

AGENDA ITEM 6

APPENDIX 4

DEVELOPER OBLIGATIONS STATUTORY GUIDANCE

TABLE OF CONSULTATION POINTS RAISED AND CNPA RESPONSE

Appendix 4 – Developer Obligations supplementary guidance consultation: points raised and CNPA response

Consultation 5th October 2021 – 19th November 2021

Responder ID	Response / point(s) raised	CNPA response to points raised
NatureScot	<p>Agree with overall approach. They note the inclusion of 'e) mitigation of impacts on natural heritage' as per Policy 11: Developer Obligations. However, highlight that there is no further detail on this type of contribution in the draft non-statutory guidance. In Table 1 on page 3, all types of contributions listed from Policy 11 have been included except 'mitigation of impacts on natural heritage'. All relevant issues from Policy 11 within this non-statutory guidance should be covered including advice on details of contributions for mitigation of impacts on natural heritage. It is suggested that there should be reference to the 'Natural Heritage mitigation and compensation' section on page 82 of Policy 11.</p>	<p>It is noted that reference is not made to 'mitigation impacts on natural heritage' within the Supplementary Guidance and the SG will be amended to reflect this. However it is only in exceptional circumstances that a financial contribution would be required towards natural heritage as in the majority of cases, mitigation is required as a condition of the planning application and is the direct responsibility of the developer to deliver.</p>
Kinraig Community Council	<p>Queries whether it will help families who have limited budgets by suggesting they can spend money (queries how much additional cost would that be) on getting an independent assessor to write a report saying they cannot afford the contribution. Also queried if there is a list of all contributions received and where the money has been spent i.e what projects have been built using the contributions. Planning permission will only be granted when the contribution (between £4000 to £32,500) is paid will only hit those who are struggling most.</p>	<p>It is acknowledged that there may be viability issues, particularly for individuals undertaking self-build projects and some single houses. In relation to the affordable housing contribution (which this response appears to relate), the Affordable Housing Supplementary Guidance will set out that the construction of single dwellings themselves may fulfil the role of an affordable home and sets out market values within which the contribution would not be required. In addition, amendments to the Affordable Housing Supplementary Guidance are being made to reduce the contribution required for a single house.</p>

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Aberdeenshire Council	<p>Highlights specific requirements for Ballater (All housing developments should include 45% affordable housing/ Contributions required towards Aboyne Academy & Ballater Medical Practice), Braemar (All housing developments should include 45% affordable housing/ Contributions required towards Aboyne Academy & Braemar Medical Practice). In respect of Education, the SG refers to need for “major” extensions. The appropriateness of using the “major” is questioned as the size of extension will be dictated by level of mitigation required so should only refer to an extension. In addition, rezoning can also be mitigation so should be included.</p> <p>They also note that health care contributions should also cover digital infrastructure and provide detailed comment on viability assessment.</p>	<p>The LDP contributions highlighted are noted and agreed. In terms of Education and the use of a 'major' extension, the full wording used is for an 'additional classrooms and / or a major extension'. It seeks to cover the requirement for an extension of varying scale and therefore is considered appropriate.</p> <p>In addition, it should be noted that this is highlighted as an example of what contributions may be required towards (and are not limited to). It is however acknowledged that rezoning may provide a suitable mitigation measure, however this may not be the case for all authorities within the National Park.</p> <p>In terms of Healthcare, it is considered that healthcare contributions could cover digital infrastructure as part of the expansion, re-organisation or development of a medical facility however it is not considered necessary to state this explicitly as it forms part of a wider development proposal.</p> <p>The comments in respect of the latest guidance on viability are noted and the SG will be updated to reflect these points.</p>

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Perth & Kinross Council	Highlight that the Draft SG states on page 5 that “Commercial development proposals are exempt from healthcare contributions. However, all other developments will be required to make a contribution towards healthcare”. This conflicts with Table 1 provided on page 3 which also exempts “Small scale housing (less than 4 units)” from Healthcare contributions. In terms of Healthcare Infrastructure, Perth and Kinross Council do not presently have an adopted contributions methodology within Supplementary Guidance. They are working with NHS Tayside to develop a contributions methodology for healthcare infrastructure for inclusion in future Supplementary Guidance for the next LDP and welcome a joint-working approach with planning authorities in the health board area to agree a sound approach which can be applied consistently to support NHS Tayside healthcare provision.	This inconsistency is noted the wording will be updated to state that 'Some development proposals including commercial and small scale housing will be exempt from healthcare contributions'. CNPA recognises that PKC does not have an adopted methodology, specifically for healthcare. CNPA will consult the relevant LA / health boards where relevant proposals could impact on healthcare.
RSPB	Agree with the overall approach to provide guidance to help assessment of planning applications and identify the contributions that may be required to mitigate the impacts, however, RSPB add that this approach should also extend to natural heritage impacts.	Comments noted and agreed that reference to natural heritage impacts will be included within the Guidance.
Paths for All	We welcome the approach to placemaking - including reference to walking, access, active travel, health, and inclusion. We welcome the approach to transport and related infrastructure contributions - including reference to active travel projects, and new multi-user paths that connect with the existing network of paths.	Noted.
Scottish Government	The Scottish Government SEA Gateway team will contact the Authority separately to discuss SEA requirements. Developer Obligations Supplementary Guidance To note, the title of the document refers to the guidance being non-statutory, however,	This is statutory Supplementary Guidance and reference to non-statutory has been removed.

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	page 1 of the document refers to it being supplementary guidance (statutory). Suggest this is clarified on the document.	
Highland Council	Please note that the link on page 7 to our Developer Contributions SG does not work although the text/web address appears to be correct, for the avoidance of doubt the web link is https://www.highland.gov.uk/directory_record/712087/developer_contributions	An updated link will be included within the final Supplementary Guidance.