

Comments

Draft Developer Contributions Supplementary Guidance (12/01/18 to 09/03/18)

Comment by	Scottish Government (Mr Robin Campbell - 1156118)
Comment ID	115
Response Date	09/03/18 15:49
Consultation Point	Question 14 (View)
Status	Submitted
Submission Type	Web
Version	0.1

Comment here

Transport Scotland - Thank you for the opportunity to comment on the draft Developer Contributions Supplementary Guidance. Our comments are detailed below for your review and we would welcome further dialogue with the Council as the document and associated appraisal work progresses.

It is noted the Council is proposing the formation of 'Cumulative Transport Contribution Zones', which will focus on mitigating the cumulative impact of development. The Guidance details that in relation to these zones, a methodology is being developed to apportion contributions outlining that further engagement with Transport Scotland will be required for trunk road related projects. Further information and collaboration on this would be welcomed.

Comment by	Scottish Government (Mr Robin Campbell - 1156118)
Comment ID	116
Response Date	09/03/18 15:49
Consultation Point	Question 22 (View)
Status	Submitted
Submission Type	Web
Version	0.1

Comment here

The Council should reassure themselves that where a fee is being charged (e.g. for legal fees, administration of obligations etc), that there is legislative provision for such a charge.

Comment by Scottish Government (Mr Robin Campbell - 1156118)
Comment ID 117
Response Date 09/03/18 15:50
Consultation Point Question 20 ([View](#))
Status Submitted
Submission Type Web
Version 0.1
Comment here

Paragraph 9.3 states that planning obligations are not voluntary in nature. We would suggest that this is reworded, as paragraph 12 of Circular 3/2012 states that: *'Planning obligations should be agreed between the parties involved; developers should not be required to enter into a planning obligation.'*

Comment by Scottish Government (Mr Robin Campbell - 1156118)
Comment ID 118
Response Date 09/03/18 15:50
Consultation Point Question 2 ([View](#))
Status Submitted
Submission Type Web
Version 0.1
Comment here

Para 1.23 states that legal agreements may be 'insisted' upon. Would recommend replacing this with 'sought' as planning obligations should be by agreement.

Comment by Scottish Government (Mr Robin Campbell - 1156118)
Comment ID 119
Response Date 09/03/18 15:51
Consultation Point Question 14 ([View](#))
Status Submitted
Submission Type Web
Version 0.1
Comment here

Para 5.10 refers to incorporating a future appendix to this guidance. Please note there is no provision in legislation to update supplementary guidance in future without carrying out the necessary

consultation. Appropriate public consultation would be important, for example, if contribution zones are to be introduced.

Comment by	Scottish Government (Mr Robin Campbell - 1156118)
Comment ID	120
Response Date	09/03/18 15:51
Consultation Point	Question 8 (View)
Status	Submitted
Submission Type	Web
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Comment here	

Para 2.5 states that additional guidance on nursery provision and associated developer contributions may therefore form a future appendix or section of this guidance.

Please note, there is no provision in legislation to update supplementary guidance in future without carrying out the necessary consultation.

Comment by	Scottish Government (Mr Robin Campbell - 1156118)
Comment ID	121
Response Date	09/03/18 15:52
Consultation Point	Question 8 (View)
Status	Submitted
Submission Type	Web
Version	0.1
Comment here	

The guidance should be clear that where seeking contributions through section 75, the tests of Circular 3/2012 should be met. We note the Council's intention to combine five Inverness catchment areas. The justification for doing this will be important in establishing a relationship between the development and the contribution.