

## **Planning Obligations Supplementary Guidance update – March 2017:**

### **Representations and Fife Council Responses and Actions**

An update to the Planning Obligations Supplementary Guidance was consulted on from 17<sup>th</sup> March to 5<sup>th</sup> May 2017.

22 representations were received through this consultation. Summaries of the comments received; Fife Council's responses to the representations; and any subsequent actions taken are set out in the table below.

<b>Reference, Responder</b>	<b>Comment</b>	<b>Fife Council Response</b>	<b>Action taken</b>
		<p>Some issues raised are not relevant to this document, such as constraining the sale of houses as holiday homes.</p> <p>The emphasis of the Supplementary Guidance is on strategic infrastructure and the transport focus is on the impacts on the trunk road network, which is not relevant to the East Neuk. However some obligations are relevant to local communities such as primary and secondary school provision and these will address the impacts on schools in any size of settlement across Fife.</p> <p>Site specific impacts are addressed through policies 1 and 3 of the LDP. This policy addresses the local impacts of a development proposal which are not a result of cumulative</p>	No change

Reference, Responder	Comment	Fife Council Response	Action taken
		impacts that require the collection of planning obligations.	
		<p>While we wish a greater consideration of impact on opportunities relating to the rail network we are not in a position to produce a methodology through which this can be realised. The opportunities would differ from site to site.</p> <p>It is also difficult to bring in a blanket need for assessments to include impacts on rail infrastructure because it is challenging to link the impact of new development to a direct need for rail infrastructure. This direct link between development and new infrastructure is a key basis for planning obligations and we cannot require contributions that cannot be easily justified.</p>	Add text to reference the types of rail infrastructure that might be improved through developer contributions and that these opportunities will be considered on a site by site basis.
		Noted.	No action required.
		Noted and welcomed.	No change



Reference, Responder	Comment	Fife Council Response	Action taken
		<p>Land is currently being transferred at nil costs for other uses such as affordable housing, where the contribution is set out in the LDP and in supplementary guidance; it should therefore be taken into account in land transactions and viability assessments.</p> <p>In SDAs the requirement for the locations for schools are clearly set out in the the LDP.</p>	Paragraph 2.5 has been changed to refer to land transfer at appropriate market value.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	It is agreed that alternative legal security may be appropriate in some circumstances.	Paragraph 3.1 now refers to "[...] bonds or other legal security will also be agreed to safeguard the Council from risk".
	[REDACTED]	It is agreed that there will need to be correlation between the delivery of infrastructure and development sites to ensure that delays are not introduced. This will involve transparency and openness on the part of developers and the planning authority to reach agreement on when developers commitments from both parties as to when they will undertake the required site development/infrastructure.	No change required.
	[REDACTED]	Where a developer bring forward a site that has not been considered before in the planning system it is reasonable to allow some time to assess the potential impact. It is also reasonable to expect these assessments to be carried out as soon as practicable.  It is agreed that the contributions require to meet the test of Circular 3/2012 .	No change required.



Reference, Responder	Comment	Fife Council Response	Action taken
		<p>solution to allow developments to address their impact in a manner that would not be time consuming or overly costly.</p> <p>It is reasonable to assume that sites in the same zone will have a similar impact on a particular junction or road. Traffic modelling shows that traffic from a development dissipates at a given rate as the distance from the site increases. This is a common phenomenon for all sites and these impacts are addressed accordingly in the Supplementary Guidance .</p>	
		<p>Paragraph 4.1 (as renumbered) notes that the local impacts of individual sites will be addressed through Policy 3 of FIFEplan and site specific transport assessments. The strategic interventions are listed in the Supplementary Guidance.</p> <p>Not every local intervention is listed in the LDP and some may not be known until transport assessments are carried out. The modelling carried out for the LDP shown a clear link between the planned development and the need to provide additional infrastructure. This</p>	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
		is then transposed into the Supplementary Guidance by means of the zonal contributions.	
	[REDACTED]	Applying proportionate contributions in these circumstances is reasonable. The applicable zone will be determined by the place from which access to the site is taken and through which the expected traffic movements occur. This issue should be addressed on a case by case basis with advice being provided at the pre-application stage.	No change.
	[REDACTED]	Percentage splits and timescales are not a requirement of the guidance. We will look to provide this information in future iterations of the action programme. This is already stated in the Supplementary Guidance.	No change
	[REDACTED]	This footnote allows for figures to be updated through more detailed studies and is	No change

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	appropriate to allow for a degree of flexibility to take into account the reality of costs identified through the LDP.	
	[REDACTED]	Noted	No change required.
	[REDACTED]	The Supplementary Guidance will look at all development in a cumulative manner to ensure that costs are fairly apportioned across all relevant development. Where a cumulative impact has been considered and there is still sufficient capacity then a contribution will not be sought. Individual consideration of applications would not reflect the reality of the cumulative impacts of development on schools and so the approach recommended is not supported.	No change.
	[REDACTED]	The Supplementary Guidance does not include a Fife wide education levy. The tests in Circular	No change

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	3/2012 allow for cumulative impact and the assessment exists in the circular the Supplementary Guidance accords with that	
	[REDACTED]	These costs will be updated for the final draft but it is unlikely that they will fall as is requested in the representation.	Update costs have been included in [Figure 9. ...]
	[REDACTED]	The cost in the Supplementary Guidance is based on detailed costing for a secondary school that would address the expected capacity issue. Any reduction in the costs would be provided as a refund to developers.  The level of impact has been clearly set out and the appropriate method of addressing these impacts is through a cross-Dunfermline approach.	Changed to make reference to the provision of a new secondary school to address the impact of new development.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	While the site for the school has not been identified in the Supplementary Guidance the benefits of this approach would be felt across the three Dunfermline catchments making this solution appropriate when compared with Circular 3/2012. This approach suitably addresses the capacity issues brought about by the impact of new development across the whole Dunfermline area.	
	[REDACTED]	These are not to be imposed but considered as a way of improving the viability of development by managing the need and timing of planning obligations.	No change.
	[REDACTED]	The response appears to assume it is acceptable that the first development in a catchment will, potentially, not pay any contributions although it would use up	No change

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	capacity, and that subsequent proposals will pick up all the contributions. The Circular allows for cumulative impacts to be considered and this is the approach in the Supplementary Guidance .	
	[REDACTED]	The Supplementary Guidance highlights that factoring arrangements could be an option and also that the solution for each site should be considered separately. It is appropriate to include all options including that of a payment of a lump sum for 25 years maintenance.	No change.
	[REDACTED]	This does reflect common practice as it was in the previous two versions of the planning obligations document.	No change
	[REDACTED]	It is true that the £1,000 per house derives from a committee report in 2008. If this points to anything then it would be that the costs should be higher to take into account inflation over the last 10 years. By keeping this figure constant over 10 years this is seen as very reasonable.	No change

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Most of the greenspace will be provided on site so the levy will not be often used.	
	[REDACTED]	Many authorities have different methodologies and costing. The fact that Fife's Public art cost is £50 more per house West Lothian has no bearing on the suitability of Fife's methodology.	No change
	[REDACTED]	This does not call in to question other costings.	
	[REDACTED]	It is accepted that this could be phrased better. Employment land is set out in development frameworks and it will not always be possible or necessary to bring in equalisation arrangements to deliver the employment land. The frameworks themselves role is to ensure that the different land uses are delivered in the right places.	Figure 2 has been amended to state that employment land is only required in line with FIFEplan Policies 1 and 5.
	[REDACTED]	The document is reflecting the approach in the approved Fife Employment Land Strategy.	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].		
[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	<p>It is agreed that this link needs to be provided and that the best way to articulate what development is being asked to contribute is to show this information spatially. It is proposed to add this information to future iterations of the LDP Action programme.</p>	No change. To the Supplementary Guidance at this stage.





Reference, Responder	Comment	Fife Council Response	Action taken
	                       	<p>This Supplementary Guidance updates the table in FIFEplan.</p>	<p>No change.</p>



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	A functional link is identified based on the distance a development proposal sites from a piece of infrastructure.	No change required.
	[REDACTED]	Retail developments over a 2,500 sq. m gross also contribute. Fife Council has made the decision to not request contributions from employment, partly to prevent double counting that may result from counting commuter trips home and work include retail visits leaving residential properties and arriving at employment sites.	No change.
	[REDACTED]	Gillesfaulds is part of the SDA at Cupar North and therefore it must pay on an equitable basis towards the relief road.	No change.
	[REDACTED]	The text provided in the draft Supplementary Guidance was too definitive about obligations being required for undisclosed impacts. The reason for this text is to allow additional	Text changed to reflect that obligations may be required in these areas.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	contributions to be considered based on the impacts on these areas. An example would be the impact of windfall sites on the transport infrastructure in these areas. If such sites did come forward it would be appropriate to consider the need for additional transport infrastructure. But this would be based on the assessment of the applications impacts and would not be a given.	
	[REDACTED]	Yes, they do go to this school.	No change required.
	[REDACTED]	It is agreed that other uses should make a public art contribution.  Visually prominent sites will be identified when assessing planning applications. In some instances opportunities for public art are already identified within the LDP settlement tables.	Section 6 has been reviewed to refer to the developments expected to contribute towards public art.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Clarification could be given but the text will probably be removed as it does not reflect Policy 5.	Text deleted and refer made to FIFEplan Policy 5.
	[REDACTED]	Noted. Need to decide whether we are attaching any value to land for transfer.	Land to be valued on individual basis. Text changed accordingly.
	[REDACTED]	It is agreed that alternative legal security may be appropriate in some circumstances.	Paragraph 3.1 now refers to "[...] bonds or other legal security will also be agreed to safeguard the Council from risk".





Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]		
	[REDACTED]		
	[REDACTED]	<p>Some additional information will be added to the Supplementary Guidance , clarifying the reasoning behind some of the methodologies. The production of a technical note will provide no additional value. There is no connection between the production of a technical note and the adoption of the Supplementary Guidance .</p>	No technical note to be provided.
	[REDACTED]	<p>The Supplementary Guidance references where the technical information comes from for the different methodologies. While it does not bring the information together into one document the information is all publically available through the housing land audit, education information submitted to the Scottish Government and transport assessments.</p> <p>The process that the representation outlines is the same that is set out in the Supplementary Guidance , but under different headings.</p> <p>It is interesting that having sent a lot of additional information to this consultancy they have not used it to form a basis for their response.</p>	No requirement or merit in producing technical document.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	<p>This is LDP policy and the Supplementary Guidance is reflecting approved policy. 25% is not a universal figure as stated in the representation.</p> <p>The exemptions given to affordable housing are to the benefit to a wider range of developers, including the council.</p> <p>However the council's affordable housing programme clearly directs obligations costs away from the council and onto the private sector.</p>	Affordable housing and other dues remain exempt. Quantify the level of obligations being moved onto the private sector and present a case for the Council to contribute towards offsetting the impact of the affordable housing development programme.
	[REDACTED]	See comments below.	No change
	[REDACTED] [REDACTED] [REDACTED]	See exemptions above.	
	[REDACTED] [REDACTED] [REDACTED]	<p>These over estimate the cost per house by including primary school costs that are too high and not taking into account affordable housing. However the point raised is relevant as in some areas the market is not strong and it is important not to prevent development from progressing.</p>	Further work has been carried out on viability. See separate presentation.
	[REDACTED] [REDACTED] [REDACTED]	<p>This information will be provided in the action programme. Windfall sites cannot be predicted but there is text on how they will be dealt with.</p>	Add information to action programme.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	This is not true for Kirkcaldy. For Dunfermline, further information on a solution will be provided in the final Supplementary Guidance .	Provide further information on the Dunfermline solution for secondary education.
	[REDACTED]	<p>It is a reasonable assumption that larger houses will be bought by larger families. A different average would not be identified as if it were known that a site included all four bedroom houses then it would not be an average.</p> <p>This approach does seem overly complicated and maybe should be removed, but not for the reasons set out in the representation.</p>	Remove per bedroom rate as over complicated. Brought in to provide more bespoke costs and fairness for the development industry. Seems to have little support and not popular with education.
	[REDACTED]	This is not the case. They are considered separately and then added together so the impact of development can be identified.	No change
	[REDACTED].	The Council does propose a new secondary school and this will have to be assessed in the suitable manner but not through this Supplementary Guidance. This Guidance recognises the need for new school and the area over which contributions will be sought. SEA legislation does not prevent sites being progressed that are not in the LDP ie windfall sites which the response refers to in an earlier section.	Change to the wording in the Supplementary Guidance to reflect that a secondary school will be provided to address development related impacts across the three Dunfermline catchments.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED] [REDACTED] [REDACTED].	This is not the case. The LDP transport assessment does do this. All the interventions are required because of development. If sites were not being developed then they would not be required.	No change but the text has been revised to make this clearer.
	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	The circular does not require this level of detail. It does require us to identify a link but to undertake transport assessments for all sites in the LDP is disproportionate to what is required.	No change
	[REDACTED] [REDACTED] [REDACTED]	There are no contributions in NE Fife as development does not have a significant impact on the existing strategic transport infrastructure. There are some existing issues but they are not caused by new development, therefore we can't ask for contributions.	No inconsistency. No change
	[REDACTED] [REDACTED].	Will required to be made less definitive on whether contributions will be required.	Text refers to other requirements across the town to which contributions may be sought.
	[REDACTED] [REDACTED] [REDACTED].	Text needs to be introduced making it clear that we will be guided by the outcomes of agreed transport assessments. We cannot ask for contributions that have been disproved through a TA.	Change text in plan to reflect the primacy of the outcomes of site specific TAs.
	[REDACTED] [REDACTED]	This is to ensure that sites coming forward to address the housing land delivery shortfall pay the same as sites identified through the LDP.	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
		All LDP sites are within the settlement boundary and therefore pay core costs.	
	[REDACTED] [REDACTED] [REDACTED]	Proximity between sites and infrastructure does not conclusively prove a link but based on the patterns of traffic movement considered under the gravity model there is a high probability that traffic from a development will have a differing impact on a piece of infrastructure dependent on distance between the two.	Don't change methodology but add further text to describe the gravity model ad distance assumptions used.
	[REDACTED] [REDACTED]	This is presentation issue and the mapping needs to divide the outer area between the toe main transport zones.	Change to focus costs on a specific transport zone
	[REDACTED]. [REDACTED].	Rail contributions would be access to station and possibly station infrastructure such as car parking. This methodology needs to be developed further.  The Supplementary Guidance only asks for land for healthcare facilities. Some other authorities ask for direct contributions.	Reconsider rail text, no change to healthcare text.
	[REDACTED] [REDACTED] [REDACTED] [REDACTED].	Greenspace will normally be provided on site. If the offsite option is chosen then the focus of the obligation will have bene identified. This will satisfy the circular.	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Windfall and non-effective sites do pay contributions. It is agreed that wording could be clearer and a change will be made.	Change text to clarify that non effective and windfall sites contribute towards all relevant planning obligations.
	[REDACTED]	Wording seems clear will be further revised to help to make it even clearer.	Add further text to state that obligations will only be spent on the items it was originally gathered for.
	[REDACTED]	The modelling was carried out using information from the sites in the LDP. However it will be applicable to windfall sites as well. How Windfall and non-effective sites will be dealt with is covered in section 3.5 of the guidance.  The transport zones do not only relate to sites shown in Figure 4, as there are no sites shown in Figure 4. The text highlights a relationship between the zones and locations where sites could be. The purpose of the diagram will be reworded for further clarity.	Revise para 3.5 to highlight that all obligations relate to windfall and non-effective sites.  Revise Figure 4.5 to make clearer the description of the purpose of diagram 4.3.
	[REDACTED]	Figures have risen disproportionately to the scale of the changes to the infrastructure listed in Figure 5.	The cost of the infrastructure is not the only variable in this calculation. The number of contributing houses may also have gone down, thus leading to an increase in cost per house. In some areas costs have decreased.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	There is no need to make this change as the whole document is caveated by the need to comply with the Circular.	No change.
	[REDACTED]	This is a reasonable request but consideration needs to be given as to the best way of providing this information.	Additional text will be provided to highlight the education assessment process. This will highlight the key areas rather than explain the full process in detail.
	[REDACTED]	The further assessment would need to be at the pre application stage to allow the developer to respond to its findings.	Add text to state stage at which further assessment would be carried out.
	[REDACTED]	Average costs for education infrastructure will be added, they were not available for the draft and other costs for the primary school will be revised.	Amend text to refer to applicants involvement in feasibility study scoping and add in figures for average cost or primary school, classroom etc.
	[REDACTED]	These were being reviewed so were taken out document. But they can now be added back in for clarity.	Include pupil produce ratios in the final document and add rational for their level.
	[REDACTED]	These are factors that could assist in managing the impact on infrastructure. While they are driven normally by market forces it is reasonable to try to influence them if it allows a potentially viable scheme to progress.	Don't change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Whether it is provided as a one off payment or in instalments this text still relates to a planning obligation so it is relevant to cover this issue in this document.	No change.
	[REDACTED]	The text in the Supplementary Guidance could link more closely to the Policy in the Plan. The comments are correct that if it can be justified that the loss employment land would be acceptable we would not be expecting compensation in the form of additional employment land.	Alter text in 6.11 to closely follow the text in Policy 5.



