

Cairngorms National Park Authority

**Developer Contributions Supplementary Planning Guidance
Consultation Draft March 2011**

Planning in the Cairngorms National Park

Planning in the Cairngorms National Park is unique. It involves the Cairngorms National Park Authority (CNPA) working alongside the five local authorities which operate in the Park – Aberdeenshire, Angus, Highland, Moray and Perth & Kinross.

Due to the expansion of the National Park in October 2010, to take in part of Perth and Kinross, different planning policies apply there.

The following paragraphs set out what planning policies apply in the National Park, and how planning applications will be dealt with.

Planning Policies

The Cairngorms National Park Local Plan, and this Supplementary Planning Guidance (SPG), cover the Aberdeenshire, Angus, Highland and Moray parts of the National Park only. This SPG sets out detailed advice to help you meet the requirements of the policies in the Cairngorms National Park Local Plan. It is recommended that it is read in conjunction with the policies in the Local Plan and other relevant SPG.

The Cairngorms National Park Local Plan and this SPG does not cover the Perth & Kinross area of the Park. The Perth & Kinross Highland Area Local Plan, or the Perth & Kinross Eastern Area Local Plan, and any associated SPG, apply. Please see www.pkc.gov.uk for further information.

Planning Applications

All Planning applications submitted within the Cairngorms National Park must comply with the relevant Local Plan and SPG (see paragraphs above on planning policies for details).

Planning applications should be submitted to the relevant local authority in the normal manner. The local authority ensures all the necessary information is supplied and registers receipt of the application. The CNPA is informed by the local authority and has 21 days to decide whether to call-in the application. Only applications which are of general significance to the aims of the Park are called-in. The CNPA determines called-in applications. In instances where planning applications are not called-in, the local authority will determine the application.

1.0 INTRODUCTION

- 1.1 Planning guides the future development and use of land. This requires promoting and facilitating development, whilst protecting and enhancing the natural and built environment in which we live, work, and spend our leisure time.
- 1.2 Planning authorities must consider each planning application on its merits and reach a decision in accordance with the development plan, unless material considerations indicate otherwise.
- 1.3 Planning agreements can be used to overcome obstacles to the granting of planning permission. An agreement may mean that development can be permitted or enhanced whilst having potentially negative impacts on land use; the environment and infrastructure can be reduced, eliminated or compensated for (Scottish Government Circular 1/2010).
- 1.4 The negotiation of contributions from developers can assist in meeting the infrastructure requirements of new development.
- 1.5 This guidance provides additional information for applicants on Policy 18 in the Cairngorms National Park Local Plan, which seeks contributions to mitigate the effects of development.

Policy 18 – Developer Contributions

Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Such contributions will be consistent with the scale and nature of the development proposed and may be secured through a Section 75 Agreement or other legal agreement where necessary.

Development which necessitates decommissioning of plant, structures or associated infrastructure will be required to provide an appropriate bond to cover the costs of remedial, restoration or reinstatement works.

2.0 THE PURPOSE OF THIS GUIDANCE

- 2.1 This guidance provides criteria, general principles and good practice advice. It should be read in conjunction with Policy 18 in the Cairngorms National Park Local Plan, and also Cairngorms National Park Supplementary Planning Guidance on Affordable Housing and Natural Heritage.
- 2.2 This guidance sets out the framework for the provision of contributions and the assessment methodologies employed in calculating the level of mitigation required, which are then negotiated on a site by site basis. The planning

authority will endeavour to include as many of the infrastructure requirements as possible through negotiation of the planning application, and so reduce the number of occasions on which financial contributions are required.

