

# Supplementary Guidance: Planning Obligations

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## 1. Status of Supplementary Guidance

This Supplementary Guidance (SG) forms part of the Development Plan and is a material consideration in the determination of planning applications.

The SG expands upon the following [Aberdeen Local Development Plan](#) policies:

- Policy I1 – Infrastructure Delivery and Planning Obligations

The [Action Programme](#) which accompanies the Local Development Plan outlines further details on the delivery of supporting infrastructure. The Action Programme is a 'live' document that will be monitored and updated regularly to take account of changes in circumstances as sites come forward through the planning process.

## 2. Introduction to Topic

New development can have a very positive effect on an area, providing new homes, jobs and economic development. However, new development can also place additional pressures on resources and infrastructure such as schools, community and leisure facilities, transport infrastructure, health services and the local environment.

The delivery of infrastructure alongside new development can help to create balanced, accessible and sustainable communities.

All development has an impact and, if necessary, financial contributions will be sought from developers to mitigate that impact.

Existing deficiencies in public services, facilities or infrastructure can be made worse by new development and new deficiencies created. However, contributions are intended to address only matters arising from new proposals, not existing deficiencies.

In support of Policy I1 – Infrastructure Delivery and Planning Obligations and Appendix 3 of the Local Development Plan, this guidance outlines the methodology and criteria used to calculate contributions required to support new development.

The Local Development Plan aims to ensure, as far as practicable, that the burden of additional infrastructure, facilities and services that are related to the development are absorbed by the landowner and developer, and not by the Council or other public service provider.

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### 3. Developer Contributions

The methodology seeks to ensure that appropriate contributions are secured from developers to support new communities and to make a fair and proportionate contribution to the cumulative impact of development across the city and, where appropriate, the region as a whole. The Council has been careful to avoid deterring development by making unreasonable demands, and emphasises that any infrastructure or contributions sought are proportionate to the development proposed.

It is important to note that this Supplementary Guidance is not directly relevant to the provision of water and drainage, electricity, and telecoms infrastructure, as these services are controlled by public sector bodies and private supply companies, and the specific standards, specification and requirements relating to each are outwith the control of the Council. It is, therefore, encouraged that early contact with these suppliers is made.

Developer Obligations Assessments are carried out by the Developer Obligations Team. Contribution requirements will vary from site to site. The exact contribution required for each site will be determined on a case by case basis. Pre-application discussions with the Team, appropriate Council Officers and service providers are encouraged to ascertain the likely level of contribution required. The precise level of infrastructure provision and contributions required from any

development will need to be agreed with the Council, in consultation with other statutory agencies where appropriate.

#### 3.1 Management of Funds

Contributions, identified individually, are currently held in the Council's balance sheet in a unique account to which notional interest, at Bank of England base rate, unless otherwise stipulated, is added on a monthly basis.

In the event of a repayment of a contribution the interest added will be calculated to reflect, in addition, compounding on an annual basis.

The Council will undertake to spend contributions received in respect of an appropriate project or projects in line with the detail of assessment within 7 years of the date when planning permission is implemented (evidenced through the Notice of Initiation of Development) or, for those applications where phased payments are received (through a Section 75 agreement), within 7 years of the date of final payment.

In the event of the contribution, or part of it, not being spent within this time period, the contribution, or part, will be refunded to the applicant or their nominee along with relative interest accrued.

The monitoring and management of developer obligation funds and supporting phased payments is an additional

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administrative cost which will be funded through the overall interest, and 9% of the total interest on an annual basis will be used to support this.

### 3.2 Securing of Contributions

Contributions can be secured through upfront payments under Section 69 of the Local Government (Scotland) Act 1973, Section 48 of the Roads (Scotland) Act 1984 or Section 75 of the Town and Country Planning (Scotland) Act 1997.

Current legislation makes it clear that planning conditions, including suspensive conditions, should be used wherever possible in the first instance. Planning Obligations should only be sought where they are required to make the proposal acceptable in land use planning terms and where the use of conditions or other legal agreement is not appropriate.

Standard templates for legal agreements associated with planning permission and planning permission in principle under Section 75 of the Town and Country Planning (Scotland) Act 1997 have been put in place by the Council's Legal and Planning teams. The templates will form the basis for the drafting of all new Section 75 legal agreements.

Where an upfront payment is required, this must be concluded before planning permission can be issued.

### 3.3 Development Viability and Indexation

Up front identification of likely contribution requirements should be sought to input to development appraisals.

