

<u>Section(s)</u>	<u>Page Number(s)</u>	<u>External or Internal Comment</u>	<u>Comment From</u>	<u>Comment</u>	<u>Response</u>
Methodologies For Calculating Required Developer Contributions	8	External	Scottish Natural Heritage	Recommend that the guidance contains more information as to how biodiversity enhancement and green infrastructure contributions (Policy PV1) can be provided.	<p>Comment noted. No change.</p> <p>It is not considered appropriate to provide this detail within this guidance. The Council are currently undertaking an Open Space Audit & Strategy which will provide further guidance on deficiencies and opportunities to further develop biodiversity and green infrastructure.</p>

Methodologies For Calculating Required Developer Contributions	8	External	Scottish Natural Heritage	<p>Welcome the clearly quantified open space and play areas contributions (pg. 8), but the lack of similarly quantifiable developer contributions for biodiversity and green infrastructure (section 5 in the Area Tables) may lead to opportunities to achieve these being missed.</p> <p>Suggest that this guidance is updated when the Council's PAN on Green Networks is produced, and that the PAN identifies locationally specific green networks that developers can contribute towards.</p> <p>The Area Tables list contributions to schools but we suggest it could usefully identify specific aspects such as safe active travel routes to schools through green networks.</p>	Comments noted. No change.
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Appendix 1a – Summary of Comments Received to the Draft Developer Contributions & Affordable Housing Supplementary Guidance and Angus Council's Response

Open Space, Biodiversity Enhancement & Green Infrastructure	8	External	Homes for Scotland	Policy PV2 sets out an open space requirement of hectares per 1,000 of population. The document does not explain how this figure translates into 60.75sq.m per unit, we assume a figure for average household size of 2.5 people has been used to obtain this, but neither this figure nor the reason for its use is set out. Similarly, an explanation for the 2/3 to 1/3 split between parks and amenity space and play space is not explained. Homes for Scotland does not dispute the policy basis for such contributions but consider that in the interests of delivering a clear and transparent planning system any assumptions / calculations made in translating the policy position into the more detailed standards set out in the SPG should be explained.	<p>No change. Whilst the costings for providing open space have been index linked as at August 2018, the methodology previously set out in the adopted Supplementary Guidance (2016) has not changed.</p> <p>The Supplementary Guidance continues to provide detail from the Council's Landscape Services Team on how the rates have been calculated and where the rates have been derived.</p>
Open Space, Biodiversity Enhancement & Green Infrastructure	8	External	Homes for Scotland	It is noted that 15% and 22% uplifts are proposed respectively in the costs of Public Open / Amenity Space and Play Space compared against the previous iteration of the guidance. The reasons for these substantial increases are not explained. We consider that the cost assumptions involved should be clearly evidenced using local or at least Scottish examples.	<p>No change.</p> <p>As per page 7 of the updated Supplementary Guidance all rates set out in the guidance are correct as of August 2018. Contributions will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index as at August 2018. The index figure at August 2018 is 313.</p>
Education	9				<p>Text amended to provide more clarity for developers and development proposals in relation to allocated sites as follows:</p> <p>Contributions are required where a development is likely to place additional pressure on the planning capacity of a</p>