- 2.3 **Due to the often complex nature of Developer Contributions and the planning agreements required to secure them, early pre-application discussions are recommended.**

3.0 GENERAL OVERVIEW OF DEVELOPER CONTRIBUTIONS

- 3.1 Throughout Scotland, local authorities and other infrastructure providers are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. In many circumstances, additional funding is required to ensure infrastructure constraints do not inhibit opportunities for development in a given area.
- 3.2 In order to help with this situation, planning authorities have the legal power to seek reasonable and appropriate contributions from developers in association with the granting of planning permission for specific developments.
- 3.3 Any contributions sought must be linked to the specific development proposal. In order to ensure there is no perception that planning permission is being bought, a high degree of accountability is required throughout the whole process.
- 3.4 Where requirements for contributions are specific to a particular type or location of development these will be separately advised at the time of a pre-application enquiry by the prospective developer. Contributions will vary on a site by site basis and are dependent on the specific requirements of that site in relation to the development being proposed. For example there may be instances where no infrastructure contributions are sought at all.
- 3.5 As this guidance covers part of four different local authority areas, differences in the types and delivery of council and other services will occur. The contributions sought from development in these different areas will reflect these local circumstances.
- 3.6 All of the figures included in this document are indicative, and are there to provide a starting point for any negotiations. They seek to give an idea of the types and levels of contributions that will be sought. However, all negotiations will be specific to the location and type of development being considered.

- 3.7 Assessments for Developer Contributions will be carried out by the relevant Planning Gain Service staff. Details of who this will be are available from the planning authority determining your planning application. A report will be issued direct to the applicant in the case of a pre-application enquiry. Reports will be issued direct to both the applicant and the planning officer in the case of a formal planning application.
- 3.8 In the case of Planning Permission in Principle applications where the finalised layout and content of a development proposal may not be known, then a rate for the site, normally on a rate per house unit or a rate per sq m for commercial premises, based on its location will be used. This will form the basis of a Planning Agreement, so that the planning application may be determined.
- 3.9 In order to retain a pragmatic approach to the provision of contributions, if significant extraordinary development costs occur that could not have been known at the start of the development, then these may also be taken into consideration. Supporting evidence would be required.
- 3.10 Contributions will be from residential, commercial or transportation developments, with compensatory payments sought, where appropriate.

4.0 INFRASTRUCTURE CONTRIBUTIONS

- 4.1 A wide range of infrastructure provisions may require developer contributions. The requirements for each site and development will be different. Within the National Park, each local authority will also have some individual issues to be addressed.
- 4.2 The following sections set out the issues that will be considered for developer contributions, and also seeks to provide an indication of the levels of contribution that will be sought.
- 4.3 Small developments will usually require significantly less by way of contributions than larger developments, but it should be noted that all contributions will be assessed and negotiated on an individual site by site basis and contributions sought will relate specifically to the site and type of development being proposed.

4.4 Table showing types of contribution likely to be sought by development type (this table is for indicative purposes only)

| | Educa tion | Libra ry | Healt hcare | Recycling and waste | Transpor tation | Communit y facilities | Landscapin g etc | Natural heritage |
|---------------------------|---------------|-------------|----------------|------------------------|--------------------|--------------------------|---------------------|---------------------|
| Individual house | x | | | x | | | x | x |
| Housing development | x | x | x | x | x | x | x | x |
| Commercial development | | | | x | x | x | x | x |

4.5 The table on p 00 provides an indication of the possible contributions that may be required from a variety of different types of development.

4.6 Contributions to infrastructure provision will be considered for a number of issues, and these will be dealt with in turn.

Education

4.7 Education contributions are based on the anticipated number of pupils from a development and their effect on the Primary and Secondary school rolls serving the development. The applicant is reminded of the cumulative effect of developments on the local infrastructure.

4.8 The benchmark figures for contributions are currently between 0.21 and 0.4 Primary school children per standard 3 bedroom house unit and between 0.11 and 0.2 Secondary school children per standard 3 bedroom house units. Early years or 'nursery' pupils are also taken into consideration.

4.9 One bedroom dwelling units are not assessed for education contributions. The required level of contribution is then determined from the 'rate per pupil' required to either:

- provide relocatable accommodation where the school roll is expected to or already exceeds the capacity of the school and is forecast to fall back to an under capacity position during the forecast period; or
- provide new build accommodation where the school roll forecast trend is for it to grow beyond its current capacity or it is already above capacity and the additional pupils from the development will add to this over capacity problem.

4.10 Where community related facilities are provided within schools, these are reflected in the rates charged. On occasion the requirements for other community facilities may be reduced where these are to be provided in whole or in part within a school campus.