In some circumstances, where the developer asserts that the development contributions have an impact on the viability of a development, the developer will be required to submit a Viability Assessment to the Council which may require to be independently reviewed (with the cost met by the developer).

The Council will be willing to review the timing or phasing of paying financial contributions to assist the financial viability of a scheme in accordance with the phasing of the development and based on evidenced completions.

The particular requirements, timing of payments etc., for individual developments will be determined on a site by site basis and will require a legal agreement to set out the terms and conditions of phased payments.

Payments will be index-linked in accordance with this guidance and dates as set out in the assessment report in reference to the General Building Cost Index, as published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors, or such other index as the Council and developer may reasonably agree.

## 4. **Obligations**

A summary of the types of development and possible obligation is outlined in Table 1.

- **Residential Development:** All proposals which involve the creation of 5 units or more.
- **Commercial Development:** All developments where the floorspace exceeds 1,000 square metres or the site area is more than 1 hectare.
- **Other applications:** Where the Development Management Officer considers the proposal to be of a scale or type of development appropriate to consult with the Developer Obligations Team.

Type of Obligation	Residential	Commercial
Strategic Transportation	✓	✓
Local Transportation	✓	✓
Core Paths	✓	✓
Regional SuDS	✓	✓
Education	✓	
Healthcare	✓	
Open Space	✓	✓
Community Facilities	✓	
Sports & Recreation	✓	

Table 1 – Types of Obligation

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

1 bed = 0.6

2 bed = 0.8

3 bed = 1 'Standard Sized Unit Equivalent'

4 bed = 1.2

5 bed = 1.4

6 bed = 1.6

Where an application is received for Planning Permission in Principle and the precise mix of units is not available then a formula may be included (rates are per SHUE or per square metre) within the agreement to allow the contribution to be calculated based on the mix proposed or a subsequent assessment undertaken.

Transport schemes associated with developments allocated in the Local Development Plan are separated into two categories:

**Strategic Transport Infrastructure** – in considering the impact of development on the strategic transport network, applicants shall comply with Local Development Plan Policy I1 – Infrastructure Delivery and Planning Obligations and Policy T2 – Managing the Transport Impact of Development, as well as any other relevant policy/guidance. In considering the acceptability of proposals, the impact of development on the strategic transport network will need to be assessed. Applicants must demonstrate (e.g. via a Transport Assessment) how they might mitigate any such impact. In appropriate cases, proportionate contributions may be sought to support strategic projects that are related to the developments concerned and that are necessary to make those developments acceptable in planning terms.

A legal challenge was lodged at the Court of Session (Inner House) in August 2015 by the Elswick Development Company Ltd and Goodgrun Ltd, against the adoption by the Strategic Development Planning Authority (SDPA) of Supplementary Guidance entitled "Delivering Identified Projects through a Strategic Transport Fund". The Inner House issued its decision on 29 April 2016 which allowed the appeal. The SDPA has been granted leave to appeal that decision to the Supreme Court and, at the time of writing, awaits the outcome of this process. Should the appeal be upheld then

#### 4.1 Transportation

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the Council retains the right to apply the Strategic Transport Fund policy as per the arrangements set out in the SDPA's Supplementary Guidance.

**Local Infrastructure** – All developments will be assessed in terms of their impact on the local transport network and may be required to mitigate these impacts. All developments, where impacts requiring mitigation have been clearly identified, will make an appropriate contribution towards local transport infrastructure and / or services related to that development, to ensure that the required facilities / infrastructure provision is in place in time to mitigate the impacts of the development. See Table 2: Mitigation Measures.

Transport requirements will vary from site to site. The exact contribution required for each site will be determined on a case by case basis. Developers should be aware of, and take account of, the requirements to provide such contributions.

The developer will be expected to provide and meet, in full, the cost of all external works identified as requirements through the planning process. For developments where significant impacts are likely; a full Transport Assessment (TA) will be required to inform the process. The thresholds for when a TA will be required are set out in the Transport and Accessibility Supplementary Guidance.

The principles set out in this Supplementary Guidance do not negate the requirement for a Transport Assessment or a

Development Framework / Masterplan / Planning Brief. They should be applied as a basis for addressing transport impacts alongside, and in conjunction with, the preparation of these documents where they are required.

It should be noted that schemes listed in Policy T1: Land for Transport are not expected to be subject to developer contributions.

