

Dundee City Council
Dundee Local Development Plan 2
Supplementary Guidance
Developer Contributions December 2018
Post Examination Draft for Committee Approval



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1. Introduction

Dundee City Council has set out its vision for development through the Dundee Local Development Plan. This Supplementary Guidance forms part of the adopted Local Development Plan and has been prepared in support of Policy 20, which states;

The City Council, where necessary and appropriate, will seek to secure developer contributions towards the cost of infrastructure provision both on and off site.

The principles that guide the requirement for contributions and the preparation of the Developer Contributions Supplementary Guidance are:

1. fair and proportionate developer contributions for all developments on sites allocated in either the Dundee Local Development Plan or in terms of windfall development;
2. developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the requirements or impacts of a proposed development;
3. flexibility in approach to ensure that development can be brought forward in varied economic circumstances while ensuring that the development has no net detriment; and
4. facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

The Supplementary Guidance offers guidance to land owners and developers about the likely level and nature of developer contributions that may be required.

The Council wishes to encourage appropriate development in accordance with the Local Development Plan. Accordingly, developer contributions will only be necessary where clearly required to enable development to be acceptable in planning terms and will be proportionate to the scale and nature of development proposed. Developer contributions will not be sought to address existing deficiencies in an area, nor are they a method for developers to “buy” planning permission through financial or other contributions.

In addition to Policy 20, the following policies in the Dundee Local Development Plan may require a developer to contribute to new or improved services, facilities or infrastructure:

- Policy 1 – High Quality Design and Placemaking: refers to enhancing connectivity and incorporating creative approaches to urban design, landscaping and green infrastructure.
- Policy 2 – Public Art Contribution
- Policy 28 – Protecting and Enhancing the Dundee Green Network: requires New development should contribute to the Dundee Green Network where appropriate
- Policy 54 - Safe & Sustainable Transport: refers to off-site facilities for walking, cycling etc.
- Policy 56 – Parking: refers to potential provision of cycle parking in public areas

Policy 20 and this Supplementary Guidance reflect the requirements and tests set out in The Planning etc. (Scotland) Act 2006 and the supporting Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements), together with the objectives outlined in the Draft Planning Delivery Advice: Housing and Infrastructure.

- The Planning etc. (Scotland) Act 2006:
<http://www.legislation.gov.uk/asp/2006/17/contents>
- Town and Country Planning (Scotland) Act 1997:
<http://www.legislation.gov.uk/ukpga/1997/8/contents>
- Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements): <http://www.scotland.gov.uk/Publications/2012/12/1885>
- Draft Planning Delivery Advice: Housing and Infrastructure
<http://www.gov.scot/Resource/0049/00494177.pdf>

2. Administrative Procedures

Pre-Application Discussions and Early Engagement:

Where practical, the requirement for most new or improved services, facilities or infrastructure in relation to developments will have been identified in the preparation of the Local Development Plan. However, the Local Development Plan cannot anticipate every situation where the need for a contribution will arise and therefore each application will require to be considered on a case by case basis. Dundee City Council welcomes early pre-application discussions as a method for identifying all relevant planning implications of a development. Meetings can be arranged by contacting the Development Management Team: (development.management@dundeecity.gov.uk).

The Council is committed to ensuring that negotiations to agree developer contributions do not delay the development project or the development management process. Where appropriate, the Council will use model obligations to speed up the process.

This supplementary guidance refers to the activities of Dundee City Council only. Developers may require to make contact with other organisations such as Scottish Water to determine any cost implications associated with their requirements.

Delivery Mechanisms

Developer contributions will be administered through either Section 75 obligations, Section 69 agreements or by planning conditions. The appropriate mechanism will be considered during pre-application discussions.

Where financial values and payments are agreed these shall be set at the date from which planning permission is granted. Where development is delayed or where phased payments are involved, financial values may be revised to take account of inflation.

The timing of contributions will be determined having regard to the planning impact of the development. Where appropriate, through mutual agreement contributions may be phased to assist with the viability of development. In Dundee Western Gateway, the Council has funded certain works in advance of development to assist with the delivery of this Strategic Development Area. Contributions from developers will be required to reimburse the Council. Where such contributions are payable in phases they will reflect the progress made with development. The Council may take a similar approach with other key items of infrastructure that are required to enable development to progress in this area.

Monitoring developer contributions

Dundee City Council will regularly monitor the receipt of financial payments agreed through obligations, agreements or conditions to ensure they are meeting the requirements identified as part of the development. This monitoring also ensures that contributions are spent in a timely manner to support the development. The timings, monitoring of spend and any reimbursement clauses will be set out in obligations, agreements or conditions.