Reference, Responder	Comment	Fife Council Response	Action taken
		development. Existing non development related trends are not covered by developers obligations.	

Reference, Responder	Comment	Fife Council Response	Action taken
		Inflation has to be taken into account otherwise we might not collect enough money. For long term sites it is assumed that inflation is also factored into financial models so this should not be a problem. Also, it may be that	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	costs go down through regular review so developers may benefit.	
	[REDACTED]	While we accept that the caveats on the exemptions policy reduce the certainty that it is meant to provide, this is essential to ensure that in extreme cases infrastructure funding is secured.	No change

Reference, Responder	Comment	Fife Council Response	Action taken
	                         		
	    	<p>Land is currently being transferred at nil costs for other uses such as affordable housing, where the contribution is set out in the LDP and in supplementary guidance; it should</p>	<p>Paragraph 2.5 has been changed to refer to land transfer at appropriate market value.</p>

Reference, Responder	Comment	Fife Council Response	Action taken
		<p>therefore be taken into account in land transactions and viability assessments.</p> <p>The Council understand the issue made in this representation and has made submitted comments to the review of planning to achieve a better approach to national infrastructure funding. The Council is willing to work with Homes for Scotland in making representations to the Scottish Government to that end.</p>	

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]		
	[REDACTED]	We recognise the concerns of the development industry that their contributions will allow their development to proceed. Funds will be kept in separate accounts by Fife Council, based on their need and the Council will pro-actively plan for the delivery of this infrastructure when required. It will not hinder the delivery of development.  It is accepted that this text may not be specific enough for individual SDAs.	Text changed to allow the possibility for existing capacity to be used as a part of a permanent solution.

Reference, Responder	Comment	Fife Council Response	Action taken
	                       		

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED]		
[REDACTED] [REDACTED] [REDACTED]	[REDACTED]	Noted and welcomed	No change is required.
[REDACTED] [REDACTED]	[REDACTED]: [REDACTED] [REDACTED] [REDACTED]	Investigate what is being done elsewhere. Point accepted that land will have a value. But important that it is not housing value. We are not displacing housing by asking for healthcare etc.	Bring in a nominal value for land, agricultural value.
	[REDACTED] [REDACTED] [REDACTED]	Welcomed	
	[REDACTED] [REDACTED] [REDACTED].	Welcomed	

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	See previous comments on rail infrastructure.	Change required and additional information added on methodology how we will look for the contributions towards rail access.
	[REDACTED]	Land is currently being transferred at nil costs for other uses such as affordable housing, where the contribution is set out in the LDP and in supplementary guidance; it should therefore be taken into account in land transactions and viability assessments.  In SDAs the requirement for the locations for schools are clearly set out in the the LDP.	Paragraph 2.5 has been changed to refer to land transfer at appropriate market value.
	[REDACTED]	Agreed. While the Council will not apply the guidance retrospectively it will have regard to those agreements already signed when considering future development proposals.	Agree but no change required.



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]		
	[REDACTED]		
	[REDACTED]	The capital investment programme is a separate document and is developed through its own process. Clearly there has to be a correlation between the Planning Obligations Supplementary Guidance and the capital programme but this can be achieved without showing the detail of the capital programme in the Supplementary Guidance . The information in the capital programme will be reflected in the LDP Action Programme.	No change
	[REDACTED]	Agree that further clarity is required to outline what the contributions would be for.	Remove references to wider obligations in St Andrews and Cupar as no specific impact identified.
	[REDACTED]	Agree and add some additional text on monitoring and the possibility of refunds if not all money is required.	Add text.





Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED]		

Reference, Responder	Comment	Fife Council Response	Action taken
	                     		

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]		

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Windfall site locations are, by their nature, not identified in advance. Text in the Supplementary Guidance sets out how the Council will deal with different scales of windfall sites in terms of transport and education obligations.	No change.
	[REDACTED]	Brownfield land is an often debated definition and we recognise the need to provide more detail on which sites would be covered under this classification.	Using the definitions in the LDP as a starting point, text has been added to the definition of brownfield land to provide further guidance on which sites would be exempt from contributions.



Reference, Responder	Comment	Fife Council Response	Action taken
	                        		

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	The cumulative assessments have already been carried out by the Council and developments will be expected to pay the contribution set out in the Supplementary Guidance . Transport assessments will still need to be carried out to identify local interventions required under Policy 3. This is standard practice and does not require to be changed.	No change
	[REDACTED]	The cumulative impact assessments have already been undertaken. There is no requirement for developers to carry out this work.	No change
	[REDACTED]	Noted.	No change is required.
	[REDACTED]	The requirement for school infrastructure associated with SDAs is a long standing policy aim of the Council and has been tested through multiple examinations.  The funding of feasibility studies is an alternative to allow developers to progress their sites faster. Normally the feasibility studies will be carried out by the Council.  While there is no solution in Dunfermline the level of impact of new development has been	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	identified and therefore contributions will be required to address impact.	
	[REDACTED]	Noted and welcomed.	No change.
	[REDACTED]	Public art guidance is provided in <i>Making Fife's Places</i> Supplementary Guidance and is reasonable as part of measures to secure environmental and amenity improvements in the public realm. <i>Making Fife's Places</i> explains the various means by which public art can be provided in developments.	No change is required.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].		
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	It is agreed that wording goes too far and need to reflect policy 5 more closely.	Change to reflect FIFEplan Policy 5.
[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED];	The exemptions are an accepted part of the LDP and have been considered through examination.	Comments noted and changes, where appropriate, are identified against the more detailed comments in the response..

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]		
	[REDACTED]	The Elsick case does not preclude the use or transport funds. It simply means that development has to closely linked to the need for infrastructure.  We have taken into account the Circular and the distances involved in this Supplementary Guidance are far smaller than the Elsick example and there is therefore a much closer correlation between new development and infrastructure.	Outer transport zone have been modified to ensure a clear relationship between the development and the infrastructure it is contributing towards.



Reference, Responder	Comment	Fife Council Response	Action taken
	<p>[REDACTED]</p>	<p>a need for additional infrastructure. If infrastructure capacity exists and no other requirement is triggered by the Supplementary Guidance, the process stops at that point. The first box in the process in Figure 1 will be amended to clarify this.</p> <p>It is agreed that the contributions must be linked to impacts on infrastructure and, if capacity exists, they will not be required.</p> <p>It should not be assumed that, by starting with the development type, planning obligations will be required. Steps 1 and 2 determine if an obligation applies. Subsequent stages look at the availability of capacity and whether obligations are required. In the instance of education obligations there is often not a pre-existing understanding of the impact of development, particularly if sites are windfall or non-effective. Therefore sites cannot be ruled out straight away as the available capacity might not be known.</p> <p>There is no merit in carrying out feasibility work on sites that are exempt from planning</p>	<p>No change required as the methodology accords with the Circular.</p>

Reference, Responder	Comment	Fife Council Response	Action taken
		obligations, or are not an applicable development type.	
	[REDACTED]	Public art guidance is provided in <i>Making Fife's Places</i> Supplementary Guidance and is reasonable as part of measures to secure environmental and amenity improvements in the public realm. <i>Making Fife's Places</i> explains the various means by which public art can be provided in developments.	No change.
	[REDACTED]	In terms of taking account of existing education capacity, the Supplementary Guidance will look at all development in a cumulative manner to ensure that costs are fairly apportioned across all relevant development. Where a cumulative impact has been considered and there is still sufficient capacity then a contribution will not be sought.  The cross town approach to secondary school contributions included in the Supplementary Guidance addresses the complexed nature of secondary school provision across Dunfermline	No substantive change.

Reference, Responder	Comment	Fife Council Response	Action taken
		<p>and Kirkcaldy. Circular 3/2012 allows for cumulative methodologies to be introduced and no where does it say that this has to be based on single catchments.</p> <p>Although the new school in Dunfermline will be located in one part of the town it will benefit the overall town by freeing up capacity in some of the existing schools which can be used by children from new developments.</p>	

Reference, Responder	Comment	Fife Council Response	Action taken
		The UK Supreme Court's decision ('Elsick') has been taken into account in finalising the Supplementary Guidance. The Supplementary Guidance will look at all development in a cumulative manner to ensure that costs are fairly apportioned across all relevant development. Where a cumulative impact has been considered and there is still sufficient capacity then a contribution will not be sought.	No change is required to the overall methodology but the transport zone diagram has been amended to divide the outer zone between Dunfermline and Kirkcaldy/Glenrothes.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	<p>The modelling carried out for the LDP shows that to achieve the strategy of the development plan, which includes the housing sites identified in the plan, certain transport interventions must be delivered.</p> <p>The LDP modelling provides the link between the impact of new development and the transport infrastructure. The distance of sites from the transport improvements provides the context for calculating the level of obligations required per house. Using a distance relationship is a reasonable approach as all the interventions are main road junctions and traffic will use them. The greater the distance the site</p> <p>But the distances being used in the Fife methodology are far less than those in the Elsick case where the relationship was seen as being tenuous.</p> <p>Circular 3/2012 uses the word proportionate in relation to calculating obligations. This can also be taken to relate to the level of assessment that should be carried out to justify obligations. It would not be proportionate to model the relationship between all sites and</p>	

Reference, Responder	Comment	Fife Council Response	Action taken
		each junction and it is reasonable to use the distance assumptions that we employ to calculate the transport obligations per house. A minor change has been made to the outer zones to relate the costs more closely to the zone within which a development site falls.	
	    	Responses to the respective points raised are set out below.	
	             	See comments above. There is a clear distinction in our modelling between baseline growth and new development impacts. This will be expanded upon in the Supplementary Guidance .	Text reviewed regarding the methodology and how the transportation baseline trends are separated from the impact of development.

Reference, Responder	Comment	Fife Council Response	Action taken
		<p>House building has the greatest impact on traffic patterns and educational need. It is right that it pay for most for the developer related impacts. Retail and leisure development also contribute.</p> <p>Employment uses were factored in but assumptions were made on the number of trips to prevent double counting.</p>	No change required.
		<p>To model the impact of every site on every junction would be a disproportionate level of work both in terms of time and money. It is reasonable to make assumptions about the impacts of development on infrastructure based on their distance apart.</p>	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	While the Elsick case shows these distances cannot be too great it does not rule out the use of this type of methodology.	
	[REDACTED]	The applicable zone will be determined by the place from which access to the site is taken and through which the expected traffic movements occur. This approach also captures development sites coming forward under the shortfall policy but which are not in the defined settlement boundary; these could otherwise contribute only to outer zone costs and so give them a financial advantage over sites allocated through the LDP process.	No change required.
	[REDACTED]	Baseline growth is taken into account in the LDP modelling on which this guidance is based. New development is not being asked to cover the cost of baseline growth or existing issues.	No change required.



Reference, Responder	Comment	Fife Council Response	Action taken
		<p>need for this new infrastructure is derived from the impact of development.</p> <p>The verification of transport solutions refers to the need to keep the costs of the proposals up to date. This is particularly relevant given the long delivery timescales for some of these proposals over which costs might change.</p>	
		<p>The Council's education impact assessment methodology takes account of household size, population growth, projected house completions, and the projected capacity of the school estate.</p>	No change is required.



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	completions, and the projected capacity of the school estate.	
	[REDACTED]	Normally the Council will identify costed solutions to resolve education capacity issues. However, to allow developers to move feasibility assessments on faster, it is also open to developers to fund feasibility studies in discussion with the Council as Education and Planning authority.	No change.
	[REDACTED]	Longer term forecasts will be subject to change. Their guidance and future development plan policy requirements will be reviewed through time. The LDP Action Programme will be reviewed annually and be updated with new forecasts and information.	No change is required.
	[REDACTED]	It is the intention that the Council will normally undertake the feasibility study. The option for the developer to fund the study only exists if they require the study to be carried out at a faster pace than is planned by the Council. As more applications are submitted there will be many feasibility studies to be	No change required.