New Schools

- 4.11 On larger residential developments the applicant may be required to provide a school site. For primary provision this should be 3.25 hectares or thereby and for secondary schools this should be 10 hectares or thereby of serviced and where possible reasonably flat land. Historically, development of 1,000 new residential units may require a new Primary school, with development of 5,000 to 6,000 units justifying a new secondary school, both of which would be expected to be met by developer contributions.

Healthcare facilities

- 4.12 Should NHS services be required, within larger community facilities, cross service discussion will be encouraged, with work developed by Community Planning Partnerships.

Recycling facilities and waste management

- 4.13 In general terms, facilities should be provided to encourage recycling and to deliver appropriate waste management. One dog fouling bin should be provided for every 30 residential units unless otherwise advised. Bins may be sited on areas of public open space or recognised dog walking routes. Provision for waste recycling facilities will be required. The specific nature of the provision will be determined by the requirements of the Local Authority in which the development is located. Contributions will be sought, where required, towards the provision of waste recycling facilities, bins for recycling, and household recycling centres. As some of these facilities serve a very wide area the contribution per household is likely to be nominal and will be utilised towards augmenting such facilities.

Transportation and Outdoor Access

- 4.14 Measures should be in place to encourage the use of public transport. The developer is requested to provide up to date service bus / community bus information for inclusion within any sales literature or sales office associated with the development. Bus shelters, bus stopping lay-bys, bus turning areas or bus operating subsidies may all be requested depending on the scale of the development and its location. Secure cycle parking at bus stops in rural locations may also be required. Additional car parking and secure cycle parking provision may be required at the railway station serving the development. The provision may also include the provision of cycle ways to the Rail Station and/or signage. Provision on site will be considered on a site by site basis in relation to the availability of public transport alternatives. Additional works required by the Roads Service will be treated as part of the Roads Consent package.
- 4.15 Developers contributions may be sought to establish or improve links to the Core Paths network. Improvements to important links in, through, around and between communities may be required. Access opportunities should cater for the needs of people of all abilities. Links to existing networks may be required and attention should be paid to the Cairngorms National Park Outdoor Access Strategy and the Core Paths Plan.

Community facilities

- 4.16 Development may generate a requirement for community facility provision. This is calculated on the requirement of 0.79sq m of community facility per dwelling unit as determined for small to medium size developments. This is to ensure that existing residents are not disadvantaged by an increase of usage from additional residents, generated by the proposed development. The level of contribution is determined by the size of the existing facilities and current population served by the facilities together with the anticipated increase in the population served by the new development. In some instances there will be no contribution required if the facilities are of adequate size to cope with both existing and anticipated usage.

Strategic landscaping and open space

- 4.17 The planning authority anticipates that strategic landscaping and open space provision are provided as part of the planning application and their implementation and maintenance will be addressed through planning conditions and Section 75 Agreements. Where this is not possible either wholly or partially the strategic landscaping and open space may be provided on other land in the applicant's control. Only when both of these options have been explored and found impossible, might a monetary contribution be considered, which may then be used to provide new space or to augment existing facilities, where appropriate. Details of this range of measures can be found in the Cairngorms National Park Supplementary Planning Guidance on Natural Heritage and Open Space.
- 4.18 The cost of providing a playing field varies depending on the location and type of provision required, but can be anywhere between £60,000 and £500,000. These costs include the average land purchase costs and site works. The requirement per 1,000 residents is 2.4 hectares of recreational space which includes at least one football pitch/playing field of 0.7 hectares. At the average of 2.3 persons per household this equates to 435 households requiring the full mitigation of at least one full size pitch and associated recreational open space. Where existing recreational facilities are undersized for the current population a contribution towards improvements or additional facilities is considered fair and reasonable in order to extend the operating capacity of these facilities. This may, for example, be used in the form of additional drainage to enhance the playing capacity of the pitch. Existing facilities are taken into account and adjustments to the overall rate will be made on a site by site basis.
- 4.19 Indoor and outdoor sports facilities which require works other than ground works for playing fields, for example, lighting, changing facilities, spectator areas, car and coach parking, attract contributions based on a cost per square metre basis for building works. The requirements are assessed and determined so as not to degrade the level of amenity already enjoyed by existing residents. Existing facilities are taken into account and adjustments to the overall rate will be made on a site by site basis.