3. Qualifying Developments

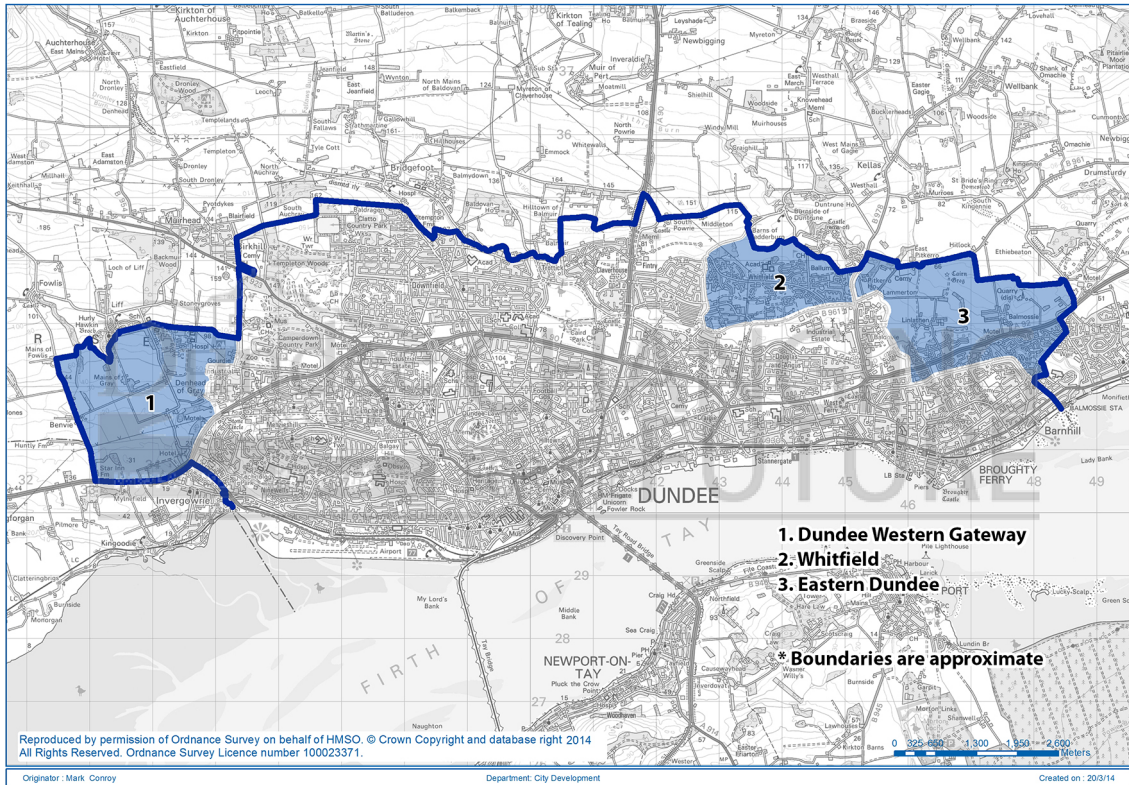
Developer contributions are most likely to be sought for: education provision; road junction improvements and other off-site road works; public transport provision; healthcare facilities; waste facilities; open space improvements, green infrastructure and public art.

Following an assessment of housing need, demand and affordability, Dundee City Council does not require contributions from developers towards the provision of affordable housing. Residential developments comprising wholly social rented properties are exempt from most developer contributions in order to support their viability.

Research undertaken during the preparation of the Dundee Local Development Plan has identified areas where additional infrastructure capacity is required to enable development. The following list is indicative of the range of items for which contributions will normally be sought. The list is not exhaustive and as such Dundee City Council encourages pre-application discussions to allowing the scope of contributions to be considered on a site by site basis. Sites which are brought forward by developers, but not allocated in the Local Development Plan (windfall sites) will not have been previously assessed for their impact on infrastructure capacity. Windfall sites may potentially be subject to additional or higher rates of developer contributions to take account of the challenges such sites present to the proper planning of the area. Windfall developments will require careful consideration and investigation to ensure they do not cause unacceptable impacts elsewhere nor prevent the delivery of the Strategy of the Local Development Plan.

The following list is indicative of what contributions would be required if development in accordance with the Local Development Plan were to be approved in that location.