				<p>primary and/or secondary school and result in a requirement for additional space to be provided. In the majority of cases no single development is likely to result in the requirement for additional infrastructure however cumulative development, particularly in rural areas, can have a significant impact on the requirement for additional infrastructure.</p> <p>A review of the Angus Council school estate has recently been undertaken which feeds into a 30 year development strategy. However, it is acknowledged that there are a number of current pressures within the school estate therefore a review of these pressures has been undertaken with Schools & Learning colleagues to determine the required mitigation options.</p> <p>A developer contribution will be required from all qualifying development, including allocated housing sites, where a school is currently operating at or is forecast to operate in excess of 80% of the planning capacity of the school. This assessment is based on the recently published School Roll Forecasts which also factor in sites and programming from the 2018 housing land audit. A number of schools will also continue to be monitored and where a windfall site comes forward that is not identified as an effective site in the housing land audit then a contribution may be required as these sites have not been factored in to the School Roll Forecasts.</p>
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					<p>These will be assessed on a sit by site basis.</p> <p>The School Roll Forecasts will be updated and republished on an annual basis. Where this results in a change to infrastructure requirements Appendix 1 of the guidance will be updated.</p> <p>Required works to provide additional capacity within a school may include the following types of works:</p> <ul style="list-style-type: none"> • New Build Provision (including investment in other provision to create space in school e.g. pre-school provision); • Extension; • Reconfiguration; • Rezoning
Education	9 - 11	External	Ristol Consulting	<p>Request that the basis for calculating and forecasting the capacity of primary and secondary schools is circulated for review and, in addition, the per unit contribution towards constructing extensions and reconfiguration of the school estate. The opportunity to review this capacity and contribution would greatly assist in ensuring that the approach to developer contributions is aligned with the wider vision of the Local Development Plan of ensuring that residential and employment developments are delivered within the Plan timeframe and achieve placemaking standards.</p>	<p>The School Rolls Forecast data is published on Angus Council's website and is available to view at http://opendata.angus.gov.uk/dataset/school-roll-forecasts-2019-2023</p> <p>The Supplementary Guidance provides as much detail as is practicable from the Council's Schools & Learning Service on how the rates have been calculated. It is not considered appropriate to provide further detail within this guidance.</p>

Education	9-11	External	Guild Homes	The review of the school estate, which provides the basis for the long term school roll forecasts, must be open and transparent with an opportunity provided for stakeholders to evaluate the methodology, assess all the evidence which forms the basis for the review and challenge the results if appropriate.	The Schools & Learning Service has confirmed that the method of projecting the school roll is transparent. The operating procedure is included in the School Investment Strategy as at appendix 12. This has been in the public domain since June 2017. https://www.angus.gov.uk/sites/angus-cms/files/2017-07/Report%20189_School%20Investment%20Strategy_Appendix.pdf
Education	9-11	External	Guild Homes	The proposed contributions for both primary and secondary schools have increased by 14%, no justification for this significant increase in cost has been provided. Any increased cost will have a consequent impact on developer viability which is already under significant pressure.	No change. As per page 7 of the updated Supplementary Guidance all rates set out in the guidance are correct as of August 2018. Contributions will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index as at August 2018. The index figure at August 2018 is 313. The guidance set out clear guidance on what information should be submitted to support any case where the development viability of a project is under pressure. Angus Council's Property Service is consulted on any Development Viability Statements submitted through the planning application process.
Education	9-11	External	Guild Homes	Angus Council appear to have decided on an arbitrary 80% school capacity threshold, any development within a school catchment in excess of this is required to make a contribution. This figure confirms a 20%	The Schools & Learning Service has confirmed that the 80% occupancy rate is used by a number of other local authorities. It should be recognised that changes to the school estate take time to plan and deliver.

				unused capacity. In the interests of sustainability, fairness and to ensure the best use of existing facilities, full use of the existing school estate should be made prior to any developer contribution being required.	It would not therefore be reasonable to have a higher figure, as this would not allow the authority time to plan and amend the school estate in response to increased demand in an area as a result of proposed development.
Education	9-11	External	Guild Homes	The developer contribution requirements are based on school roll projections; if these projections prove incorrect an established method for developers to seek a refund should be provided within the SG.	<p>The policy tests set out in Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements guides are clear where planning obligations may be applicable as follows:</p> <ul style="list-style-type: none"> • Necessary to make the proposed development acceptable in planning terms; • Serve a Planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; • Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; • Fairly and reasonably relate in scale and kind to the proposed development; and • Be reasonable in all other respects <p>Page 7 of the supplementary guidance is also clear that in the event of a contribution not being committed within 10 years from the date of final payment of a contribution, the contribution or staged payment contribution will be refunded to the</p>