Reference, Responder	Comment	Fife Council Response	Action taken
		undertaken or refined. This list will have to be prioritised. If the developer wants the study to be carried out at a faster pace than is proposed then it can fund the study.	
	[REDACTED]	The tariff levels identified in the table have been derived from discussions with Education and Children's Services as the Supplementary Guidance has been prepared.	No change is required.
	[REDACTED]	Noted.	No change is required.
	[REDACTED]	There is no conflict between paragraph 5.26 and 5.27. If the instance did arise as is set out in the response then the developers who had paid the earlier higher obligation would an element of it refunded.  Retrospective obligations will continue to be gathered from developments that have contributed to creating the need for the new infrastructure. Regular reviews to the	No change as the methodology mentioned in paragraph 5.27 allows for options to be investigated.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	infrastructure requirements will ensure that this link is maintained and we do not ask for contributions from sites where a link with the new infrastructure cannot be identified.	
	[REDACTED]	The Council is developing this to assist updates to future LDP Action Programme and inform any future reviews to this guidance.	No change.
	[REDACTED]	Yes. This has been raised with the Scottish Government and has been discussed through Heads of Planning Scotland.	No change is required.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	These solutions remain valid and will be suitable for some house builders. The impact on the viability of some proposals is noted and the Council will discuss options with the developers in these cases.	No change.
	[REDACTED]	Retail developments over a 2,500 sq. m gross also contribute. Fife Council has made the decision to not request contributions from employment, partly to prevent double	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
		<p>counting that may result from counting commuter trips home and work include retail visits leaving residential properties and arriving at employment sites.</p>	
		<p>Fife Council has made the decision to not request contributions from employment, partly to prevent double counting that may result from counting commuter trips home and work include retail visits leaving residential properties and arriving at employment sites.</p>	<p>No change.</p>



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Fife Council's Supplementary Guidance requires land to be provided for healthcare facilities in limited circumstances. We will investigate extending the scope of healthcare obligations through future policy but this will require further assessment to understand the impact of development on this type of infrastructure in discussion with the development sector, Fife Health and Social Care, and NHS Fife..  It is noted that some other councils apply obligations for healthcare.	No change.
	[REDACTED] [REDACTED]	It is accepted that land value should be taken into account.	Paragraph 2.5 has been amended to refer to the transfer of land by the relevant developer to the Council at appropriate market value.



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]		
	[REDACTED]	The Council understand the issue made in this representation and has submitted comments to the review of planning to achieve a better approach to national infrastructure funding. The Council is willing to work with Homes for Scotland in making representations to the Scottish Government to that end.	No change is required.
	[REDACTED]	<u>Noted. Future iterations of the LDP Action Programme will record relevant information where it is available and relevant. This should</u>	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED].	be supplied by the relevant key agencies and stakeholders.	
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	The Council recognises that viability is an issue and have looked to reduce obligations where possible and the means of establishing the information to make that determination. Paragraph 3.12 explains how the Council will use valuation information.	No change.
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Viability is clearly a major issue. The Supplementary Guidance has been reviewed to look at ways which costs per house can be reduced.  The cumulative impact approach taken in the SG will also help to keep down costs as they are spread evenly across all the development creating the impact.	No change to the type of obligations being sought or the methodologies through which they will be gathered. The infrastructure costs have been reviewed along with the sites contributing with the aim of reducing the level of contributions where possible.

Reference, Responder	Comment	Fife Council Response	Action taken
	     		
	                    	<p>There are no local infrastructure contributions. Infrastructure required under Policy 3 of FIFEplan is a site specific requirement and not part of the obligations framework.</p> <p>Viability is clearly a major issue and we have reviewed the Supplementary Guidance to look at ways which costs per house can be kept to a minimum. However the impact of development cannot be ignored and there is a minimum level that obligations cannot go below.</p> <p>The cumulative impact approach taken in the Supplementary Guidance will also help to keep down costs as they are spread evenly across all the development creating the impact.</p>	<p>Further assessment of the cost of proposals been undertaken to help to reduce the level of obligations. This has been reflected in the overall costs per house at the different parts of the document.</p>



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED] [REDACTED]		
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Windfall has been factored in as much as it can be. By their nature we do not know where these sites will be so cannot address their true impact until they are submitted.	No change.
	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	It is accepted that this proposed charge has no statutory basis and is not an acceptable use of developer funding.	This reference has been deleted.
	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	Employment land text needs to reflect the wording of the plan more closely.	The text has been changed to refer to LDP Policy 5.



Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Any alternative funding streams would need to be agreed at a corporate level so at present there is no further clarification that can be provided.	No change to first point Add text stating that infrastructure will be phased alongside development and to coincide with when capacity issue arises.
	[REDACTED]	Delivery of infrastructure should not have an impact on site progression as one leads to the need for the other. This can be made more overt in the document	
	[REDACTED].		
	[REDACTED]	Agree but this text is already in the document.	No change required.
	[REDACTED]	This is the intention. Need to make this more explicit in the document.	Re look at wording of document and methodology to ensure that development only pays for their impacts.
	[REDACTED]	This is the intention and the document already states this in its introduction so no need for a change.	No change.

Reference, Responder	Comment	Fife Council Response	Action taken
	[REDACTED]	Agree with this comment and better to refer to the frameworks in place for each SDA.	Change text to reflect the guidance provided by the SDA frameworks.
	[REDACTED]	Agree with this statement. Need to change to reflect policy 5.	Change to reflect LDP Policy.



The Development Plan Gateway  
Planning & Architecture  
The Scottish Government  
Area 2-H South  
Victoria Quay  
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(by email to  
[developmentplans@scotland.gsi.gov.uk](mailto:developmentplans@scotland.gsi.gov.uk))

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**Economy, Planning and  
Employability Services**

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Your Ref:

Our Ref: U00/U05/Supplementary  
Guidance

Date: 21st December 2017

### **Planning Obligations Supplementary Guidance**

Further to our letter dated 19<sup>th</sup> December 2017 giving notice that Fife Council proposes to adopt and issue the enclosed Supplementary Guidance (SG) on Planning Obligations under section 22 of the Town and Country Planning (Scotland) act 1997 (as amended by the 2006 Act) ("the Act") and Regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, I now provide the supporting papers listed in that letter as being sent under separate cover.

These documents should be read alongside the Fife Council Planning Obligations Supplementary Guidance (2017):

- A document setting out what steps Fife Council took to secure adequate publicity of the adoption and issue of supplementary guidance in accordance with section 22(3) of the Act; and
- A document which sets out what representations were made to Fife Council and how these were taken account of in the preparation of the proposed supplementary guidance.

As noted in the letter of 19<sup>th</sup> December, Fife Council has also been following the legal challenge and court case Aberdeen City and Shire Strategic Development Planning Authority (Appellant) v Elsick Development Company Limited (Respondent) (Scotland), and has reviewed the content of the Supplementary Guidance for compliance with planning Circular 3/2012 *Planning Obligations and Good Neighbour Agreements*, and the adopted Fife Local Development Plan, FIFEplan.

We have re-examined our guidance in the light of this judgement and have reconfirmed the relationship between the infrastructure required to deliver the LDP strategy and the impact of new development to ensure that obligations are proportionate and related.

The Council is satisfied that the cumulative approach adopted in the Supplementary Guidance both reflects the wording of Circular 3/2012 and seeks to have development contribute towards the cost of infrastructure in an equitable manner.

Over the last few months Fife Council has been working in collaboration with Homes for Scotland to discuss issues they have raised regarding the draft Planning Obligations Supplementary Guidance. We have made efforts to address their concerns where possible and will continue to work jointly on matters that will support the delivery of the Development Plan.

Fife is keen to start using this guidance in an adopted form as part of the Development Plan to take forward the policies set out in the adopted FIFEplan, particularly as we have a number of live applications where we are seeking to apply the guidance.

Should you have any questions regarding this submission please do not hesitate to contact me.

Yours sincerely,



[Redacted],  
Service Manager - Development Plan

cc [Redacted] Senior Manager – Planning



The Development Plan Gateway  
Planning & Architecture  
The Scottish Government  
Area 2-H South  
Victoria Quay  
EDINBURGH  
EH6 6QQ

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**Economy, Planning and Employability Services**

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Your Ref:

Our Ref: U00/U05/Supplementary Guidance

Date: 19<sup>th</sup> December 2017

### **Planning Obligations Supplementary Guidance**

I am writing to give notice that Fife Council proposes to adopt and issue the enclosed Supplementary Guidance (SG) on Planning Obligations under section 22 of the Town and Country Planning (Scotland) act 1997 (as amended by the 2006 Act) ("the Act") and Regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

A copy of the Fife Council Planning Obligations Supplementary Guidance (2017) is enclosed and the following documents will follow under separate cover by 22 December 2017:

- A document setting out what steps Fife Council took to secure adequate publicity of the adoption and issue of supplementary guidance in accordance with section 22(3) of the Act;
- A document which sets out what representations were made to Fife Council and how these were taken account of in the preparation of the proposed supplementary guidance.

Fife Council has also been following the legal challenge and court case Aberdeen City and Shire Strategic Development Planning Authority (Appellant) v Elsick Development Company Limited (Respondent) (Scotland), and has reviewed the content of the Supplementary Guidance for compliance with planning Circular 3/2012 *Planning Obligations and Good Neighbour Agreements*, and the adopted Fife Local Development Plan, FIFEplan.

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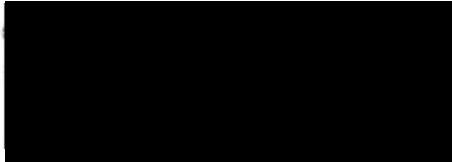
The Council is satisfied that the cumulative approach adopted in the Supplementary Guidance both reflects the wording of Circular 3/2012 and seeks to have development contribute towards the cost of infrastructure in an equitable manner.

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Fife is keen to start using this guidance in an adopted form as part of the Development Plan to take forward the policies set out in the adopted FIFEplan, particularly as we have a number of live applications where we are seeking to apply the guidance.

Should you have any questions regarding this submission please do not hesitate to contact me.

Yours sincerely,



[REDACTED]  
Senior Manager, Planning

cc [REDACTED], Service Manager - Development Plan



## Planning Obligations Framework Supplementary Guidance 2017

## **1.0 INTRODUCTION**

1.1 Fife Council's Local Development Plan, FIFEplan, sets the development strategy for Fife. Implementing FIFEplan will mean new development and, where that has an impact on existing infrastructure or requires new infrastructure, the planning policy is to require the developer to make payment for the delivery of that infrastructure, proportionate to its impact.

1.2 Scottish Planning Policy and planning circulars state that Planning Obligations can be used to address the potentially negative impact of developments on infrastructure. Fife's policy guidance is consistent with Scottish Government Circular 3/2012: *Planning Obligations and Good Neighbour Agreements*. It sets out the basis for planning obligations which will require to be met as a consequence of new development proposals. The Circular provides specific tests for planning obligations against which this guidance and subsequent planning application decisions must comply. The Circular tests ask whether planning obligations:

- are necessary to make the proposed development acceptable in planning terms (*Circular 3/2012 paragraph 15*);
- serve a planning purpose (*Circular 3/2012 paragraph 16*) 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 (*Circular 3/2012 paragraphs 17-19*);
- fairly and reasonably relate in scale and kind to the proposed development (*Circular 3/2012 paragraphs 20-23*); and
- are reasonable in all other respects (*Circular 3/2012 paragraphs 24-25*).

1.3 FIFEplan Policy 1 (Development Principles) and Policy 4 (Planning Obligations) set out the framework for assessing planning obligation requirements for developments. This will normally be secured via Local Development Plan requirements and planning obligations under Section 75 of the Town & Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

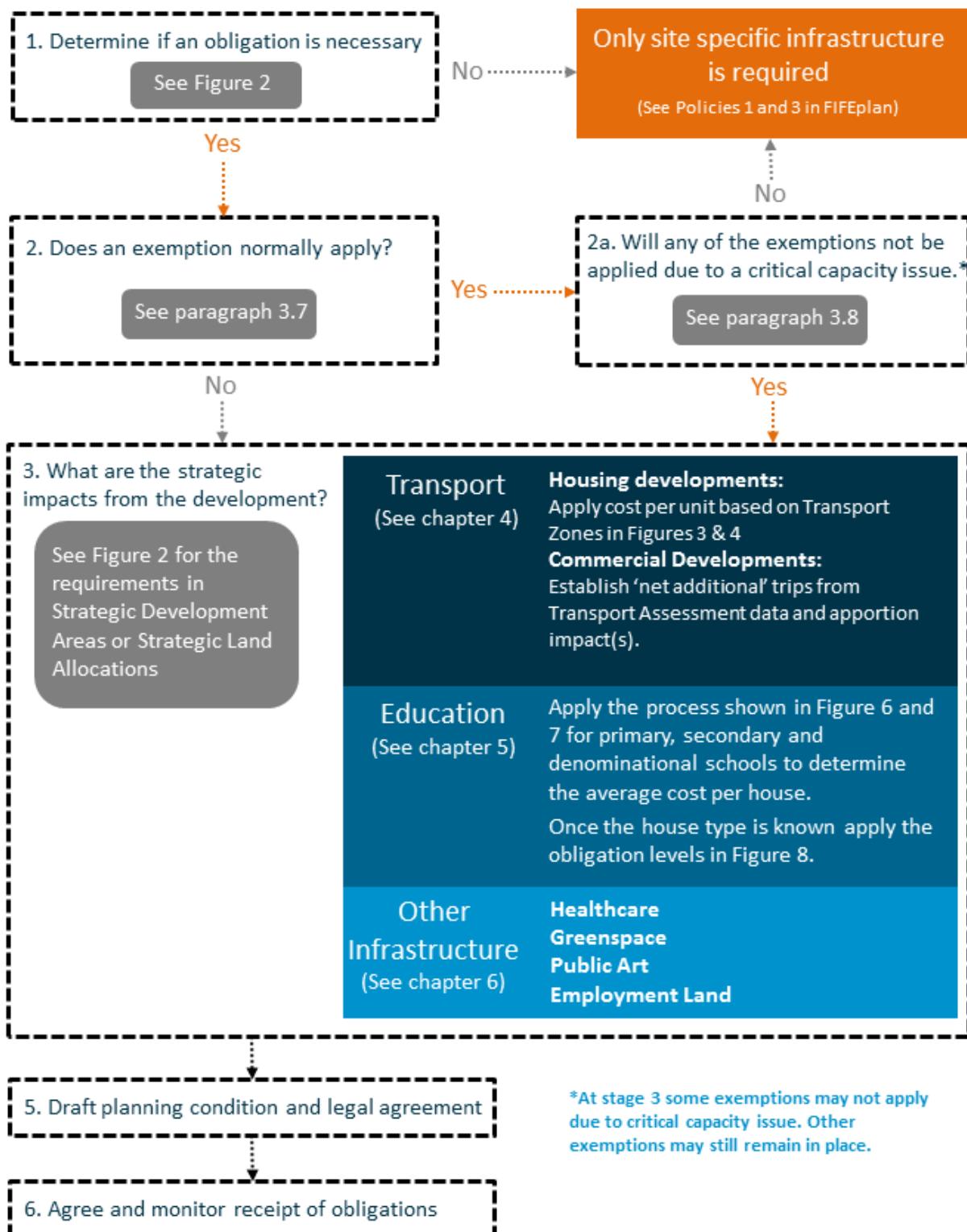
1.4 This guidance supersedes the Planning Obligations Framework Guidance (2015) and is referenced within FIFEplan Policy 3 (Infrastructure and Services) and Policy 4 (Planning Obligations). This guidance is Fife Council planning policy.