Area	Contributions Required
City Wide	<p>All developments over £1m in construction value will be required to allocate at least 1% of construction costs for the inclusion of public art projects in a publicly accessible/visible place or places within the development.</p> <p>All development should seek to encourage and promote active travel methods. The achievement of which may be by contributions towards associated infrastructure where a development has significant impact beyond its site boundaries.</p> <p>All development should contribute to the Dundee Green Network where appropriate and as determined by the Council, through the integration of green infrastructure in masterplans or development frameworks and the creation and/or improvement of green infrastructure within development sites or in the local area.</p>
1) Dundee Western Gateway	<p>All greenfield residential developments in this area will be required to contribute towards provision of: flood protection and drainage facilities; the future construction of junction improvements at Swallow Junction; the improvement works undertaken at Dykes of Gray Road; provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure; and a contribution towards enhancing education provision, the nature of which is currently being considered.</p>
2) Whitfield	<p>Residential developments built for private sector sale shall be required to contribute towards primary education facilities and provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure.</p>
3) Eastern Dundee	<p>All allocated greenfield housing sites will be required to make a financial contribution towards enhancing education provision. Any greenfield housing land release in this area over that allocated will require the provision of a new education facilities north of the A92 Arbroath Road. Developer contributions in the form of both land and finance will be required for this new primary school and nursery.</p> <p>All developments in this area shall be required to provide connections for cycling and walking routes to the wider Dundee Core Path Network and green infrastructure.</p>



APPENDICES

Appendix: Subject Areas

The following subject areas are offered as guidance on the most common subjects for which contributions will be sought and should not be considered as an exclusive list. Meeting with the Council will allow for discussions on the full range of impacts resultant from a development.

- Education
- Roads and Transportation
- Green Network
- Public Art

Education Provision

Housing developments can introduce an additional burden on the nursery, primary and secondary education provision within the city. The requirement for developer contributions is based on the projected increase in the number of children within new developments and an assessment of the capacity of existing local education provision to accommodate this growth.

Planning for educational services can involve the construction of new schools or works to increase the capacity of existing schools. Within Dundee there has been substantial investment in education facilities to improve the quality of school buildings and facilities they offer. In some cases the Council may over time choose to review school catchment areas within the city in order to rebalance the demand and availability of school places.

The Local Development Plan has been prepared in association with and in recognition of, the Council's investment programme for education provision within the city. This has helped ensure that:

- Development sites are where possible, allocated where school capacity exists or expansion is planned, thereby reducing the overall financial and planning needs from new development.
- Investment in education capacity can be undertaken in the most cost-efficient manner and at an appropriate pace by using forecasts of demand from future development.
- Education capacity requirements can be accurately assessed for the plan period.

Scale of Education Contributions

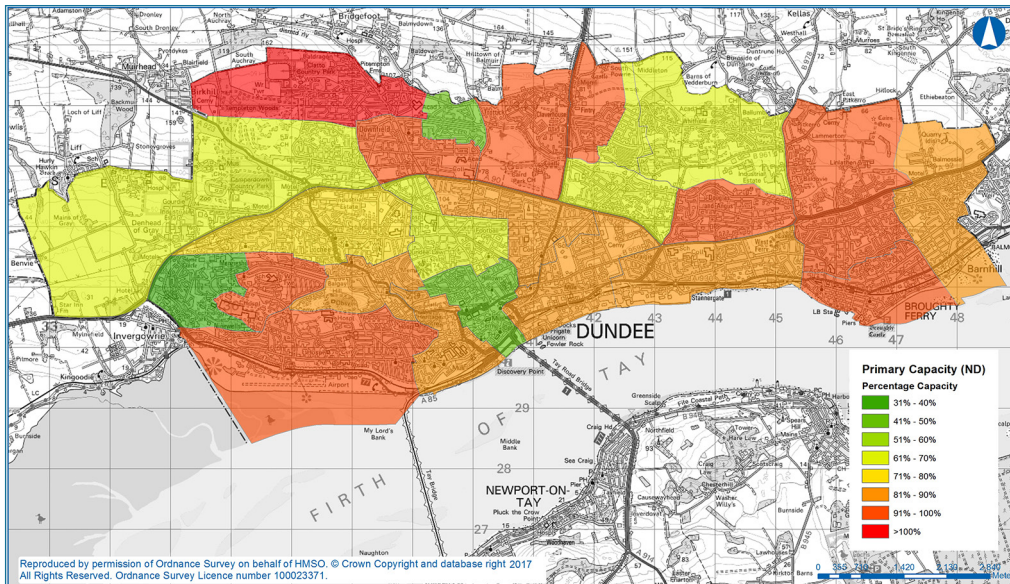
Secondary School Provision:

Dundee's priority for investment in Secondary provision has been directed towards improving the physical fabric of buildings and the renewals of outdated buildings. The priority has been to address improvements in the quality of provision with less emphasis required on school capacities. Accordingly for development sites that have been allocated in the Dundee Local Development Plan the Council does not intend pursuing developer contributions towards secondary school provision.