4.20 Contributions may also be sought for cultural heritage, for example conservation or interpretation of historic sites and artefacts, arts festivals or local community arts based projects.

4.21 Cultural landscape and features of cultural significance are regarded in a like manner to biodiversity features and habitats and shall be treated accordingly (see natural heritage theme below).

Natural Heritage

4.22 This section must be read in conjunction with the Cairngorms National Park Supplementary Planning Guidance on Natural Heritage. The details below only refer to principle 6 of that guidance. This is to be used only after all other mitigation and compensation for loss of habitat and landscape features have been explored and eliminated as a possibility. This shall be arrived at after principles 1-5 have been examined and the possibilities have been exhausted. It is emphasised that it is not expected that financial contributions will be regarded as an acceptable starting point for planning applications. Contributions agreed under the scheme below will be made to an Environment fund for use of natural habitat and landscape enhancement or species protection within the area.

4.23 Calculation of contributions will be based upon the cost of replacing the feature or habitat elsewhere (not including the cost of the land) and the maintenance of that feature until fully established and achieving a similar ecological function. Table 1 (see p00) sets out the schedule of rates.

4.24 An estimation of the quality of a habitat or feature lost will be made based upon the guidelines in Table 2 (see p00). Areas of high quality will be rated at 1.0 times of the cost set out in table 1. Areas of medium quality will be rated at 0.5 times the cost and low quality at 0.1 times.

Table 1 – Replacement cost

| Habitat or landscape feature | Note ref | Replacement cost (£) | Maintenance period/years | Cost of annual maintenance (£) | Final cost (£) |
|--|----------|----------------------|--------------------------|--------------------------------|----------------|
| Woodland or groups of trees/m ² | 1 | 2.5 | 5 | .75 | 6.25 |
| Individual tree | 2 | 50.0 | 5 | 10.00 | 100.00 |
| Scrub/m ² | 3 | 2.5 | 5 | .75 | 6.25 |
| Grassland/m ² | 4 | 1.0 | 5 | .5 | 3.50 |

| | | | | | |
|--|---|-----|---|---|--------|
| Open water feature or wetland/m ² | 5 | 5.0 | 5 | 5 | 30.00 |
| Running water feature/linear m | 6 | 25 | 5 | 2 | 35.00 |
| Stone wall or boundary feature/linear m | 7 | 100 | 2 | 5 | 110.00 |

Notes for Table 1:

1. Includes cost of plant material, planting with additives, protection from animals. Maintenance is an average of two visits per year over the period for weed killing, and repair of protection as necessary.
2. Includes cost of plant material (selected standard), planting with additives, staking, and protection from animals. Maintenance is an average of two visits per year over the period.
3. Includes cost of plant material, planting with additives, protection from animals. Maintenance is an average of two visits per year over the period for weed killing, and repair of protection as necessary.
4. Includes cost of seed, ground preparation and fertiliser. Maintenance is an average of three visits per year over the period.
5. Includes cost of excavation, ground preparation, lining as necessary and some planting for edge of feature. Maintenance includes repair of liner and clearance of weed in early years
6. Includes cost of excavation, ground preparation lining as necessary and some planting for edge of feature.
7. Includes cost of material, excavation and construction. Maintenance is an average of one visit per year over the period to cover replacement for damage.

Table 2 – Habitat quality guidelines

| Habitat or landscape feature | High quality | Medium quality | Low quality |
|--|---|--|--|
| Woodland or groups of trees/m ² | Designated sites, Ancient Woodland Inventory, Ancient Woodland of Plantation Origin Native woodland of non plantation origin. | Mature Native woodland of plantation origin. | Non native plantation or young single species with poor quality field layer. |
| Individual tree | Protected, Tree Preservation Order conservation area. Mature or semi mature specimen of high amenity value. Heritage and veteran trees. | Mature or semi mature tree of significant amenity value, good health and form. | Small or poor quality trees of little or no amenity value. |

