'Land figures are based on the School Premises (General Requirements and Standards) (Scotland) Regulations (1967) as amended 1973 and 1979. Part III of the document provides a series of tables which set out the minimum area and the figures of 2.5 ha for a primary school and 7.5 ha for a secondary school are appropriate for the size of schools we will be creating in the future.'</p> |
| Shelley Thomson – Stewart Milne Homes | Object to the policy approach that larger residential developments, where the development as a whole or part of a masterplan | The land is an additional cost to the delivery of the new school and proportionate contributions from all | No modification required. |

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| (4/5) | <p>generates the need for a new school, that the applicant will be required to contribute per pupil to build the school and provide land for the new school. The additional burden on developers is unacceptable and would make development unviable. Land to provide school accommodation may be negotiated as part of the masterplan. The land value should be deducted when assessing contributions and not an additional cost borne to the developer.</p> | <p>development (including existing) would be required.</p> <p>The land value is not included in the £23,000 contribution therefore should not be deducted.</p> | |
| <p>Shelley Thomson – Stewart Milne Homes (5/5)</p> | <p>It is welcomed that where community facilities are provided as part of the school development, there will not be an additional requirement on developers to provide for community facilities over an above those already provided.</p> | <p>Comments noted.</p> | <p>No modification required.</p> |