Transport modelling has been carried out to assess the cumulative impact of development proposed in the Dyce area of the city. It considered the scale of transport interventions required to support the level of development proposed in and around the area. The modelling work identified key points on the transport network where interventions are likely to be required to address the cumulative impact of the development. Contributions will be sought for these transportation interventions and a mechanism and geographical boundary will be determined and published at a later date.

Table 2: Mitigation Measures

Mitigation Type	
<b>Road Improvements and Public Realm</b>	The provision of, or upgrading, roads, bridges or other infrastructure may be required, either within or outwith the development site or both, and planning conditions / legal agreements will be secured accordingly.
<b>Alterations to Existing Roads</b>	There may be instances where the Council may wish to take on this construction. This will be fully funded by the developer.
<b>Footway Crossings</b>	The Council will charge the developer for the cost of the construction. The cost will vary from site to site depending on the works required, such as alterations to street furniture, utilities and width of crossing.
<b>Public Transport Priority</b>	Developers may be required to provide or fund public transport priority measures. These include, but are not limited to, bus lanes, bus-only sections of road, and bus priority traffic signals.
<b>Supported Bus Services</b>	Developers may be required to enter into a legal agreement which enables upfront payments to fund new bus services or to underwrite a new service for an agreed period of time. This may involve a completely new service and / or extending / improving an existing service. New and upgraded facilities may be required in order to deal with increased demand on public transport services, these may include the provision of, or upgrade of, bus stops, bus shelters and Real Time Information systems.
<b>Traffic Signals</b>	Developers may be required to provide for the installation of new traffic signals, controlled pedestrian crossings and the upgrading / refurbishment of existing traffic signal infrastructure. Should traffic signals be required the developer will provide capitalised maintenance costs which can be arranged through a legal agreement.
<b>Lighting</b>	Any development which requires new roads or the upgrading of existing roads will be expected to fund the installation of new lighting or the upgrading of existing lighting infrastructure where appropriate.
<b>Traffic Calming Measures</b>	Development may generate the need for traffic calming measures outlined in Local and National policy such as Designing Streets which the developer may be liable to fund.

Mitigation Type	
<b>Cycling / Walking Routes</b>	Developers will be required to provide safe routes for cyclists and walkers, this may include both on and off site cycle parking infrastructure improvements and the supply of secure cycle parking. Contributions towards the Core Path Network in the vicinity of the development may also be sought (see section “Core Paths Network”).
<b>Safer Routes to Schools</b>	Developers will be required to provide safe routes to schools through the provision of measures outlined in Local and National policy such as Designing Streets and exclusive cycle / pedestrian paths.
<b>Car Clubs</b>	May apply to all residential developments of 3 or more units and other developments where full parking provision is limited and where the shortfall of parking is not mitigated by other forms of transport. Residential development = <b>£400 per unit</b> Business development = a one off payment to the car club operator of <b>£25</b> and thereafter <b>£400 per space / shortfall</b> .
<b>Bus Permits / Tickets</b>	May apply to all residential developments of 3 or more units where full parking provision is limited. Annual bus permit with First Bus = <b>£660</b> Annual bus permit with Stagecoach = <b>£620</b>
<b>Travel Plans</b>	For major applications it will be necessary for the developer to enter into a legal agreement detailing target aspirations, monitoring and actions for the revision of Travel Plans. Travel Information Packs may be required alongside, or in lieu of, a full Travel Plan.

## 4.2 Core Path Network

### 4.2.1 *When and Where Does it Apply?*

All residential and commercial developments where:



- There is no provision of Core Paths or links to the Core Paths Network; or
- Where a developer proposes provision of, or improvements to, the Core Paths Network and the Council, as Access Authority, considers such measures to be inadequate.

In these circumstances a financial contribution will be sought to facilitate and mitigate the level of development proposed.

Development which incorporates and enhances existing Core Paths and provides links to the Core Paths Network will not require any financial contribution providing that the measures proposed are appropriate for the level of development proposed and are agreed with the City Council as Access Authority.

#### 4.2.2 How is the Contribution Calculated?

##### Residential Development:

$$\text{No. of SHUE} \times \text{£}372 = \text{Contribution}$$

##### Commercial Development:

$$\text{No. of SHUE} \times \text{WF} \times \text{£}372 = \text{Contribution}$$

(WF = Weighting Factor)

Contributions for commercial development are calculated on the basis of a 'per SHUE' (3 bedroom house equivalent). This is calculated by the following formula:

$$[\text{GFA} + (\text{PS})/400 = \text{SHUE}].$$

(GFA = *Gross Floor Area* of the commercial

#### 4.3 Regional SuDS

Additional demands from new development on water supply and disposal of water waste may require the upgrade and extensions of existing infrastructure. Developers are advised

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to contact Scottish Water to discuss the water and drainage needs of their development as early as possible.