					applicant or their nominee along with relative interest accrued.
Education	9-11	External	Guild Homes	Angus Council is working towards equality and yet in our opinion there is clearly no equality the application of Developer Contributions. To a great extent it is the decisions of Angus Council themselves which result in a school rolls being above the arbitrary capacity threshold thereby resulting in the requirement for developer contributions.	<p>Comment noted. No change</p> <p>A review of the Angus Council school estate has recently been undertaken which feeds into a 30 year development strategy.</p> <p>The developer contributions requirements for education are as a result of an assessment of the recently published School Roll Forecasts. The School Roll Forecasts factor in sites and programming from the 2018 housing land audit and also look at NHS birth rate historical trends and placing requests.</p> <p>This is therefore a comprehensive assessment on the likely future impacts on school capacities as a result of these factors.</p>
Education	9-11	External	Homes for Scotland	Note that since the previous 2016 SPG there has been a significant escalation in costs with contributions sought increasing by c. 15%. This is very substantial and should be explained. It appears that the BCIS All-in Tender Price has been applied to the 2016 obligations. While this may be acceptable to use for indexing between the publication of documents, the BCIS tracker is a UK wide dataset and we consider a clearer understanding of the likely costs in a local or at least Scottish context is needed to inform this updated guidance.	<p>Comments noted. As per page 7 of the updated Supplementary Guidance all rates set out in the guidance are correct as of August 2018. Contributions will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index as at August 2018. The index figure at August 2018 is 313.</p> <p>The BCIS figure has been used as this is the figure Angus Council's Property Service use for construction projects. The Property Service has also indicated that they use the BCIS All-in Tender Price Index a guide for</p>

					estimating future projects and only seldom use a local variation.
Education	9-11	External	Homes for Scotland	<p>We request further information within the Supplementary Guidance on the following:</p> <ol style="list-style-type: none"> 1. Capacities of each school in Angus; 2. Details of the percentage of out-of-catchment area placing requests, and the impact on capacities; 3. Thresholds at which extensions and new schools will be triggered; 4. Impact of developments allocated within the Local Development Plan on these school capacities in terms of the rate of capacity fill-up; 5. Details of a range of sizes of extensions, not just the price per unit. 	<p>The Supplementary Guidance provides as much detail as is practicable from the Council's Schools & Learning Service on how the rates have been calculated. It is not considered appropriate to provide further detail within this guidance.</p> <p>The School Rolls Forecast data is published on Angus Council's website and is available to view at http://opendata.angus.gov.uk/dataset/school-roll-forecasts-2019-2023</p>
Education	9-11	External	Homes for Scotland	<p>The Council has set out its requirements in terms of education contributions and in particular the product ratio for primary education which is set at 0.23 (p.10). Not every primary school in Angus will set out a 0.23 pupil ratio requirement. Accordingly, the Council need to be clear on school rolls both existing and projected. Moreover, the cost per unit for education should be explained showing cost breakdown for new build provision, extensions and reconfigurations so that the industry has clear set out costs in terms of what is expected of them and must be clearly set out as an appendix to this SPG.</p>	<p>Based on a national benchmark, Angus Council assess that each additional new home will lead to increased demand equating to 0.4 pupils.</p> <p>The ratio used by the Council across all of its Primary School estate is 0.23 primary school pupils.</p>

Education	9-11	External	Homes for Scotland	Similarly, secondary Education contributions are inadequately justified. As with primary contributions above, not every secondary school within the Angus area will create a 0.17 pupils ratio requirement. Angus Council need to be clear on school rolls both existing and projected. In addition, the cost per unit for education should be backed up showing cost breakdown for new build provision, extensions and reconfiguration. This has not been done in the SPG. This must be clearly identified within the appendix of the SG document for clarity.	Based on a national benchmark, Angus Council assess that each additional new home will lead to increased demand equating to 0.4 pupils. The ratio used by the Council across all of its Secondary School estate is 0.17 secondary school pupils.
Community Facilities	11	External	Homes for Scotland	It is noted and welcomed that the SPG states that: “In many cases no additional provision is proposed or the impact of a development on a specific facility is likely to be very minimal, due to the wide catchment area and is unlikely to result in a requirement for additional capacity”. Indeed, we would note that new housing development can in many cases help to maintain the vitality and viability of existing community facilities such as those listed in Policy TC8 - convenience shops, hotels, public houses, restaurants and petrol stations.	Support noted.
Community Facilities	11	External	Homes for Scotland	The document could be clearer in explaining whether contributions to community facilities will be sought. The ‘Residential Development’ Section (p.5) appears to suggest that they may be, but community facilities are not listed in the table in Appendix 1 setting out what contributions can be sought. Given that the document states that there is unlikely to be a	No change. The methodology previously set out in the adopted Supplementary Guidance (2016) has not changed. As per the previously adopted guidance only the extension to Arbroath Sports Centre has been identified as a project. There may be future development which