1.5 The Council recognises that any development will not proceed unless it is commercially viable and it therefore allows for some flexibility around the phasing and extent of planning obligations. The development strategy set out in FIFEplan also promotes the development of sites which may have larger abnormal costs, making them more challenging to deliver. The delivery of these sites is a key element of the success of the FIFEplan Strategy. Therefore, in some instances exemptions have been identified to encourage development on these sites. Section 4 covers the financial viability of individual development proposals and the types of development that may be seen as exempt from planning obligations.

1.6 The Council also recognises that funds received through the planning obligations process need to be clearly linked to the provision of specific pieces of infrastructure. To provide this clarity the Council has set up an Infrastructure Investment Fund in the form of a financial tracker to monitor the source of funds, the purpose for which they are gathered, and how they are spent; and in which transportation, education, greenspace, public art and employment land contributions will be kept and ring fenced for the delivery of infrastructure in related geographical areas.

1.7 Figure 1 outlines the stages of the planning obligations process which are covered in this Supplementary Guidance.

**Figure 1 Planning Obligations Process Summary**



## **2.0 SCOPE OF THE PLANNING OBLIGATIONS**

2.1 The priorities to be addressed are education provision, transport, affordable housing development, greenspace, public art, and employment land.

2.2 Affordable Housing is a key planning obligation but it is dealt with under the separate Policy 2 (Homes) in FIFEplan and in the *Affordable Housing Supplementary Guidance*. This is with the exception of development sites which are wholly for affordable housing as referenced in Section 3 of this guidance.

### **Basis of Planning Obligations**

2.3 This supplementary guidance provides further detail around Policy 4 in FIFEplan. This guidance describes when planning obligations will be sought, where exemptions may apply, and the methodologies through which planning obligations will be calculated. It also provides site specific requirements for each of Fife's nine major development sites, known as Strategic Development Areas (SDAs) and Strategic Land Allocations (SLAs). The contributions expected from developments will be applied, taking into account the cumulative impact of development. Figure 2 sets out the types of development where planning obligations will be required.

2.4 The methodologies in this guidance use the most up to date figures from the Fife Housing Land Audit. The location, size and phasing of the proposed development types mentioned in Figure 2 are used to predict future impacts on strategic infrastructure and the need for any improvements.

2.5 Where direct provision of land is identified in Figure 2, primarily for healthcare facilities or the direct provision of primary schools, this will include the transfer of land by the relevant developer to the Council at appropriate market value.

2.6 The costs identified within the Supplementary Guidance will be subject to review on an annual basis. These costs will be index linked against the Building Cost Information Service (BCIS) or similar comparable industry standards and subject to independent verification where necessary.

2.7 The costs and infrastructure solutions in this Supplementary Guidance will also be reviewed annually to reflect any significant development phasing changes in the Housing Land Audit and any changing requirements for education or transport infrastructure. These changes may impact on the level of infrastructure requirements and the timing of its delivery. The outcomes of this review will be published within the LDP Action Programme.

**Figure 2 - Development Type, SDA and SLA Planning Obligation Requirements**

Development Type or Development Location	Transport (Figure 5 lists specific interventions)	Education - Primary and nursery	Education - Secondary	Education - Denominational schools	Greenspace	Public Art	Employment Land	Healthcare Facilities
<b>Residential (10-49 Units)</b>	C	C	C	C	P	P	Contribute in line with Policy 1 and 5 of FIFEplan.	
<b>Residential (50 Units and above) (Non SDA or SLA)</b>	C	C	C	C	P	P		The need to identify land for relevant infrastructure will be addressed through the masterplanning process.
<b>Retail (2,500 gross sqm or more) and Use Class 1</b>	C				P	P		
<b>Commercial Leisure and Class 11</b>	C				P	P		
<b>Hotel and Leisure</b>	C				P	P		
<b>Dunfermline North/West/South West SLA (Wellwood, Broomhall and Berrylaw)</b>	C – Contributes towards interventions in the Dunfermline and West area.  P – Wellwood agreed. Broomhall 2 new primary schools and nursery. C- Berrylaw, contributions to local school infrastructure. .	P – Wellwood agreed. Broomhall 2 new primary schools and nursery. C- Berrylaw, contributions to local school infrastructure. .	C – New Secondary School. Dunfermline-- wide approach.	C	P	P	P	The need to identify land for relevant infrastructure will be addressed through the masterplanning process.

Development Type or Development Location	Transport (Figure 5 lists specific interventions)	Education - Primary and nursery	Education - Secondary	Education - Denominational schools	Greenspace	Public Art	Employment Land	Healthcare Facilities
<b>North Dunfermline SDA</b>	C – Contributes towards interventions in the Dunfermline and West area.	P (x2) – New primary school and nursery at Swallowdrum and Halbeath.	C – New Secondary School. Dunfermline wide approach.	C	P	P	P	The need to identify land for relevant infrastructure will be addressed through the masterplanning process.
<b>Lochgelly SLA</b>	C – Contributes towards interventions in the Dunfermline and West area.	P – Primary provision and nursery provision.	C – Additional secondary school capacity contribution.	C	P	P	P	The need to identify land for relevant infrastructure will be addressed through the masterplanning process.
<b>Ore/Upper Leven Valley (Glencraig, Kelty, Cardenden, Kinglassie, Lumpinnans, Thornton) SDA</b>	C – Contributes towards interventions Kirkcaldy and Glenrothes Area or Dunfermline and West area, depending on location of site.	P/C – New primary and nursery to be provided in Kelty and Thornton. Elsewhere contributions to education capacity by catchment/s.	C – Additional secondary school capacity contribution.	C	P	P	P	The need to identify land for relevant infrastructure will be addressed through the masterplanning process. .
<b>Kirkcaldy East SLA</b>	C – Contributions towards interventions in the Kirkcaldy and Glenrothes Area	P (x2) – New primary schools at Kingslaw and Boreland including nursery provision.	C – Additional secondary school capacity contribution. Town wide approach.	C	P	P	P	The need to identify land for relevant infrastructure will be addressed through the masterplanning process. .

<b>Development Type or Development Location</b>	<b>Transport (Figure 5 lists specific interventions)</b>	<b>Education - Primary and nursery</b>	<b>Education - Secondary</b>	<b>Education - Denominational schools</b>	<b>Greenspace</b>	<b>Public Art</b>	<b>Employment Land</b>	<b>Healthcare Facilities</b>
<b>Kirkcaldy South West SLA</b>	C – Contributions towards interventions in the Kirkcaldy and Glenrothes Area	P – Primary school and nursery provision.	C – Additional secondary school capacity contribution. Town wide approach.	C	P	P		The need to identify land for relevant infrastructure will be addressed through the masterplanning process..
<b>Levenmouth SLA</b>	C – Contributions towards interventions in the Kirkcaldy and Glenrothes Area	P – Primary School and nursery Provision.	C – Additional secondary school capacity contribution.	C	P	P		The need to identify land for relevant infrastructure will be addressed through the masterplanning process..
<b>Cupar North SDA</b>	The Cupar North Consortium will be largely responsible for the funding and construction of the relief road including junctions with the A91. The remainder of the SDA at Gilliesfaulds will also contribute equitably to the delivery of the relief road. Contributions may also be gathered from other contributing development proposals within or adjacent to the town boundary of Cupar to fund transport improvements in or around Cupar.	P – Primary School and nursery provision	C – Additional secondary school capacity contribution.	C	P	P	P	The need to identify land for relevant infrastructure will be addressed through the masterplanning process..

<b>Development Type or Development Location</b>	<b>Transport (Figure 5 lists specific interventions)</b>	<b>Education - Primary and nursery</b>	<b>Education - Secondary</b>	<b>Education - Denominational schools</b>	<b>Greenspace</b>	<b>Public Art</b>	<b>Employment Land</b>	<b>Healthcare Facilities</b>
<b>St. Andrews SDA</b>	St Andrews Link Road to be funded by the SDA. Contributions may also be gathered from other contributing development proposals within or adjacent to the town boundary of St Andrews to fund transport improvements in or around St Andrews.	P – Primary School and nursery provision.	C – Additional secondary school capacity contribution.	C	P	P	P	

P - Denotes requirement for infrastructure to be built by developer, including provision of land to be transferred to the Council at appropriate market value.

C - Denotes a financial contribution to infrastructure to be provided by developer and held by Fife Council in the Infrastructure Fund.

### **3.0 APPLYING THE GUIDANCE**

3.1 In some instances, planning contributions will be in the form of infrastructure provided directly by a developer e.g. the provision of a primary school as part of an SDA or SLA. Direct provision will be factored into the overall contributions that a site will make and where appropriate, this may offset their requirement to make payments into the Infrastructure Investment Fund. Where direct provision of infrastructure is required, bonds or other legal security will also be agreed to safeguard the Council from risk.

3.2 In most instances a developer will not be required to provide a piece of strategic infrastructure directly but will contribute in line with Figure 1 of this Supplementary Guidance. Where this latter approach is taken, situations will arise when the strategic infrastructure is required before all the contributions have been gathered by the Council. In these instances alternative funding options may be investigated. Contributions will continue to be sought from developers to meet the improved infrastructure capacity after the infrastructure has been built. This cumulative approach is in line with the requirements of Circular 3/2012, paragraphs 17-19.

3.3 Developer contributions will be calculated on the basis of whole sites identified in the Local Development Plan. Applications for parts of allocated sites will pay a proportion of the total site contributions. This guidance will not be applied retrospectively to sites which have full planning permission or planning permission in principle, provided that the permission remains capable of being implemented. New planning applications, for similar developments on these sites (including applications for renewal of planning permissions), will be subject to the provisions of this guidance and to Local Development Plan policies.

3.4 Over the lifetime of FIFEplan, developers/landowners are likely to seek planning permission for sites not allocated in the FIFEplan; such sites are known as windfall sites. Sites allocated in FIFEplan may also come forward but were not predicted to do so in the current Housing Land Audit: non-effective sites. The impact of these sites will not have been considered in any capacity assessments which determine the need for improved or additional infrastructure (this is with the exception of non-effective sites when calculating transport obligations and a proportion of SDA/SLA non effective sites when considering education obligations). Non-exempt windfall or non-effective sites for fewer than 50 housing units will be required to provide transport obligations at the level set out in this document for the zone or catchment within which they fall. For Education obligations an additional assessment of impact may required but for sites of fewer than 50 units, where a feasibility study has been undertaken, they will be asked to contribute at the level already identified in the catchment. For sites of 50 or more housing units, a further assessment of education infrastructure impact will be undertaken by the Council to ensure the new infrastructure required remains sufficient. This assessment will follow the processes set out in section 5 of this Guidance. Refer also to paragraph 5.11 for non-effective sites and windfall sites. Transport obligations relating to non-effective sites will be as set out in Figure 3 and 4, as they have already been factored into the LDP modelling on which this Supplementary Guidance is based.

## **Unilateral Undertakings**

3.5 Section 76 (1) (b) of the Town and Country Planning Act (Scotland) 2006, as amended, allows developers to enter into unilateral agreements to make an appropriate contribution in relation to the impact of their proposals. Where a unilateral undertaking is in place, unless it makes provision for all the infrastructure impacts of the proposed development, the need for any additional contributions to meet the requirements set out in this guidance will be secured through a planning obligation.

## **Providing advice on Planning Obligations**

3.6 Fife Council will work with developers and investors to wherever possible make appropriate development happen and realise the strategy of FIFEplan. The Council will provide guidance on the levels of contributions required for a development proposal through the pre-application process. This will include a justified position on whether the site is exempt or whether exemptions have been waived. The Council will also provide a general indication of the planning obligations figure at the pre-application stage. This figure may vary by the application stage, either through revisions to the development proposed or changing infrastructure requirements.

## **Exemptions**

3.7 FIFEplan Policy 4 sets out exemptions to the requirement for planning contributions. These exemptions apply to a range of different types of sites and types of development. The exemptions support wider Fife Council objectives by encouraging the regeneration and the reuse of existing property, directing development to brownfield sites, encouraging the removal of contamination, re-use of listed buildings, affordable housing sites and specialist housing to meet the needs of students and residents. Planning contributions will not be sought for:

- The conversion or renovation of an existing building if it is considered to be important to the character of the area, particularly listed buildings;
- The re-use of derelict land or buildings, brownfield (previously developed land) within a defined settlement (excluding sites currently occupied by operational employment uses, former mine workings and naturalised previously developed land);<sup>1</sup>
- Rehabilitation of contaminated land (excluding mine workings) within a defined settlement. This is land covered by or containing any substance which is:
  - causing or is presenting a significant possibility of causing harm; or
  - likely to be causing pollution of controlled waters;
- Special needs housing including sheltered housing inclusive of bespoke design and management features;
- Residential development of fewer than 10 houses, or retail proposals of less than 2,500 square metres gross floor area;
- Student housing;
- Town centre redevelopment (as defined in FIFEplan);
- Affordable housing (in line with Fife Council's definition); and,

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<sup>1</sup> Where a site is part brownfield and part greenfield, obligations will be sought for the greenfield element of the site only. It is the responsibility of the applicant to provide evidence for the characteristics of the proposed site(s).

- Employment uses class 4, 5, or 6.

3.8 Where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required. Critical capacity is defined as where there is an expected shortage of school places within two years from the date of the education assessment, due to the cumulative impact of development within the relevant school catchment.