| | | | |
|--|---|--|---|
| Scrub/m ² | Designated sites or those with a significant number of LBAP priority species, or juniper present. | Other sites where native species dominate. | |
| Grassland/m ² | Designated areas and acid or calcareous grasslands. | Other sites with a diverse sward. | Single non native species dominate, improved grazing areas or amenity grasslands. |
| Open water feature or wetland/m ² | Designated sites or adjacent to same or LBAP priority habitats. | Natural or longstanding man-made impounded areas. | Other man-made features or other sites with low quality adjacent habitats. |
| Running water feature/linear m | Designated sites or adjacent to same or LBAP priority habitats. | Natural or longstanding man-made impounded areas. | Other man-made features or other sites with low quality adjacent habitats. |
| Stone Wall or boundary feature/linear m | Walls more than 50 years old, largely intact (more than 90% on any 100m length) and specific landscape character feature. | Walls more than 50 years old, with less than 50% gaps or derelict. | Walls more than 50% derelict or gaps within any 100m section. |

Worked examples:

| Large housing development | Rate | Multiplier | Cost (£) |
|--------------------------------------|-------------|-------------------|-----------------|
| 12,000m (1.2ha) of poor scrub | 6.25 | 0.1 | 7,500 |
| 10,000m (1.0ha) of woodland (medium) | 6.25 | 0.5 | 31,250 |
| 27,000m of (2.7 ha) grassland (poor) | 3.5 | 0.1 | 9,450 |
| 5 mature trees | 100 | 1.0 | 500 |
| Total cost | | | 48,700 |

Individual House site

| | | | |
|--------------------------------|------|-----|--------------|
| 4 mature trees of high quality | 100 | 1.0 | 400 |
| 200m Juniper scrub | 6.25 | 1.0 | 1,250 |
| Total cost | | | 1,650 |

Commercial Developments

- 4.25 Contributions will not just be negotiated for housing developments. Commercial developments are also likely to necessitate some contributions. Where required, these are likely to be towards recycling/ waste, transportation, landscaping, community facilities, natural heritage and access.
- 4.26 The benefits to the local economy of commercial developments is recognized, but at the same time, these developments have an impact on local infrastructure and as such will be liable to appropriate contributions.

Other infrastructure requirements

- 4.27 Should other infrastructure requirements be identified during the consideration of a planning application for residential or commercial development, additional to those themes identified above, these will be assessed on a case by case basis.

5.0 COMMUNITY INVOLVEMENT

- 5.1 Community Councils and Associations have an important role to play in terms of providing evidence of need for community facilities / projects. However, it must be noted that developer contributions should not be considered as a mechanism to fund the full range of community projects that may be desired. Contributions can only be sought where there is a justifiable impact from a development on the local amenity and infrastructure. Whether or not a contribution can be sought from a developer will also depend on the linkage between that facility and the particular development.
- 5.2 Community Councils and Associations can assist the process by maintaining an up to date list of suitable projects and be prepared to supply further evidence to the Planning Gain Service about demand and use of facilities if required. The community action plans, developed as part of the Our Community A Way Forward project are an example of this evidence, although they are not comprehensive in their coverage of all possible community projects.
- 5.3 Community Councils and Associations will not be directly involved in or be party to negotiations relating to developer contributions for any given development. This is due to the commercial confidentiality of the negotiations and the fact that they are being carried out on behalf of the planning authority. In each case, however, Planning Gain Service staff will contact a relevant Community Council or Association to ascertain if there is a need for particular community facilities, to advise on whether it is appropriate for a contribution to be sought, and to periodically brief the Community Council or Association on progress and any conclusion.