				<p>requirement for additional capacity and Policy TC8 deals with the protection of existing facilities and development of new ones rather than planning obligations we would suggest Appendix 1 is correct and the list on p.5 should be amended accordingly to remove reference to community facilities.</p>	<p>will impact on the capacity of existing facilities and therefore these may be required to contribute to mitigate any impact. The full details on potential impacts are still not yet available.</p>
Community Facilities	11	External	Homes for Scotland	<p>In relation to healthcare we would reiterate that we do not agree with the principle of charging the home building industry for the provision of healthcare facilities.</p> <p>The NHS as an organisation is funded through central government and the burden should not be placed on the development industry to cover any funding shortfall that may hinder the provision of primary healthcare facilities. Primary healthcare provision should not be for the council to provide for, and it certainly should not be fore developer contributions to meet the cost of any necessary facilities. Most GP surgeries act as businesses, and developers should not be expected to supplement other businesses. The positive effect on health and wellbeing that the delivery of more homes brings should be recognised and supported. For the avoidance of doubt we consider that reference to Healthcare Facilities should be removed from the list on p. 11 of the SPG.</p>	<p>Comments noted. No change. This aspect of the guidance has not changed since the adopted Supplementary Guidance (2016).</p>
Community Facilities	11	External	Homes for Scotland	<p>It is unfortunate that two years since the previous SPG was published no further information can be provided on what contributions if any will be sought in relation to Angus Alive. While the willingness of Angus</p>	<p>Comments noted.</p> <p>As per the previously adopted guidance only the extension to Arbroath Sports Centre has been identified as a project.</p>

				<p>Council to engage at pre-app on this is welcomed, it would be preferable that further information on this could be made publicly available to provide greater certainty to prospective developers.</p>	<p>There may be future development which will impact on the capacity of existing facilities and therefore these may be required to contribute to mitigate any impact. The full details on potential impacts are still not yet available.</p>
Transportation	12	External	Transport Scotland	<p>Circulars 3/2012 and 6/2013 state that exact levels of developer contributions or methodologies for their calculation should be included within Supplementary Guidance, with items for which financial or other contributions detailed included with the plan. However the Supplementary Guidance does not outline this information. The document will, therefore require to be updated once this information in relation to identifying and costing interventions is known.</p>	<p>Comments noted.</p>
Transportation	12	External	Transport Scotland	<p>The Supplementary Guidance refers to the “strategic road network” and Transport Scotland are seeking greater clarification to determine if this is referring to the trunk road network or local ‘strategic’ roads? We recommend the wording in document makes this clear and that works may be required to the network for single developments and that this will be determined through the Transport Assessment process.</p> <p>We therefore, recommend the wording be changed to read:</p> <p>“There may be a need for works on the wider strategic and/or trunk road network. Whilst a single development is unlikely to result in a requirement for interventions, which will be</p>	<p>Comments noted and amendment to text undertaken as requested.</p>