In these instances, where critical capacity is an issue, the Council may have to refuse an application unless the capacity issue can be addressed through the provision of planning obligations in line with the methodologies included in this Supplementary Guidance.

3.9 Where the Council requires contributions for a development proposal, which would normally be exempt under paragraph 3.7, it will provide clear evidence early in the application process on the critical capacity issues that require the removal of the exemption and the contributions that will be sought from the development. If an exemption from planning obligations is not to be applied for one type of infrastructure it may still remain in force for other contributions. For example, on a site that would normally be exempt, a critical primary education capacity issue may require the Council to require contributions towards primary school infrastructure but the site may remain exempt from other contributions such as transportation and secondary school contributions. Sites which are solely for affordable housing are normally exempt from developer contributions. Where these sites contribute towards a cumulative school capacity issue they may be refused permission unless this impact can be mitigated by financial contributions in line with the methodologies in this Supplementary Guidance.

### **Calculating contributions on partially exempt sites**

3.10 Where a site has a partial exemption – that is, it is part affordable housing or previously developed land – then the full scale of the development is used to decide whether contributions are necessary. The non-exempt units or floorspace would only be used to calculate the level of contributions and not to determine whether the whole site is exempt. This means that if the level of non-exempt units or floor space is reduced to a level below the exemption threshold, the whole site would not be exempt from making a contribution.

3.11 For example, where a development of 30 units is proposed on partly brownfield land which with affordable housing would result in there only being 8 non-exempt units, the development would be expected to provide a contribution for these 8 units even although the resultant number of contributing units is below the level for contribution as a stand alone site.

### **Viability**

3.12 On other non-exempt sites, developers may consider that the economics of the development and requirements for planning obligations will be greater than a development is able to bear and look to alter the levels of planning obligations. Any assessment in this respect must be supported by a development appraisal which Fife Council, normally via the District Valuer, or another independent chartered valuation surveyor agreed by the Council, will verify. This appraisal requires to be funded by the developer/applicant. The Council will also require documentary evidence necessitating

“open-book accounting” to show the viability of a proposal will be curtailed by the requirement for planning obligations. Paragraph 5.42 sets out how development can be managed when education requirements make a development unviable.

3.13 If a development appraisal shows that a site is not viable the Council may elect to review developer obligations and consider a degree of ‘prioritisation’. However, in the event of a development being assessed as unviable the Council will consider all the options which will include refusal of the application due to its inability to fund the required levels of infrastructure.

## **Governance**

3.14 Fife Council will hold financial contributions for all planning obligations within an Infrastructure Investment Fund. The contributions in the Fund will be monitored to record the source of funds, the purpose for which they are gathered, and how they are spent. The context for the fund is set out in FIFEplan Policy 4. Obligation payments held in the Infrastructure Investment Fund will be ring-fenced for the purpose that they were originally intended in compliance with Circular 3/2012.

### Managing transport obligations

3.15 In the case of transport obligations they will be kept in one of four separate sections of the Infrastructure Investment Fund. One section will hold funds for the delivery of transport infrastructure in the Dunfermline area and one will hold funds for transport infrastructure in the Kirkcaldy area. The other two transport related sections of the Infrastructure Investment Fund will hold contributions from developments in St Andrews and in Cupar, to assist with the delivery of transport infrastructure in these towns. Figure 4 shows the Dunfermline and Kirkcaldy zones within which transport obligations will be sought.

### Managing education obligations

3.16 Contributions towards primary school infrastructure will be gathered and held in sections of the Infrastructure Investment Fund.

3.17 For secondary school infrastructure, planning contributions from a development will normally be allocated to a project which provides additional capacity to the secondary school catchment in which the development is located. In situations where there is a wider secondary school capacity shortfall, secondary school contributions will be gathered on a town or area wide (i.e. a multi-catchment) approach. The multi-catchment approach will apply in Dunfermline and Kirkcaldy but, where necessary, the Council may elect to apply this approach in other areas.

3.18 The Head of Economy, Planning and Employability Services will manage the Infrastructure Investment Fund which will be held by The Head of Finance. Funds will be released when the relevant Council services or national agencies require to draw down funds.

## **Repayment of contributions**

3.19 In some instances the need or level of a contribution may change over time. This may be for a number of reasons including the cost of the infrastructure changing,

the level of contributing development altering or the infrastructure, for which the obligations were originally gathered, no longer being required.

3.20 In these instances the Council may recalculate the level of obligations and apply or refund any difference to the per house contribution. It will also be the responsibility of the Council to use the obligations for their intended purpose and within the timescale set by any related legal agreements. If the Council does not use the contributions within the specified timescales then the obligations will be returned to those who made the contribution.

## **4.0 IMPACT ON TRANSPORT**

4.1 As part of the Local Development Plan process Fife Council undertook an assessment of the traffic impacts of the new development proposed in the Local Development Plan. The focus of these studies was the cumulative impact on the strategic trunk road network. The local impacts of individual sites will be addressed through Policy 3 of FIFEplan and site specific transport assessments.

4.2 The proposed housing sites required to be assessed in terms of transportation impacts to determine the impact on the road network of the development proposed within the LDP. In particular, assessment was required to determine whether the additional development proposed within the LDP could be accommodated by existing infrastructure and that already proposed within the three Fife Local Plans and carried forward into FIFEplan.

4.3 Therefore, before the final decision on the suitability of additional housing sites, a supporting transport appraisal of the additional land allocations was undertaken. Two scenarios were considered through the transport assessment:

- A 'Committed Case', which represents existing allocations in the Adopted Local Plans.
- A Local Development Plan 'Test Case' which includes the committed case plus net change to the existing development plan sites, new proposals and housing opportunity sites.

4.4 The assessment built on the previous studies carried out alongside the Fife Structure Plan and Local Plans which had identified the transport interventions required to address the impact of the Structure and Local Plan allocations. Each assessment is applied to defined zones around Dunfermline, Kirkcaldy, and Glenrothes.

4.5 The use of this methodology allowed an understanding of new impacts on the trunk road network and a relationship to be identified between additional development and the requirement for new infrastructure. For the purpose of this work the modelling of all employment, retail, leisure and other non-residential land-uses remain as per the previous SDP (SG) modelled scenario.

4.6 This methodology identified or confirmed a requirement for various strategic transportation improvements. These are included within Figure 5 of this guidance and the FIFEplan Proposals Map and are key requirements for the successful delivery of the FIFEplan strategy.

4.7 This Planning Obligations Supplementary Guidance then considers the spatial relationship between contributing proposed development types and the identified strategic transport interventions. The greater the distance a development site is from an identified strategic infrastructure improvement, the less it pays. This is a result of the dissipation of traffic throughout the road network and the resultant decrease in impact at any given junction, including those on the strategic network where improvements are required. The methodology considers:

- a) The number of houses within a proposed development;
- b) The individual and cumulative impact of proposed developments on the strategic road network;
- c) Existing traffic impacts on identified interventions;
- d) The proximity of the development to strategic transport interventions identified as being required to deliver the FIFEplan strategy (Figure 5); and,
- e) The cost of strategic transport interventions (Figure 5).

4.8 The approach ensures that this guidance requires proposed development to make an equitable and reasonable contribution to strategic transport improvements with costs apportioned relative to the location of development and probable additional impact on strategic infrastructure. Local measures will be identified in site specific Transport Assessments prepared by site promoters.

4.9 For this guidance, Figure 3 indicates obligation costs per house for contributing development within the defined zones of Dunfermline, Kirkcaldy, and Glenrothes. Figure 4 illustrates the defined zones and highlights the location of proposed housing allocations against the location of necessary strategic transport interventions stated in Figure 5. This methodology is the same as that presented in the 2015 Planning Obligations Supplementary Planning Guidance.

4.10 The identification of core, intermediate and outer zones is predicated on the ‘gravity model’ approach which identified the impact of proposed housing allocations on the strategic road network against the impact of how close a site or site/s are to identified strategic transport interventions.

4.11 The zones illustrated are based on the dispersion of traffic from a given development proposal and its cumulative impact on different parts of the nearby strategic network. The costs within a zone and the relative impact of new development on infrastructure, whilst considering existing traffic data, provide a framework for calculating and applying equitable obligation requirements within each geographic area.

4.12 Sites within the outer zone will contribute the lowest obligation level as traffic from sites in these locations will be more dispersed and will have a reduced impact on strategic transport infrastructure. Those sites falling across multiple zones will be required to pay both zone costs because it is expected that traffic impacts from new development will impact on each zone. Proposed sites outwith, but adjoining, core zones (reflecting FIFEplan settlement boundaries identified in Figure 4), will pay the core cost figure set out in Figure 3.

### **Transport impacts of retail and commercial uses**

4.13 Assessments of traffic impacts must also include non-housing uses such as retail or commercial leisure development as these uses are often major generators of traffic movements. This supplementary guidance therefore seeks a contribution relative to the type of the development proposed, as shown in Figure 2. Contributions from non-housing uses will be calculated using the following formula.

$$\text{Contribution required (£)} = X/(X + Y) \times Z$$

Where:

X = weekday PM trips from proposed development

Y = weekday PM trips from FIFEplan Land Allocations (Dunfermline = 5,177; Kirkcaldy & Glenrothes = 3,277)

Z = cost of transportation intervention measures as referenced in this Supplementary Guidance.

\*£13,000,000 of these costs will be funded directly by the Kingslaw part of the Kirkcaldy East SDA.

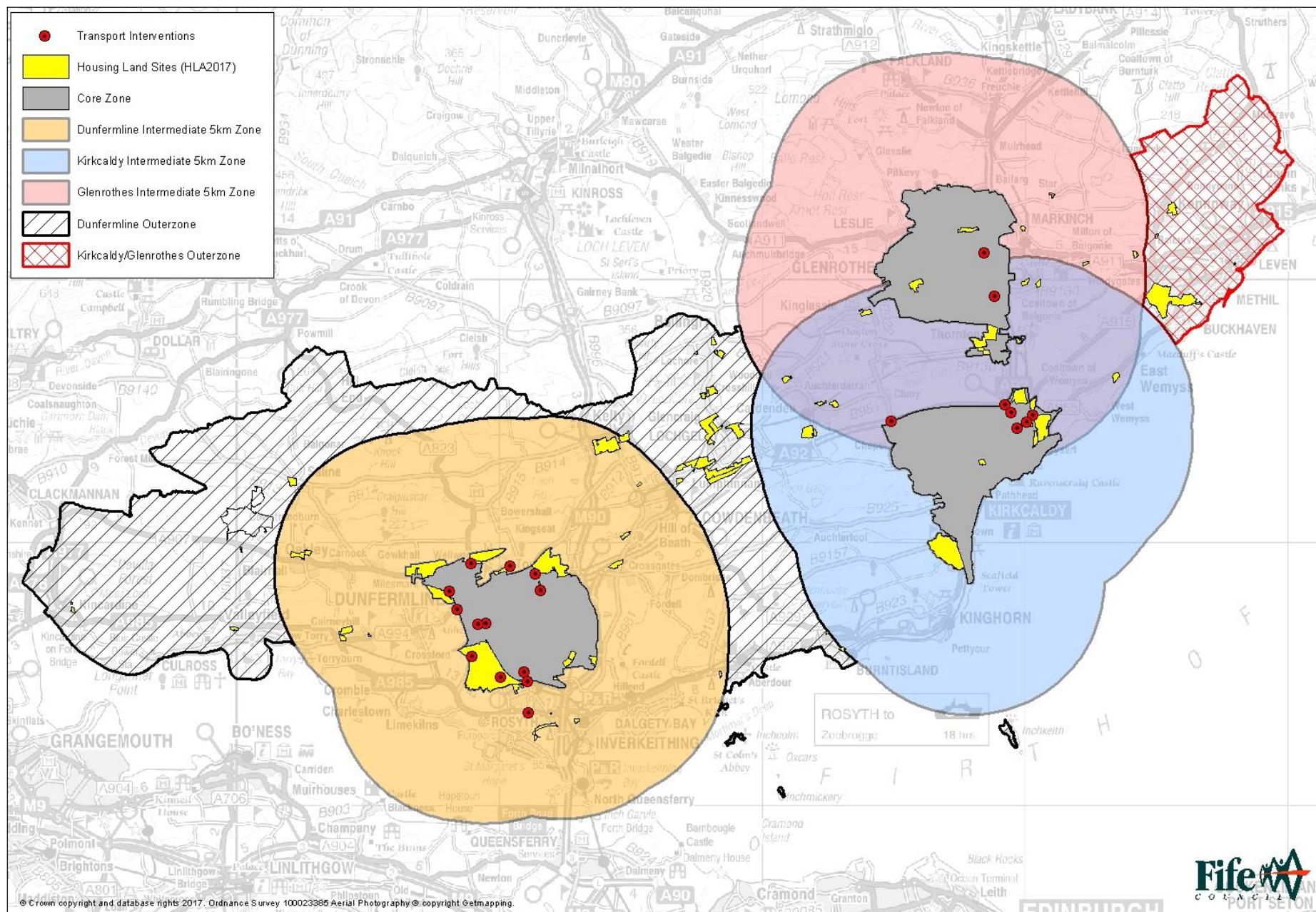
4.14 This approach ensures that strategic growth set out within FIFEplan is provided for and that smaller allocations for housing and other uses are accommodated in a proportionate manner.

**Figure 3 - Strategic Transport Zone Estimated Cost**

Notional Location	Intervention Zone	Cost Per dwelling
Dunfermline	Core	£5,332
Dunfermline	Intermediate 5km	£2,428
Glenrothes & Thornton	Core	£1,302
Glenrothes	Intermediate 5km	£288*
Kirkcaldy	Core	£4,695
Kirkcaldy	Intermediate 5km	£1,441*
Dunfermline	Outer Zone	£456
Kirkcaldy/Glenrothes	Outer Zone	£316

\*Sites located within these intermediate zones will be required to pay both zone costs to reflect the inter-relationship of likely traffic impacts across each zone. (Costs stated are subject to verification in costed Transport Assessments. Updates have been applied from 2009 base up to 2017 against Building Cost Information Service (BCIS). Further updates at time of assessment will be necessary in line with BCIS or comparable industry standards)

**Figure 4 - Strategic Transport Zones**



### Cupar – Relief Road

4.15 Figure 2 includes the planning obligations associated with the Cupar North Strategic Development Area. FIFEplan states that the Cupar North Consortium will be largely responsible for the funding and construction of the associated relief road including junctions with the A91. The remainder of the SDA at Gillesfaulds will also contribute equitably to the delivery of the relief road. Contributions may also be gathered from other contributing development proposals within or adjacent to the town boundaries of Cupar to fund transport improvements in or around Cupar.