Scottish Water may also vest Sustainable Urban Drainage Systems (SuDS), if they comply with Scottish Water's design standards. If a developer wishes their SuDS to be vested by Scottish Water, early engagement is recommended. 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.

A number of sites have been identified by Aberdeen City Council as having potential to construct Regional SuDS. Regional SuDS provide upstream water retention during heavy rainfall events which can help to protect more built-up areas downstream from flooding. For more information, please see [Flooding, Drainage & Water Quality Supplementary Guidance](#).

schemes that serve a dual purpose as Regional Sustainable Urban Drainage Systems.

Regional SuDS would be managed and maintained by Aberdeen City Council as part of the integrated drainage network. These schemes could be built by Aberdeen City Council, on land owned by the Council and 'space' made available either through planning agreements or as commercial agreements, between the Council and developers. There is also the possibility of developers constructing SuDS / flood protection measures which benefit the City generally, but are contained within the footprint of their development. These schemes could be adopted by Aberdeen City Council. Developers are encouraged to contact the Council's Structures, Flooding and Coastal Engineering Team as early as possible.

#### 4.3.1 *When and Where Does it Apply?*

Contributions can be sought on both committed infrastructure and / or infrastructure currently under construction. There are opportunities within Aberdeen City to develop flood protection

#### 4.3.2 *How is the Contribution Calculated?*

In the event that developers wish to opt in to a Regional Sustainable Urban Drainage System, the method of calculation will be the difference in storage saved by reducing

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the requirement of on-site storage to the 1:30 event climate change:

Storage Volume = 1:200 (+ climate change) total water volume for a 3 hour event – 1:30 (+ climate change) total water volume for a 3 hour event.

Contributions will not be requested as “a per dwelling” payment as a matter of course. Indicatively a cost of £30 cubed metres storage saved in reducing the requirement of on-site storage can be expected.

It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable. This will be evaluated through submission of relevant assessments (Drainage Impact Assessment and Flood Assessment) and engagement with the Council’s Structures, Flooding and Coastal Engineering Team.

## 4.4 Education

### 4.4.1 *When and Where Does it Apply?*

Contributions will be sought from all residential developments where the planning capacity of a school will be exceeded as a result of the development, cumulatively along with other identified developments in the school catchment; or where the roll is predicted to exceed the maximum capacity of a school. School Roll Forecasts are used as the baseline data.

The planning capacity is defined as “A *physical, theoretical measure of the total number of pupils which could be accommodated in a school based on the total number of teaching areas, the size of those spaces and the class size maxima*”.

### 4.4.2 *How is the Contribution Calculated?*

Contribution = Maximum Number of Pupils over Capacity  
x Relevant Rate

Maximum Number of Pupils over Capacity:

The maximum number of pupils over capacity is calculated through a comparison of the school roll with and without the

proposed development. A baseline school roll forecast excluding the development is run and then the SHUE is entered into the housing section of the school roll forecasts in the development start year to review the impact on the school roll. The maximum number of pupils over the planning capacity in a 5 year period is then taken.

The 'pupils per household ratio' is based on the published roll of the zoned school or in some circumstances where a new school is required as a result of development an average across existing zoned schools or the nearest zoned school.

Relevant Rate:

The rate used is based on the mitigation for the impact on the school, so there are different rates for new build provision, school extension and reconfiguration of existing classrooms. Where a contribution is required for new build provision a proportionate land value element will also be sought as this forms part of the overall project cost. A 'per pupil rate' for the land value element will be based on the total land value cost, which may require an independent valuation to be undertaken.

### Primary Education

Required Mitigation	Rate Per Pupil
New Build (Two Stream School)	£32,258 Plus proportionate land value
New Build (Three Stream School)	£26,113 Plus proportionate land value
Permanent Extension	£9,111
Reconfiguration	£1,550 per square metre*

### Secondary Education

Required Mitigation	Rate Per Pupil
New Build (1,000 pupil capacity)	£34,700 Plus proportionate land value
New Build (1,200 pupil capacity)	£33,000 Plus proportionate land value
Permanent Extension	£9,111
Reconfiguration	See note below *

*\*The rates provided for reconfiguration costs are indicative as these very much depend on the nature of the project proposed*

Land Requirements:

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

- Two Stream Primary School (up to 434 capacity)  
1.2 hectares;
- Three Stream Primary School (up to 651 capacity)  
1.8 hectares
- Academy (up to 1200 capacity)  
6.2 hectares

Consultation should be undertaken with the Council in respect of the location of any school sites. Land provided is to be reasonably flat and serviced at the developer's expense.