				determined through the completion of a Transport Assessment, generally interventions may be required as a result of cumulative development across the Angus area. At present further work on the identification, programming and costing for interventions is ongoing and therefore further guidance/advice may be produced in due course, in consultation with Transport Scotland for any works relating to the trunk road.”	
Transportation	12	External	Homes for Scotland	The Council have sought to set out developer contributions relating to transportation. However, there is little in the way of detail. Whilst we understand that applications need to be dealt with on a case by case basis, we would urge the Council to give more specific advice that is clearly set out particularly in relation to strategic projects so that our members can move forward with confidence knowing as far as possible what is expected from them.	As is referenced in the Supplementary Guidance work programming and costings of strategic transport intervention projects is ongoing and therefore once finalised further guidance/advice may be produced. Local impacts will continue to be dealt with on a case-by-case basis.
Transportation	12	External	Homes for Scotland	We note that the Council has indicated that at present further work on programming and costing for works is on-going and therefore further guidance/advice may be produced in due course. It is unfortunate this situation appears unchanged from the previous iteration of the guidance and a more specific timetable for this work would be welcomed as there are clear benefits in terms of transparency and predictability in setting this out in policy.	Comments noted. Transport Scotland have also commented on this aspect of the updated guidance and have agreed with the Council that the document will require to be updated once information in relation to identifying and costing strategic interventions is known.
Affordable Housing	13	External	Homes for Scotland	We note that since the previous iteration of the guidance reference has been added to the	Comments noted.

				<p>target set out in the Local Housing Strategy (LHS) for</p> <p>“the LHS has set a target to deliver at least 20% of new affordable housing to meet a particular need such as amenity or supported housing, with at least half of these (i.e. 10% of new supply) to full wheelchair standard.”</p> <p>The LHS sets out a vision for housing delivery in Angus and sets out the Council’s spending priorities in this regard. It is however, not a planning document and so it is unclear why this has been included within the Supplementary Guidance. It is also not clear what ‘full wheelchair standard’ means. The Supplementary Guidance does not state that this is a planning policy requirement and nor should it, as it does not relate to any policy in the plan.</p> <p>The Chief Planner’s letter of 15 January 2015 is clear that to comply with Regulation 27(2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 it must clearly relate to a development plan policy</p> <p>“It is therefore essential that supplementary guidance is limited to the provision of further information or detail and that the local development plan expressly identifies the matters to be dealt with in supplementary guidance.”</p> <p>We would suggest that to avoid confusion reference to this target should be removed</p>	<p>Whilst there is no specific reference to housing for particular needs or wheelchair housing in Policy TC3 Affordable Housing in the adopted Angus Local Development Plan (2016), paragraph 4 in Policy TC3 states that “the scale and nature of the affordable housing contribution sought from individual sites, including tenure, house size and type will be subject to agreement between the applicant and Angus Council taking in to account:</p> <ul style="list-style-type: none"> • local housing needs (set out in the current HNDA) <p>Angus Council considers that this enables the authority to seek, in discussion with a developer, as part of the overall affordable housing requirement, provision for particular needs housing where there is demonstrable evidence of need.</p> <p>The text of this section will be amended to remove the specific targets for particular needs and will instead indicate that where there is evidence of need for particular needs housing appropriate provision will be sought.</p>
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				from the supplementary guidance as it is not a planning requirement and would have not basis as there is no reference to wheelchair standard in the Development Plan.	
Area Tables		External	Guild Homes	The draft Supplementary Guidance includes a number of schools which are being “monitored”. This does not provide the certainty which developers need to make investment decisions.	<p>Commented noted. No change.</p> <p>A number of schools are monitored as these schools are either close to having an 80% capacity or could be impacted by cumulative windfall development.</p> <p>Following the text changes on Page 9, further clarity has been provided in the Area Tables with clear guidance provided for the following schools:</p> <ul style="list-style-type: none"> • Carnoustie High School • Arbroath High School • Ladyloan PS • Muirfield PS • Timmergreens PS • Stracathro PS • Burnside PS • Carlogie PS • Langlands PS • Letham PS • Strathmore PS