### St Andrews – Link Road

4.16 Figure 2 includes details of the developer contributions associated with the St Andrews West Strategic Development Area. The SDA will deliver a road link between the A91 and Craigton Road to minimise the impact of development on the town centre and improve travel around the town. Contributions may also be gathered from other contributing development proposals within or adjacent to the St Andrews town boundary to fund transport improvements in or around St Andrews.

## **Transport Assessments**

4.17 Transport Assessments have to date been completed for the SDAs at West/North West Dunfermline, Lochgelly, Cupar, Kirkcaldy East and Kirkcaldy South West, allowing updates to be made to the strategic transport interventions sought within this guidance. Transport assessment work undertaken for other development schemes should otherwise and likewise take account of all current transport policy, and should include:

- a) Consideration of new government and local targets for carbon reduction and transport modal split<sup>2</sup>;
- b) A no net detriment<sup>3</sup> assessment of development traffic, which will look to mitigate the adverse effects of development traffic only (i.e. without a need to allow for underlying traffic growth);
- c) Consideration of the potential effects of land uses other than housing development. (e.g. retail and leisure development); and
- d) Local rail infrastructure requirements including a commitment to consult Network Rail where development may impact on the rail network.

4.18 Proposed sustainable transport measures to promote the use of public transport, including improved walking and cycling routes to railway stations, will be expected to be included with planning applications and their supporting Transport Assessments. These measures will be directly funded by developers.

4.19 Planning obligations may be sought for rail infrastructure. Where a Transport Assessment is submitted in support of a planning application this should consider how the proposal can make best use of the nearby rail network and assist with the delivery of improvements, including changes to level crossings; station car park improvements; enhanced access through improved path networks and station capacity, such as the

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<sup>2</sup> “Modal split” is the number of trips or percentage of travellers using a particular type of transportation.

<sup>3</sup> No net detriment is based on the relative percentage of development traffic versus background traffic at identified locations calculated against a base year and the projected year of opening.

precise requirements of each application will be identified through the transport assessment process. Any contributions made by a site towards rail infrastructure may be offset against the overall strategic transport contributions for the site identified through the methodology in Figure 4.

**Figure 5 - Strategic Transport Interventions**

Notional Location	Intervention Zone	Detailed Intervention	Anticipated Total Cost (2017) <sup>4</sup>
Kirkcaldy	Redhouse Roundabout Improvements <sup>5</sup>	Redhouse Roundabout	£10.6 M
		Gallatown Roundabout	£1.4 M
		Mitchelston Roundabout	£5.9 M
		Standing Stane Link Road	£7.1 M
		Randolph Road Improvements	£0.8 M
	Chapel Interchange and Oriel Road/Forth Street/Abbotshall Road	Chapel Interchange Signalisation	£0.7 M
		Abbotshall Road/Nicol Street, Abbotshall Road/Forth Avenue, Forth Avenue Oriel Road Junctions	£1M
	Bankhead Roundabout	Bankhead Roundabout signalisation	£1.3 M
	North Glenrothes (Preston Roundabout junctions)	Preston Roundabout signalisation	£1.3M
	Dunfermline	Northern Link Road	£14.3M
		Improvement of Halbeath Road / Whitefield Road Junction	£1.4M
		Bothwell Gardens Roundabout	£0.5M
		Pitreavie Roundabout	£0.9M
		Kings Road/Admiralty Road Roundabout	£1.4M
		Western Distributor Road	£1.2M
		Grange Drive link road, Rumblingwell / William St Junction, William St. / Pittencrieff St Junction, Coal Road / Lovers Loan, Grange Drive / Queensferry Road roundabout	£17M

<sup>4</sup> The costs in this table will be updated regularly and may reduce through direct provision of infrastructure by development at Kirkcaldy East or the impact of infrastructure delivery programmes such as the City Deal.

<sup>5</sup> Costs stated are subject to verification in costed Transport Assessments. Updates have been applied from 2009 base up to 2017 against Building Cost Information Service (BCIS) civil engineering forecasts. Further updates at time of assessment will be necessary in line with BCIS or comparable industry standards.

## **5.0 IMPACT ON EDUCATION**

5.1 New residential development across Fife will have an impact on the school estate. Certain types of development (See Figure 1) will be required to provide education contributions, where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of new development. Funding improvements to the condition of the existing school estate will be the responsibility of Fife Council and not the development community. Where obligations are necessary, to mitigate the impacts of development, this will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers.

### **Educational Estate Assessments**

5.2 Each year Fife Council will undertake an Education Estate Assessment. Educational Estate Assessments are prepared against the backdrop of a Fife Council School Estate Strategy which examines the location of school age communities, the impact of new housing developments and the requirements of schools to meet changing legislative, curricular and community demands. Education Estate Assessments have two main stages. One which models the expected future school rolls based on natural change in the population and the other which assesses the expected impact of new development on school rolls. The information used in the latter part of this process is provided by the latest published Fife Housing Land Audit.

5.3 The purpose of the Educational Estate Assessment is to provide detail on schools and catchment areas across Fife ensuring that, as development proposals are assessed by the Planning Authority, the best available information on school requirements, capacity and costs is made available.

5.4 Education Estate Assessment work is undertaken to appraise the future educational needs across Fife. Firstly this work considers the expected natural change to the school roll against the capacity of the existing school estate. This takes into account information such as school roll projections (pupil census data), minimum classroom numbers required, migration estimates and projected birth rates. Evolving legislation and policy in education (e.g. maximum pupil numbers per class, additional provision for children under 3 years of age, reduced class sizes) as well as changing demographic assumptions from the National Records of Scotland will continue to be monitored in order to assess the impacts on existing school capacity.

5.5 Deficiencies in the school estate identified at this stage of the assessment process, in terms of capacity or school condition, are the responsibility of Fife Council and new development will not be asked to contribute to these requirements.

5.6 The second part of the Education Estate Assessment identifies the impact of new housing development and whether there is a subsequent need to increase capacity in the school estate.

5.7 Using the outputs from the first stage in the Education Estate Assessment as a baseline the projected pupil numbers from new development are added to the school rolls. The phasing of this new housing development is provided by the Housing Land

Audit. This is an annual audit undertaken by Fife Council, in conjunction with the house building industry, which sets out expected phasing of housing sites over the next 10 years. The Housing Land Audit provides the numbers of houses expected to be built each year for each effective housing site and the Education Estate Assessment converts these figures into expected additional pupil numbers. This is based on assumptions on how many pupils each house will generate. Added to this is an assumption that 50% of non effective SDA/SLA sites will also come forward. An estimated pupil product of 0.35 pupils per house for primary school pupils and 0.22 pupils per house for secondary school pupils is used. It should be noted that any changes to the phasing of sites or applications being submitted for non-effective or windfall sites will change the impact on the education estate, see 5.11 below.

5.8 The pupil product assumptions and methodologies for the Education Estate Assessment have been reviewed and scrutinised in the last few years within the Council and found to be sound. They have also been reported and accepted by Fife Council Committees as an appropriate method of measuring future impacts of development on Fife's school estate.

5.9 The outcome of the Education Estate Assessment is an understanding of where school capacity is expected to be breached and whether the responsibility lies with the Council or the development industry to address the capacity deficiency. In some instances the responsibility will fall to both of these parties. Planning obligations will only be sought where it has been predicted, through the Education Estate Assessment, that a school will not have enough teaching areas to accommodate the number of pupils expected to require a place at the school. As a result, all planning obligations received will only be used to provide the required additional infrastructure (teaching areas and any required associated areas such as additional toilets or general purpose areas). Planning obligations will not be used to rectify existing deficiencies in the school estate.

5.10 Primary school classes are organised using class size maxima i.e. P1- 25, P2- 30, P3-30, P4-33, P5- 33, P6- 33, P7- 33, composite classes- 25. Therefore, roll projections are calculated based on the required number of classes, in comparison to the number of class areas available. The requirement for additional capacity triggers when the required number of classes is greater than the number of class areas available, irrespective of the occupancy level.

### **Windfall, non-Effective Sites and changes to site capacity**

5.11 Where a development is proposed on a site which is not predicted to come forward (non-effective site) or is not in the Local Development Plan (windfall site) it will contribute in line with the methodology set out in paragraph 3.4. If a development is proposed in a catchment where there are no effective sites an Education Estate Assessment will require to be undertaken by Fife Council to determine whether the development will create a capacity issue. Non effective sites are not factored into the Education Estate Assessments, which only consider the impact of effective sites.

5.12 Equally, there will be a need to review the Education Estate Assessment if the number of effective sites, number of expected completions or house completion rates in a given catchment are not generally in line with that published in the Housing Land Audit. If, for example, the Education Estate Assessment was based on 2 sites

completing 10 units per year for 15 years (300 units total), there is likely to be a different assessment output if one site comes forward aiming to complete 60 units per year for 5 years, even though the output is still 300 units.

5.13 The Education Estate Assessment will look at Education provision over a 20 to 30 year period to reflect the long delivery timescales associated with some of the major SDA and SLA sites.

### **Education Provision in Strategic Development Areas and Strategic Land Allocations**

5.14 The majority of Fife's Strategic Development Areas and Strategic Land Allocations are large scale development sites which require to be supported by new infrastructure. FIFEplan sets out the education infrastructure requirements for each (see Figure 1), with the direct provision of one or more primary schools often being the agreed position. When assessing the education impact within SDAs and SLAs Fife Council is prepared to explore and consider with developers how any additional education capacity can be met and will consider the use of existing school capacity as part of the permanent solution, where appropriate and where the capacity is not required to meet Council need. Permanent improvements to existing school infrastructure may be funded by a developer to assist with the transition arrangements before a new school can be delivered. The cost of this infrastructure may be off-set against the overall school obligation required from the same developer.

5.15 For Strategic Land Allocation or Strategic Development Areas where direct primary school provision has not been identified – Ore and Upper Leven Valley, and Dunfermline North (excluding Halbeath and Swallowdrum) – the education contributions for primary, secondary and nursery provision will be determined based on methodology set out in Figure 6.

5.16 For each of the SDAs/SLAs the annual Education Estate Assessment will maintain an up to date position on the predicted impact of the development, as set out in that year's housing land audit. This will include the required timescales for the delivery of the school infrastructure and the required specification. This would apply to changes in legislation or where available capacity may be required to support a Fife Council Education Service priority e.g. increase in nursery provision. The latest information must be taken into account as in the case of other standards which change over time e.g. building or environmental standards

5.17 . Whilst an impact assessment may result in an identified solution at a point in time, circumstances may change resulting in a change to the infrastructure required; however, once an agreement has been reached, there is no expectation that a revised solution will apply retrospectively.

5.18 In the case of non SDA/SLA housing, an Education Estate Assessment will be undertaken to determine the impact of the proposed development. In the majority of these cases it is envisaged that the impact will not be sufficient to require an entirely new education facility. Therefore, in these situations, an assessment of impact will be undertaken and the development will be required to fund a solution to address education capacity. This solution could be in the form of new build, extension, or remodelling

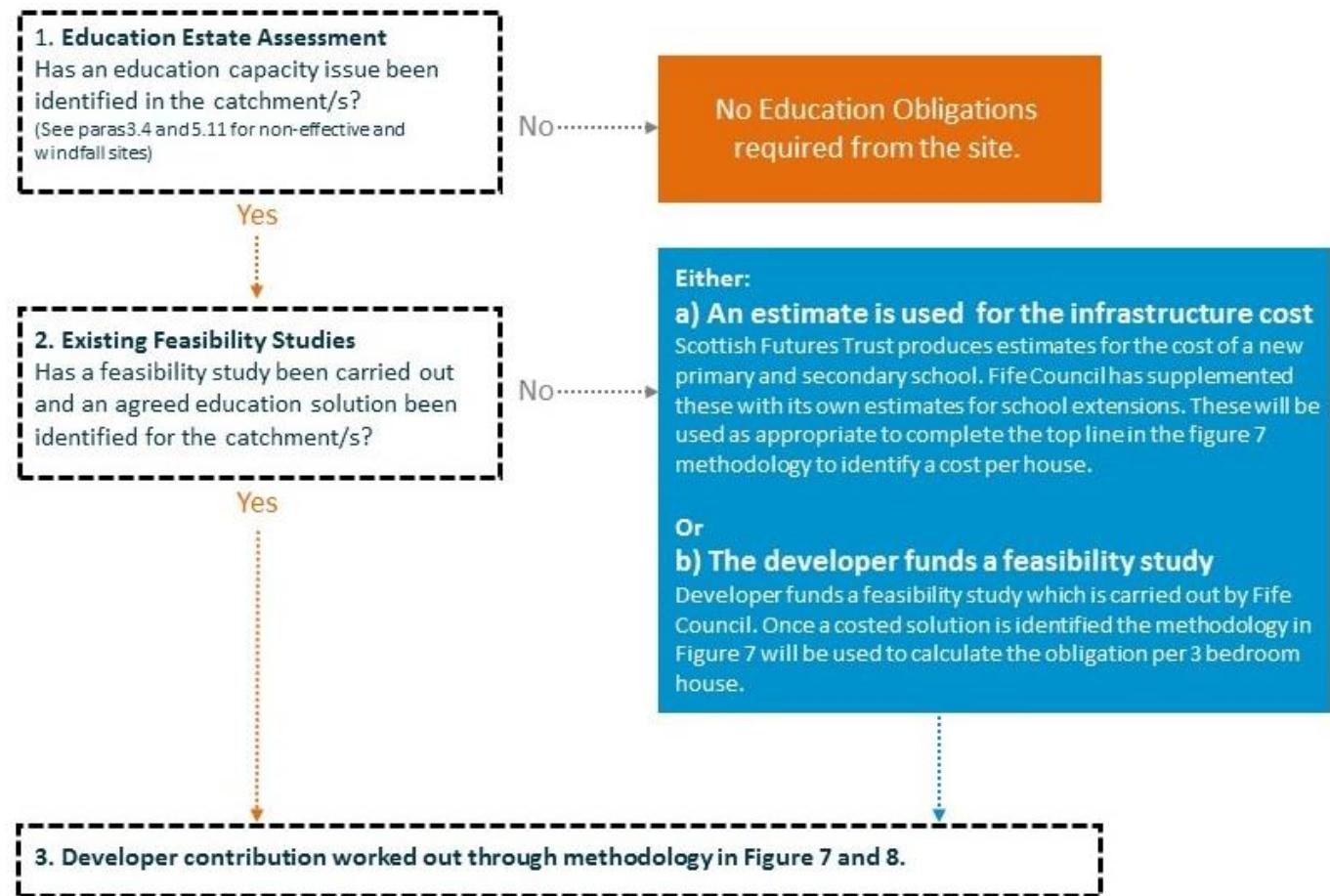
5.19 Education Estate Assessments will review all proposed non-strategic effective housing within the area so that the cumulative impact can be established. Existing capacity may be considered, along with any forthcoming potential pressures on the capacity, to try to form a solution. Where possible, this solution will be sought within the catchment nursery, primary or secondary facility; if, however, this is not possible (for example, if the site is not large enough to accommodate an extension), neighbouring schools or facilities may be reviewed to establish if they can be adapted or extended to provide the necessary additional capacity. In these cases it may be necessary to review catchment areas to align the population concentration to the available capacity. Any proposed changes to catchment areas are subject to the Schools (Consultation) (Scotland) Act 2010 and Children & Young People Act 2014.