6.0 Payments and legal agreements

- 6.1 Should the application be successful in obtaining planning permission, the Planning Gain Assessment may form the basis of a Planning Agreement, which will contain the payment structure for contributions as well as any other obligations required on the part of the developer or the Planning Authority. The Agreement must be in place and signed prior to the planning authority issuing planning permission. Clauses referring to the future maintenance of Sustainable Urban Drainage (SUDS) schemes, open space, together with, where applicable, mechanisms for the securing of affordable housing, its tenure, standard of construction and occupation criteria can also be included in the agreement. Applicants are advised that there will be a charge for the preparation of the Planning Agreement to cover costs incurred by the Planning Authority on the developers' behalf. The applicant will also be responsible for their own legal costs.
- 6.2 Payments for residential developments are usually scheduled on house unit completed basis, quarterly in arrears, as evidenced by Completion Certificates by Building Standards. For smaller developments this may be varied and for flatted developments it is usual to schedule payments on the completion of individual blocks.
- 6.3 The exact payment terms will be a matter for agreement between the Planning Authority and the applicant. Payments are to be remitted to the Authority within 28 days of the due date. Payments, not already made by 1 January of the year following the date of the signing of the Planning Agreement, the 'Indexation date', will be index linked to the Retail Price Index from the 'Indexation date'.
- 6.4 Alternatively the applicant may opt to remit the full amount due prior to the issuing of the planning permission should there be no other planning reason for entering into a Planning Agreement. This course of action is widely used where the cost of putting in place a legal agreement is disproportionate to the planning gain contribution required. The applicant is cautioned that this remittance is non-returnable.
- 6.5 However the applicant may consider a legal agreement preferable in circumstances where it is their intention to sell on the land to a third party for future development and so delay payment of the required contributions until they have an income stream from the land sale.
- 6.6 Funds will not be deposited until confirmation has been received that the Planning Permission is ready to be issued.
- 6.7 The applicant is cautioned that the funds, if submitted by cheque, will require a period of 14 days to be cleared through the banking system before the planning permission will be issued and should allow for this time delay. Alternatively a bankers draft will be treated as cleared funds and the planning permission may then be issued directly.
- 6.8 It is likely that where there is a requirement to provide affordable housing units on site that a Planning Agreement will be required to secure that provision. In these circumstances the applicant can avail themselves of the opportunity to schedule infrastructure payments over time through their inclusion in such an agreement.

- 6.9 The contributions will be placed in a discrete interest-bearing account in the developers' name. The Planning Authority will endeavour to expend the funds on such infrastructure or other measures under its control within five years of the date of the receipt of final payment due from the development. Similarly the constituent Local Authority in which the development is sited and which has responsibility for the provision of the infrastructure for which mitigation has been sought will endeavour to expend the funds within five years of the date of receipt of the final payment due from the development. Any such funds not expended by that time will be returned to the developer together with any interest accrued.
- 6.10 The planning authority will reserve the right to apportion contributions from the development in the ratios determined from the Planning Gain Assessment summary as and when contributions are made. This is to ensure that any projects which will be of immediate advantage to the residents of the development or are required to mitigate the impact of the development on existing residents are in place as soon as possible.

Appendix One

Worked example for a housing development (This example is for indicative purposes only)

Assume 40 unit development on greenfield site comprising:

10 x 2 bed flats

20 x 3 bed house

10 x 4 bed houses

Equates to 40 Standard House Units

Education Provision

Primary provision:

The development will generate 16 additional pupils, and the school will exceed its capacity as a result of the development. A contribution is based upon the cost of providing temporary or relocatable accommodation at £7,000 per pupil, would result in a contribution of £112,000.

Secondary provision:

The development will generate eight additional pupils, and the Academy will exceed its capacity as a result of this development. A contribution is based upon the cost of providing temporary or relocatable accommodation, at a cost of £9,000 per pupil and would result in a contribution of £72,000.

Healthcare provision

Would be subject to discussion with the relevant NHS services.

Recycling and waste management

One dog fouling bin would be required for a development of this site.. Contributions towards new or extended recycling facilities are calculated at £20 per household created, equating to a contribution of £800.

Transportation

Measures in kind may be specified, or specific road improvements dealt with through planning conditions or Roads Construction Consent.

Community facilities

Based upon the requirement of 0.79 sq m for each additional household created, an additional 31.6 sq m would be required from this development. At build costs of £1,175 per sq m, this would equate to a contribution of £37,130.

Strategic landscaping and open space

Playing field provision is based upon a contribution of £135 per household and in this instance would equate to £5,400.

Ancillary recreation provision, such as sports pavilions, floodlighting, multi court provision etc. is based upon a contribution of £360 per household and in this instance would equate to £14,400.

Natural Heritage

Contributions would be appropriate to the specific natural heritage circumstances on the development site.