					<ul style="list-style-type: none"> • Whitehills PS • Northmuir PS • Grange PS • Liff PS • Murroes PS • Seaview PS
General		External	Ristol Consulting	Recognise the necessity of ensuring that new developments mitigate their direct impacts and as such meet, as a baseline, the tests set out in paragraph 14 of Planning Circular 3/2012 Planning Obligations and Good Neighbour Agreements.	Support noted.
General		External	Guild Homes	<p>As an active developer in Angus I need to be able to rely on the extant Local Development Plan and the adopted Supplementary Guidance in making our long term investment decisions. Guild Homes are currently developing detailed plans for a number of allocated sites within Angus, our investment decisions and anticipated development viability are based on current planning policy, to review the adopted Supplementary Guidance at such an early stage undermines this ability and therefore affects our long term development proposals.</p> <p>For example, at Turfbeg, Forfar we are hoping to develop 234 houses, and Edzell, where we are at the early negotiations and design stage with a proposal for around 60 houses. In both</p>	<p>Comments noted and agree that developers need certainty to guide long term investment decisions.</p> <p>The Supplementary Guidance provides clear, up-front requirements for developers and agents. As a result it should be possible in most circumstances to reach an early agreement on the level of contributions required. The guidance also provides clear advice on what information should be submitted to support any case where the development viability of a project is under pressure. Angus Council's Property Service are consulted on any Development Viability Statements submitted through the planning application process.</p>

			<p>examples the investment decisions have been made when there was either no adopted planning policy requiring developer contributions (Turbeg) or when the adopted Supplementary Guidance confirmed no developer contributions were required in association with an allocated site (Edzell). The late introduction of developer contributions has had a significant impact on the overall development viability of the site at Turbeg. At Edzell the draft amended supplementary guidance introduces a contribution towards primary school provision at Edzell, this may result in this site becoming unviable. The review of the Supplementary Guidance so soon after its initial adoption and mid-way through a Local Plan period undermines the certainty developers need to make informed long term investment decisions.</p>	<p>In terms of the Turbeg site for 234 houses, the original planning application was submitted prior to the Angus Local Development Plan being adopted in 2016. It was therefore determined in advance of adopting the original Supplementary Guidance (also in 2016). In advance of the adopted Supplementary Guidance in 2016 developer contributions were sought on a case-by-case basis with no overview of what contributions were required and how they were calculated. The introduction of the Supplementary Guidance now provides clear and concise guidance for developers and agents as to what is required.</p> <p>In relation to Edzell, whilst the School Rolls Forecast has resulted in a change to the requirement for Edzell Primary School since the adopted Supplementary Guidance (2016), no planning application for the site has yet been received. As was discussed previously, the guidance continues to provide clear advice on what information should be submitted to support of any case where the development viability of a project is under pressure. Angus Council's Property Service are consulted on any Development Viability Statements submitted through the planning application process. The developer should pursue this route if the viability of the site is under pressure following the change in requirements as a result of the School Rolls Forecast information.</p>
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General		External	Homes for Scotland	<p>We welcome the efforts made to update this guidance regularly. However, we consider that insufficient information is provided to explain how some of the proposed sums for the obligations have been reached. In addition, we consider that greater clarity could be provided in relation to other proposed obligations where a specific financial contribution is not set out. This could involve providing a framework to be used in setting out what is expected or at least giving a better understanding of the types of infrastructure which contributions will be sought in relation to.</p> <p>The level of planning obligations can and does impact upon whether sites come forward for development. Accordingly, it is important that the process of setting obligations is clear with workings and data sources set out in a way which enables them to be scrutinised. Unless this is done it cannot be demonstrated that obligations are necessary, serve a planning purpose or fairly and reasonably relate to the scale and kind of development.</p>	<p>No change. The overall methodology previously set out in the adopted Supplementary Guidance (2016) has not changed. It is also not considered appropriate to provide further detail within this guidance.</p> <p>The guidance remains clear that developer contributions will only be taken where they are in accordance with the policy tests set out in Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements as follows:</p> <ul style="list-style-type: none"> • Necessary to make the proposed development acceptable in planning terms; • Serve a Planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; • Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; • Fairly and reasonably relate in scale and kind to the proposed development; and • Be reasonable in all other respects <p>The guidance also provides clear guidance on what information should be submitted to support any case where the development viability of a project is under pressure. Angus Council's Property Service are consulted on any Development Viability</p>
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					Statements submitted through the planning application process.
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