### **Education Obligations Methodology**

5.20 Figure 6 outlines the three options, outwith Strategic Development Areas or Strategic Land Allocations, which will be used to work out the level of education contributions required from a site, based on the findings of the Education Estate Assessment. The process in Figure 6 needs to be undertaken separately for secondary, primary, denominational and nursery provision, as capacity issues may exist in one of these areas but not others.

## Figure 6 – Process for calculating education contributions outwith SDAs or SLAs

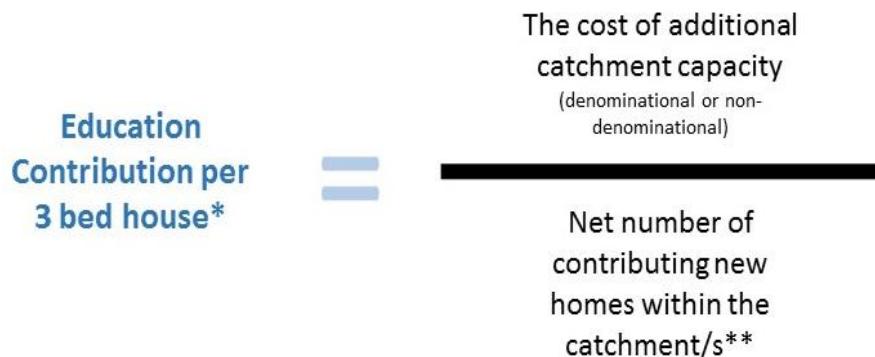
For each site this process will be used to identify any secondary, primary, and denominational school contributions. It may also be used to calculate nursery contributions. This process links into Part 4 of Figure 1.



5.21 Where a solution to a school capacity issue has been identified through a feasibility study, the information allows a methodology to be used to work out the level of education obligations required from a development based on the cost of the solution and the total capacity of all the effective housing sites in the relevant school catchment(s).

5.22 As part of the feasibility study the preferred infrastructure improvement is also costed. The cost of this improvement to the education infrastructure forms the top line of the formula in Figure 7. This figure is divided by the number of houses expected to contribute across the whole catchment/s to arrive at a cost per unit, the bottom line in the Figure 7 formula.

**Figure 7 – Cost per Unit Calculation**



\* Contributions will vary depending on the number of bedrooms in each house (See Figure 8).

\*\* Net homes exclude affordable housing and other exemptions

5.23 Where a feasibility study has not been carried out by the Council, the submission of a pre-application enquiry will trigger this process. Developers have two further options which they can consider to make the process progress faster:

- a) they can fund a feasibility study which will be carried out by the Council. Education feasibility studies will include all necessary education requirements, including ancillary space and land costs, and will not be restricted to classroom space. This option will still have a significant time and cost element to it; or
- b) accept an average cost for infrastructure improvements. The Council will provide an estimate of the type of solution that could address the capacity issue based on the level of additional capacity identified through the Education Estate Assessment. This average cost must be agreed by both the applicant and the Council.

5.24 For option b) the costs of this infrastructure will be based on Scottish Futures Trust metrics, adjusted to take account of essential provision not covered by the SFT metrics and policy provisions set by Fife Council estimates for a new secondary and primary schools. The Council will provide estimates for a school extension based on the costs of similar projects within Fife (updated to reflect current costs), policy requirements and educational needs. Typical exemplar estimates are shown below in Figure 9.

5.25 The estimate of the infrastructure required will then be used as the top line in the formula in Figure 7 and will allow a cost per house to be identified for any given developments in the catchment or catchments. This allows development to proceed without the time and expense of a full feasibility study.

**Figure 8 – Contributions to Education by size of house**

No of Bedrooms	Tariff (%)
2	75
3	100 (figure derived from education contribution formula – see figure 7)
4	125
5	150
6+	175

5.26 The process for identifying the education contributions, as identified in Figure 6, culminates in the calculation of a per unit contribution for a 3 bedroom house. This is the average cost that a development in the catchment or catchments will pay per house. Should houses be built with bedroom numbers higher or lower than the 3 bedroom average, the cost per house will rise or fall as highlighted in Figure 8. Adopting this tariff approach ensures that developers who build family sized houses (4 bedrooms or more) will pay an appropriate and relative contribution to mitigate the impact of increasing pupil numbers in the local area.

**Figure 9 – Classroom Estimate Costs**

- Primary School Cost (11 class estimated January 2017)

Specification (assuming standard ground conditions)	Cost per square metre (£)
Total Internal Areas (3072 m <sup>2</sup> )	3,255
COST TO PROVIDE SCHOOL = £10,000,000	

- Secondary School Cost (1,100 pupil facility based on 2017 comparable build school)

Specification	Cost per square metre (£)
Total Internal Areas (12100m <sup>2</sup> )	2,975
COST TO PROVIDE SCHOOL = £36,000,000	

Specification	Cost per square metre (£)
Total Internal Areas (m <sup>2</sup> )	
COST TO one classroom extension = £250,000	

Costs stated are approximate and based on actual build programme extracts. Costs include ICT, off site road works, abnormalities and land costs. Further updates will be necessary on an annual basis and will be reflected in the contribution per house. Source: Fife Council, 2017.

## **Restricted Sites**

5.27 In some instances there may be no viable option for extending the existing education infrastructure. This may be for reasons such as the configuration of the existing building or the land available to extend into. In these instances opportunities to change the phasing of proposed development will be investigated. Education and Children's Services will publish a list of the schools where it is known that there are severe constraints to extending the existing school estate.

## **Secondary education provision – Kirkcaldy and Dunfermline**

5.28 In the case of Kirkcaldy and Dunfermline there are existing secondary school capacity issues across each town. This will be exacerbated by the high levels of development expected to take place over the next 20 to 30 years; however, this need is not derived from the impacts of development in one specific catchment. Currently the capacity constraints of the existing schools are leading to many out-of-catchment placing requests. This has led to the catchments in each town becoming geographically intertwined with capacity issues at one school impacting heavily on surrounding catchments across each town. Therefore it is appropriate to take a more strategic view when considering secondary school obligations in these towns.

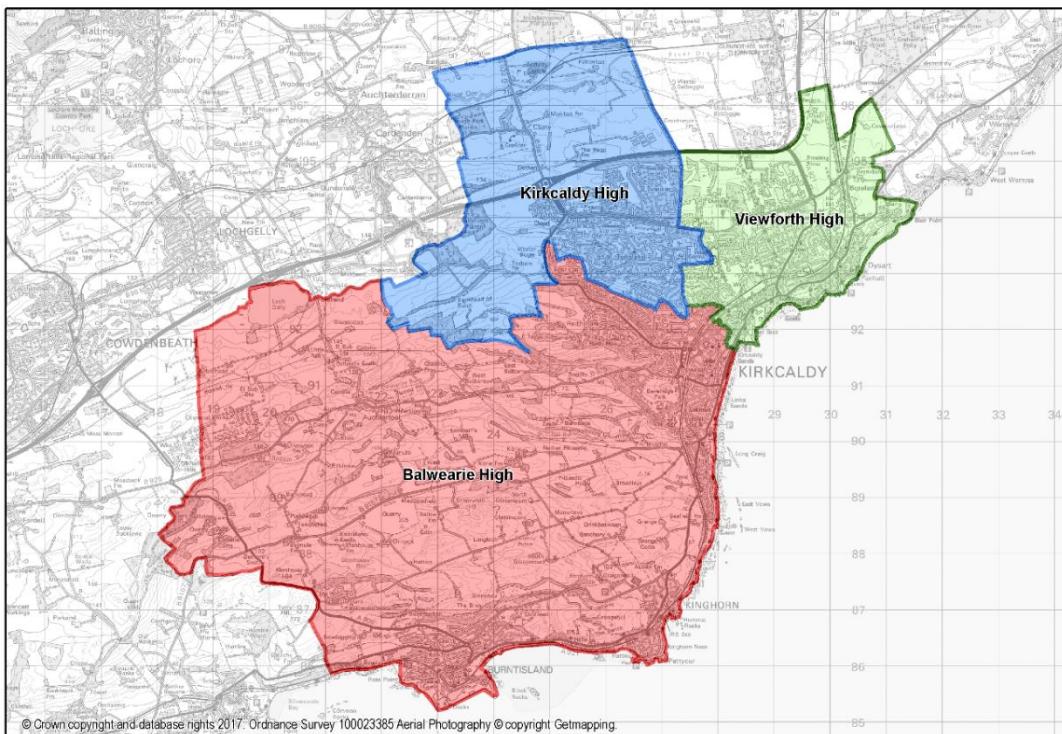
### Kirkcaldy Secondary School provision

5.29 In the case of Kirkcaldy the new secondary school at the Windmill Road campus has already been built to address the existing capacity and school condition requirements across the town. This will be supplemented in the future by an extension to accommodate the impact of the new development across the town, primarily in the two Strategic Land Allocations at Kirkcaldy East and Kirkcaldy SW. Figure 11 shows the area over which contributions will be sought towards the provision of additional secondary school capacity. The cost of this extension and contribution per house are shown in Figure 10.

**Figure 10 – Developer Contributions to Secondary School – Kirkcaldy**

Cost of development related education improvements	Number of contributing units	Cost per 3 bedroom unit
£5,000,000	4,666	£1,071

**Figure 11 – Catchment areas contributing to secondary school capacity in Kirkcaldy**



### Dunfermline Secondary School Provision

5.30 In Dunfermline, whilst some of the future development can be accommodated within the available capacity, the planning capacity across Dunfermline schools will be exceeded in the early 2020s. Therefore, a new secondary school is required to make the proposed development acceptable. This is required to accommodate the additional, projected secondary pupils that will result as a direct consequence of the proposed development and be living within the catchments of the three Dunfermline non-denominational schools, see Figure 13.

5.31 Current projections highlight a shortfall in secondary capacity of approximately 1,100 pupils over the period of FIFEplan. The overall impact from development is greater than this, however capacity will be made available at each of the existing schools, where appropriate, to support the early phases of development. The cost of the required solution will be spread across all development in the area.

5.32 The solution for providing additional secondary accommodation in Dunfermline is a new school tailored to meet the level of demand. This solution must be able to be adaptable and flexible to allow it to be phased in line with development, so that additional capacity is available when required, without building accommodation which may be under-utilised until future phases of development are undertaken.

5.33 The Council is committed to an approach which addresses the secondary school capacity issue across the three Dunfermline secondary school catchments in a cumulative manner therefore, as shown in Figure 13, the Council does not wish to

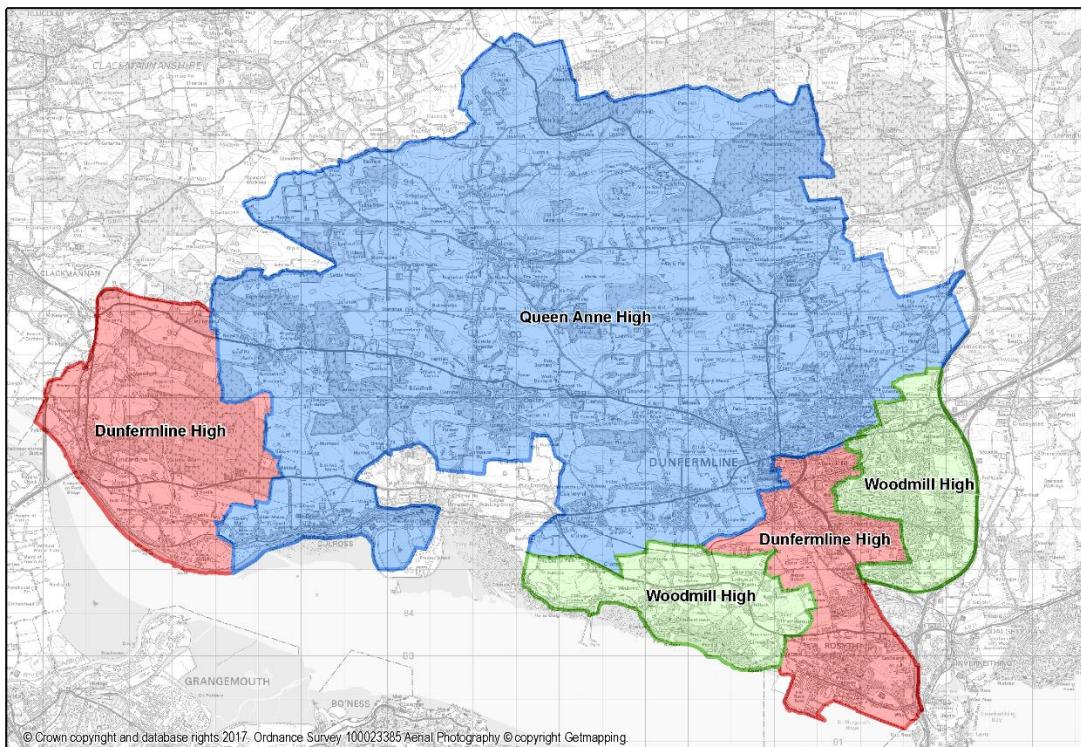
delay the consideration of applications until the preferred geographical solution is known. In line with the methodology shown in Figure 6, the cost of the new secondary school will be used to work out the contributions per house across the three Dunfermline non-denominational secondary school catchments. Figure 12 shows the contribution rate per house that will be applied across the three non-denominational catchments. Figure 13 shows the area over which contributions will be sought towards the provision of the secondary school. This Supplementary Guidance will be updated when the preferred geographical solution is agreed, as outlined in paragraph 5.38.