#### 4.5 Healthcare Facilities

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

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

#### 4.5.1 *When and Where Does it Apply?*

Applies to all residential developments where the capacity of existing facilities will be exceeded as a result of the development. Site specific requirements are identified in Appendix 3 of the Local Development Plan and the Action Programme.

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

On masterplan sites there may be a requirement for dental and/or community pharmacy facilities to be provided on site. Provision may be sought in kind or through a financial contribution.

#### 4.5.2 *How is the Contribution Calculated?*

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

The Scottish Health Planning Notes identify a floorspace requirement per GP of 271 square metres. Primary healthcare provision now also includes a number of Community Health Partnership (CHP) facilities located within the same facility. Additional floorspace is therefore included for this element.

Required Mitigation	Rate per SHUE
Permanent Accommodation	£1,023.57
Internal Reconfiguration	£577.00

For development sites where a new build facility is proposed then a proportionate land contribution will also be required. This may be in the form of serviced land at nil value or a financial contribution.

#### 4.6 Open Space

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#### 4.6.1 When and Where Does it Apply?

Delivering open space on site is the Council's preference (please see Supplementary Guidance on Open Space). However, when open space cannot be delivered on site, *commuted* sums for off-site provision will be sought. These funds would be utilised towards the creation of new open space or the enhancement of open space provision within the local area. In some cases this may be preferable to required on site provision. Any requirement for a contribution will be identified through consultation on the planning application with the Council's Environment Team and the Aberdeen Open Space Audit 2010, or any subsequent update.

#### Residential Development:

Contribution = No. of SHUE x Cost per unit of Required Mitigation

The figures below are based on anticipated costs of the minimum size of each type of open space required by the standards provided in the Open Space Supplementary Guidance. Costs include normal site preparation, drainage, equipment, special surfaces, landscaping, and any other likely costs specific to the type of open space.

Required Mitigation		
Play Space (0.3 hectare)	Natural Green Space (1 hectare)	Allotments (0.3 hectare)
£176	£183	£156

#### 4.6.2 How is the Contribution Calculated?

Commercial Development:

Contribution = No. of SHUE x WF x Cost per unit of Required Mitigation = Contribution

(WF = Weighting Factor)

Contributions for commercial development are calculated on the basis of a 'per SHUE'. This is calculated by the following formula:  $[GFA + (PS)/400 = SHUE]$ .

(GFA = Gross Floor Area of the commercial premises in square metres)  
(PS = No of Parking Spaces x 12.5 square metres)

A Weighting Factor is then applied based on the table below:

Use Class	Weighting Factor
Class 1	0.25 (bulky goods)
	0.5 (comparison)
	1 (convenience)
Sui Generis	Based on nature of application
Class 3 & 4	0.75
Class 5 & 6	0.2
Class 7	0.5
Class 11	0.25

4.7 Community Facilities

Community facilities include community centres, learning centres and libraries.

4.7.1 *When and Where Does it Apply?*

Where there is deemed to be an impact on current provision from new development, the Council will seek contributions towards the creation of additional accommodation or reconfiguration of existing community facilities. This is to ensure that existing residents are not disadvantaged by an increase of usage from additional residents the proposed development would generate.

4.7.2 *How is the Contribution Calculated?*

$SHUE \times 0.69m^2 \times \pounds 2,650 = \text{Contribution}$

The contribution is calculated on the requirement of 0.69 square metres of community facility per SHUE.



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## 4.8 Sports and Recreation

Sports and Recreation facilities are an important element of new development. They include sports pitches, changing pavilions, sports halls and supporting facilities.

### 4.8.1 *Where and When do they Apply?*

Contributions will be sought where the proposed development will have an impact on existing facilities and require enhancement of those facilities to maximise their use or provision of new facilities.

### 4.8.2 *How is the Contribution Calculated?*

Type of Facility	Contribution Per SHUE
Outdoor Sports Facilities	£964
Indoor Sports Facilities	£250