

## **BULLETIN REPORT**

<b><u>Name of Committee:</u></b>	Communities, Housing and Infrastructure
<b><u>Date of Meeting:</u></b>	17 May 2016
<b><u>Title of Report:</u></b>	Background Report on Planning Obligations in relation to Motion by Councillor Nicoll
<b><u>Lead Officer:</u></b>	Pete Leonard
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### **Summary of Purpose of Report**

The motion is “That officers identify and implement a system of work whereby areas currently identified in the Local Development Plan for development are circulated to the Directorates of the Council with a view to them identifying and commenting on possible developer obligations those Directorates consider may be appropriate or may become appropriate should any request be received from a developer to progress a specific development.

Instruct senior officers in Aberdeen City Council Directorates to keep under review possible planning obligations that may be sought from a developer should an area identified in the Local Development Plan as suitable for development be progressed.”

### **National Policy on Planning Obligations**

Circular 3/2012 sets out the circumstances in which developer obligations (generally known as planning obligations) can be used and how they can be concluded efficiently. By law, planning authorities should only seek obligations where they meet all of the following tests:

1. They are necessary to make the proposed development acceptable in planning terms
2. They serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
3. They relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
4. They fairly and reasonably relate in scale and kind to the proposed development, and
5. Be reasonable in all other respects.

It should be noted that developers/landowners can apply to planning authorities to have planning obligations modified or discharged and have a right of appeal to Scottish Ministers if the authority refuses the application.

### **Aberdeen Local Development Plan – current approach**

As a general principle it is best to try and avoid the need for planning obligations by directing developments to areas where there is spare infrastructure capacity. In making land allocations in the 2012 LDP, we have tried to do this as much as possible. In practice however, all larger, and many smaller developments are likely to have impacts on infrastructure that need to be dealt with.

#### How do we decide what obligations to ask for in the LDP?

By meeting with those agencies who provide and run infrastructure. There are two main groups. The first is the Future Infrastructure Requirements for Services Group (FIRS). This includes both internal and external service providers such as ACC roads, public transport and education, Scottish Water, Transport Scotland, SEPA, NESTRANS and NHS Grampian. The second is the LDP Working Group which includes representation from services which have an interest in the LDP. This can include housing, waste management, environment, communities, recreation and so on and also includes services represented on FIRS. Both groups provide input and advice on what infrastructure we should be asking for in the LDP.

The FIRS Group has been cited as a good example of collaborative working in the draft Planning Delivery Advice note on Housing and Infrastructure recently published by the Scottish Government and considered at the last CH&I Committee.

#### What does the LDP say about Planning Obligations?

The LDP identifies larger scale infrastructure requirements arising from new developments. These are listed in Appendix 4 of the LDP and include new academies, primary schools, roads and junctions, health and dental centres, pharmacies and water needs. This can be seen here from page 94 of the pdf:

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&SID=9484>

Smaller scale developments will also impact on infrastructure and LDP Policy 11 Infrastructure Delivery and Developer Contributions explains that these will be captured at the planning application stage. This policy potentially applies to all proposals, including those that are not identified in the LDP.

### How can we follow the delivery of infrastructure after the LDP is adopted?

We are required by statute to publish an LDP Action Programme within 3 months of adopting the LDP. This sets out how the Council proposes to implement the Aberdeen LDP and sets out, where possible:

- A list of actions needed to deliver each of the Plan's proposals and the policies to promote sustainable growth;
- The name of the person/organisation who is to carry out the action; and
- The broad timescale for carrying out each action.

This means that a large proportion of the Action Programme is concerned with the delivery of infrastructure and planning obligations. It goes into much more detail than the LDP and lists specific obligations required from each proposal with information on when they need to be delivered and who will do it.

### What if infrastructure requirements change over time?

School rolls, bus routes and other things can change over time so we need to be aware of this and be able to respond to it. Statute dictates that the Action Programme has to be updated every two years. In doing so we consult the FIRS Group and LDP Working Group. However, we also keep a live working version of the Action Programme on the website which is updated around 4 times a year. Any changes to infrastructure delivery can therefore be updated regularly. The latest version of the Action Programme can be seen here;

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=69580&sID=18949>

### Do we provide any further advice on planning obligations and infrastructure provision?

The Council has adopted Supplementary Guidance alongside the LDP which provides a considerable amount of guidance on what we would expect developers to provide as part of their proposals. The most relevant Supplementary Guidance is;

- Transport and Accessibility – standards on parking, public transport, roads development and sustainable transport.
- Waste Management – waste and recycling storage in new development and access for bin lorries.
- Open Space – open space and green infrastructure provision and maintenance in new development, including play areas.
- Affordable Housing – affordable and specialist housing provision.
- Infrastructure and Developer Contributions – details of what to provide in terms of transport, core paths, affordable housing, schools, water and

drainage, health, open space, green space network, libraries and community facilities.

Where we need to update the Supplementary Guidance, we would involve FIRS and the LDP Working Group or individual services where appropriate. A current example is that we will be working with the waste team to make sure that guidance on bin storage is updated so that it takes account of new collection services which will begin in the spring of 2017.