**Figure 12 – Developer Contributions to Secondary School – Dunfermline**

Cost of development related education improvements	Number of contributing units	Cost per 3 bed unit
£36,000,000*	5,934	£6,067

\*Based on 2017 Scottish Futures Trust Estimates

**Figure 13 – Catchment areas contributing to secondary school capacity in Dunfermline**



5.34 A similar approach may be used to determine secondary school contributions in the secondary school catchments which cover Glenrothes. Asset, Transportation and Environmental Services will review the capacity across the town to determine whether a multi catchment approach is required.

## **Transition arrangements**

5.35 In some cases it may be challenging to provide the necessary new education infrastructure at the start of the proposed development. The Education Service should, therefore, review each development to assess whether any existing capacity may be available within the school estate for a limited period of time, to support transition arrangements until such time as the new education facility is constructed and ready for occupation. This capacity should only be made available to support a transition arrangement and should not form part of the permanent solution. The use of modular accommodation may also be considered to provide transition capacity. The use of modular accommodation will only be considered as a short term measure and the full cost of providing such accommodation, including installation and removal costs, should be met by the developer.

## **Retrospective Education Obligations**

5.36 Across each catchment, or catchments, the phasing and scale of development will lead to the identification of required changes to the school estate. Not all the sites identified in the Housing Land Audit in any given catchment or catchments will deliver housing in the early phases of the development plan timescales. There will often be a point when the capacity of a school is reached and the agreed school infrastructure solution needs to be implemented before all the required developer contributions are received.

5.37 After infrastructure has been delivered contributions will continue to be recouped from development sites that will benefit from the provision of this additional capacity. Such an approach ensures that developments pay in an equitable manner and costs are not simply focussed on those who deliver development in the shorter or longer term.

## **Contributions review mechanism**

5.38 The Council will employ a review methodology, to allow the level of contribution to be amended during the course of the development plan, to respond to changing circumstances in developments in a given catchment or catchments. This will be especially relevant to large sites such as SDAs and SLAs where they have a long build out period and their impact on the school estate is more challenging to predict far into the future. To ensure sufficient education capacity is provided, the Council will agree review periods with developers, at which point the need for any additional level of education infrastructure will be considered. If additional capacity is required, this will be in the form of a contribution and not direct provision by the developer. Changes to the level of contributions will not be applied retrospectively. Future changes to the contribution levels will be factored into the per unit costs for undetermined applications.

## **Denominational Schools**

5.39 Where planning obligations are required due to capacity risks at denominational schools, contributions may be sought proportionately, reflecting their larger catchment areas. These contributions will be in addition to those for non-denominational schools. In certain circumstances, where specific projects have been identified to resolve a

capacity issue, it is expected that development interests and landowners work with Fife Council to align educational provision with development phases. This includes SDAs and SLAs.

## Nursery Provision

5.40 Early learning and childcare is also an integral part of Fife Council's educational estate provision. In some cases, developers will be required to meet the cost of development related nursery capacity. Where a new primary school is required to support strategic development, nursery capacity will be aligned to the scale of the new primary provision and in line with the Scottish Government's commitment to provide 1140 hours for nursery schooling. For example, in the case of a new single stream primary school, the associated nursery provision will be for 60 pupils. Developers are therefore advised to work with Fife Council to calculate likely requirements on a case by case basis.

5.41 For non-strategic development the requirement for new school infrastructure will take into account the existing catchment capacity. However, the Scottish Government is introducing revised nursery standards that will be implemented by 2020. This will have an impact on the available school capacity and may increase the need for additional school infrastructure. This situation will be kept under review and reflected in future discussions with the development industry.

5.42 In cases where an education obligation renders a development financially unviable, it is anticipated that the applicant will consider the following options to assist with the delivery of the site:

- Re-phase proposed development, capping build and sale numbers at an agreed figure;
- Limit the tenure or mix of proposed housing, favouring low 'pupil generating' homes; or
- Fund reconfiguration of the existing school estate (for example, for layout and ancillary space).

5.43 Developers who consider that development cannot proceed based on this guidance may seek independent verification carried out by Fife Council at the cost of the developer. Educational provision should not be excessively onerous on a development proposal as it is apportioned across the entire catchment area.

## **6.0 OTHER OBLIGATIONS**

6.1 Other contributions will normally be provided on site, as part of a development. In instances where development does pay contributions to the following infrastructure these contributions will be held, ring fenced, within the Infrastructure Investment Fund.

### **Healthcare Facilities**

6.2 Where necessary, land will be zoned and delivered through development frameworks or masterplans for primary healthcare facilities including nursing homes and surgeries.

### **Greenspace Infrastructure and Open Space**

6.3 Strategic green infrastructure must be provided on site as per FIFEplan Policy 3 (Infrastructure and Services) and Policy 13 (Natural Environment and Access). The nature of this provision will be determined on a site by site basis based on: the specific circumstances of the site and its surroundings; the nature of the proposal; and mitigation of adverse impacts on natural heritage which could result from the development.

6.4 All land forming green infrastructure must be maintained by the developer (or a factor) or be conveyed to Fife Council for adoption and maintenance on payment to the Council of a lump sum equivalent to a minimum of 25 years' maintenance costs. If a factor should subsequently go out of business then the cost of the greenspace maintenance will fall to the residents within the area covered by the factoring arrangement. The refurbishment or restoration of landscape, recreation and play areas may be needed within this timescale and, where appropriate, a capital sum will also be sought to cover these costs. On larger sites, a landscape bond will be required as security for the adequate provision of green infrastructure.

6.5 FIFEplan Policy 3 (Infrastructure and Services) includes a requirement for open space to serve the occupants of a development. Open space provides one part of the strategic green infrastructure requirement for a site, it is space designed for people to undertake recreational activity. Green infrastructure also includes structural landscaping, amenity planting, sustainable drainage systems, paths, and community growing spaces. *Making Fife's Places* Planning Policy Guidance, Table 1, sets out how provision or contributions to open space and associated facilities (such as equipped play areas, sports facilities and community growing spaces) will be assessed on a case by case basis. It also provides guidance on open space and which green infrastructure elements can be included as part of open space calculations.

6.6 *Making Fife's Places* sets out that the requirement for open space provision should be assessed on a case by case basis taking into account any existing greenspaces, play areas and sports facilities which may serve the proposed development. If there are existing open space facilities located within easy walking distance, along a safe and attractive route; then it may be more appropriate for a new proposal to contribute to improvements to existing nearby spaces and facilities rather than providing additional open space onsite. In these instances, for housing proposals,

a contribution of £1,200<sup>4</sup> per unit will be required for improvements to existing open spaces, including play provision, serving the development or towards the provision of offsite open space. For other types of development the contribution will be determined on a case by case basis.

## Public Art

6.7 The scope and budget for Public Art will be agreed in early discussions and firmed up as proposals are developed, and the contribution will be confirmed before a formal planning submission is made. This will be with reference to *Making Fife's Places Supplementary Guidance*. Once the financial contribution has been established, the public art element of the development should in general be integrated into the overall design of the proposal – building or landscape setting – rather than providing a sum of money to be spent separately. Examples of build types or design techniques are available from Fife Council. All budget lines allocated to public art should be protected by the developer or site promoter; they cannot be seen as a contingency for the general development costs of a site.

6.8 Other uses than those listed in Figure 2, changes of use, building conversions, minor or householder planning applications will not be expected to make a contribution to public art. Where contributions are sought these will apply to gross floor area including service yard and ancillary buildings. The following process should be used to establish the scale of contributions necessary.

6.9 Contributions will therefore be sought from

- Major applications for housing, retail, and hotel and leisure;
- Local applications for housing, retail, and hotel and leisure on visually prominent sites evident from main road corridors; or
- Where a requirement is specified in a brief.

6.10 In these cases the amount will be established using a formula with necessary adjustments made at the time of calculation for inflation or index linked increases to the stated sums. These rates are based on the type of development proposed and the number of units/ gross floor area as follows:

- Housing [including apartments] - £300 per unit
- Hotel and leisure - £10 per square metre
- Retail - £10 per square metre

## Employment Land

6.11 As a cornerstone of the Development Plan strategy, the objective of providing a medium term supply of serviced employment land that is marketable within each of the key<sup>5</sup> settlements is essential. In striving to deliver this, allocations of employment land are essential to augment existing established opportunities for employment within Fife. Employment sites within the SDAs and SLAs should be funded and developed on an

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<sup>4</sup> As set out in the Adoption of Open Spaces paper approved by Housing and Communities Committee March 11, 2008, updated to reflect inflation.

<sup>5</sup> A key settlement is a location identified within the Fife Employment Land Strategy (FELS) with population in excess of 5000.

equitable basis by landowners/developers within the SDA/SLA and the implementation of such sites will be secured through the planning application process and associated legal agreements.

6.12 In order to maintain a healthy employment land supply and to meet the aspiration of attaining a 40% effective supply position across the 20 key settlements by 2021, the Fife Employment Land Strategy (2014) supports the Development Plan process guiding a programme of direct interventions for Fife Council to support and, in some cases, directly deliver, effective land for employment development.

6.13 FIFEplan Policies 1 and 5 protects established and allocated employment sites from changes of use.

## **7.0 Associated Supplementary Guidance**

### **Supplementary Planning Guidance**

7.1 Supplementary guidance prepared in connection with a Strategic Development Plan or Local Development Plan, subject to meeting consultation requirements and receiving Scottish Ministers approval during 2017, will form part of the Development Plan and be known as statutory supplementary guidance. Supplementary guidance adopted and issued in this manner will provide further information or detail connected with the policies or proposals in this Plan and will be referred to in the relevant policies or proposals.

7.2 Until approved by Scottish Ministers the guidance listed below is prepared to accompany policies or specific proposals and to provide a clear expression of approved Fife Council policy therefore constituting material considerations in the assessment of development proposals. The guidance includes:

- Affordable Housing;
- Making Fife's Places; and
- Minerals.

## **8.0 GLOSSARY**

**Brownfield (Previously Developed Land)** – land or a site that has been previously developed. This could include:

- vacant or derelict land (sites on the Scottish Vacant and Derelict Land Register);
- infill sites (sites in a built-up area such as a town or village);
- Land occupied by redundant or unused buildings; and
- Land that has already been developed where the Council considers that the purpose it is currently being used for could be intensified, for example adding shops or houses.

It does not include car-parks, mineral workings, temporary uses, parks and gardens, sports and recreation grounds, woodlands and amenity open spaces (landscaped areas that improve an area's appearance) or employment land with operational employment uses. Naturalised previously developed land is not included in this category and is considered to be greenfield.

**Business Case** - business cases will contain justifications for a project such as value for money for what is to be done and why it should be done now.

**Business Planning** - description of a business (normally over a 1-5 year period) appraising product(s) and/or service(s), the market, competitor analysis, the key people involved, financing needs, and the financial rewards if the business plan is implemented successfully.

**Commercial Development** - The primary aim of commercial development is to make a return (profit) through providing built space. To secure this profit, developers have to meet the demands and requirements of end users - whether it is providing residential, commercial or leisure space.

**Commuted Sum** - A commuted sum is an amount of money, paid by a developer to the Council, where the size or scale of a development triggers a requirement for the provision of (for example) affordable housing, but it is not possible to achieve an appropriate element of that required provision on site.

**Contaminated Land** - Land covered by or containing any substance which is causing or is presenting a significant possibility of causing harm or likely to be causing pollution of controlled waters. This does not include former mine workings.

**Cumulative Impact** – the additional changes caused by a proposed development in conjunction with other similar developments or as the combined effect of a set of developments taken together.

**Development Appraisal** - A development appraisal involves a cash flow analysis, which uses data (for example revenues and costs over the life of the project) to determine the profitability of the development.

**Edge of Centre** – a location adjacent to, or within easy walking distance of the town centre.

**Education Estate Assessment** – appraisal of future educational needs across Fife. It considers school roll projections (pupil census data), minimum classroom numbers required, committed or projected housing development (Housing Land Audit data) and pupil numbers generated from new development.

**Education Feasibility Study** – Study which identifies costed solutions to predicted school capacity shortfalls.

**Fife Development Plan (SESPlan, TAYplan and FIFEplan)** - The collective term for the strategic and local land use plans currently covering Fife.

**Green Infrastructure** – a strategically planned network of high quality and natural and semi-natural areas with other environmental features, which is designed and managed to deliver a wide range of ecosystem services and protect biodiversity in both rural and urban settings.

**Housing Land Audit** – Annual assessment of predicted housing delivery.

**Masterplan** – a comprehensive plan to guide the long term physical development of a particular area.

**National Records of Scotland (NRS)** - Body formed on 1<sup>st</sup> April 2011 through the merger of the National Archives of Scotland and the General Register Office for Scotland.

**Open Book Accounting** – The sharing of development appraisals and accounts regarding development proposals. This is often in the form of a residual development appraisal.

**Permanent Educational Estate** - Temporary accommodation is not considered to be an acceptable means of managing pupil numbers therefore planning obligations secured towards educational provision will be directly attributed to consolidating or creating permanent school capacity be this new building or extensions to those existing.

**Education Planning Capacity Factor** – The factor that must be applied to take into account pupil movement when planning the school estate.

**Previously Developed Land** – see Brownfield.

**Section 69 Agreement** – a legally binding agreement under the terms of Section 69 of the Local Government (Scotland) Act 1973 used to control appropriate planning matters/obligations outwith the scope of planning conditions. See Circular 3/2012.

**Section 75 Agreement** – a legally binding agreement under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended used to control planning matters/obligations outwith the scope of planning conditions. See Circular 3/2012.

**Strategic Development Area (SDA) or Strategic Land Allocation.** – focus of development or a specific large scale allocation for development identified in SESplan and TAYplan.

**Strategic Development Framework** - a framework to inform future more detailed masterplanning work. It identifies appropriate areas for development and establishes core design and development principles; it is not a masterplan.

**Strategic Regional Transport Model** - Strategic Transport Model detailing vehicle movement patterns and traffic trends to a defined base year.

**Unilateral Undertaking** – a legally binding agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 as amended whereby an applicant for planning permission secures the performance of planning obligations in respect of their own land without the required consent of the planning authority. See Circular 3/2012.

**Viability** - Viability is the key factor which determines whether development proceeds or not. For development to actually take place on the ground, the value (revenue) generated from the development must exceed the costs of undertaking the development.

**Windfall Site** – a site not specifically allocated for development in the Development Plan but for which planning permission for development is granted.