Primary School Provision:

A number of Primary Schools within Dundee are currently operating at or near capacity. Those under most pressure to accommodate future development are located on the northern and eastern edges of the city. As a result any new land release beyond that allocated in the Local Development Plan in the east of the city (North of Arbroath Road) would require the provision of a new primary school with an associated nursery. In the north of the City it may be necessary to review the School catchment areas to accommodate future development.

Within the Western Gateway there is a requirement to enhance primary school provision and options for this are currently being considered.



A survey of recently completed greenfield developments demonstrated that such developments typically increase demand on primary educational facilities at a rate of 0.35 pupils per house. It is therefore considered appropriate that where required in the Dundee Western Gateway and Eastern Dundee, housing developments should provide primary education contributions at the following level:

Greenfield Housing	Primary Provision Costs
Contribution per house	£ 4,989.68*

(*figure as at March 2017 - index linked)

The above figures reflect the costs of providing new primary school accommodation. They do not take account of the ongoing maintenance of school buildings nor additional staffing requirements. It is not intended that developments should contribute to such costs.

Brownfield developments can also impact upon demand for capacity at primary schools. However Brownfield developments tend to be located within denser urban areas where capacity exists or can be generated by catchment area revisions. Accordingly whilst Dundee City Council maintains an option to include Brownfield developments in primary education contributions, it is expected that such requirements will not generally be required. An exception to this is in Whitfield, where the recently developed Ballumbie Primary School was constructed with additional capacity to accommodate the pupils that will live in new housing planned in the area. Contributions from private housing developments in Whitfield will therefore be required at the following rate:

Whitfield Brownfield Housing	Primary Provision Costs
Contribution per house	£ 4,098.24*

(*figure as at March 2017 - index linked)

(level of contribution based on the costs of providing new school accommodation at Ballumbie Primary School)

Windfall Developments

The requirement for contributions outlined above is for sites allocated for housing in the Dundee Local Development Plan. Where a site comes forward for consideration that is not allocated in the Plan (i.e. windfall) then developer contributions for both primary and secondary school provision may be required. The levels of contributions sought will be the same as for allocated sites unless there is a justification to vary them due to specific circumstances. In addition, any windfall proposals will need to be fully assessed to ensure that by taking up existing education provision they do not impact on the delivery of sites already allocated in the Plan.

Exemptions from Education Contributions:

It is acknowledged that some housing developments are unlikely to create an additional demand for education, or that the demand created is so small as to be negligible, accordingly the development of sheltered housing, care homes and purpose built student accommodation will be exempt from providing financial contributions towards education provision.

Roads and Transportation

New developments will be expected to make appropriate provision for all modes of transport within the site. Such works are unlikely to be the subject of a separate developer contribution and are more appropriately dealt with by other measures including conditions attached to planning permission.

Some new developments will have an effect on the existing transportation infrastructure outwith the boundary of the site through travel generation and demand for transportation access. The Council may therefore seek developer contributions from developments for items such as:

- Road Junction improvements
- Pedestrian crossing facilities
- Cycle routes/paths and cycle parking facilities
- Carriageway improvements
- Public transport facilities
- Park and choose sites

In addition to physical works, there may be occasions where payments are required to support the provision of public transport services. For example, where a development is delivered in phases over an extended period of time it may be necessary to financially support a bus service from the point in time when part of a development is first occupied. The intention would be that such funding would cease when the development has progressed to a scale that a commercially viable bus service is sustainable.

Dundee City Council is aware that the high initial capital costs of some items may present a barrier to new development. In such circumstances the Council is open to discussions with developers with a view to working with them to overcome such barriers. This applies particularly in relation to sites allocated for development within the Local Development Plan. An example of this approach has been through the upgrading works undertaken to the Dykes of Gray Road in the Western Gateway. Dundee City Council has front funded and undertaken the improvements to the road and will recover the costs of the works as development progresses.

Green Network

Dundee is widely regarded as a visually green city, with a good provision of quality green spaces. The concept of a green network is to capitalise on this strength through linking together natural, semi-natural and man-made open spaces (which may include leisure and recreational facilities). In doing so Green Networks seek to achieve multifunctional spaces that enhance biodiversity, the quality of our living environment and provide improved opportunities for active travel.

The Local Development Plan supports a presumption that new development should contribute to the enhancement and connectivity of open space and habitats, where appropriate as part of the wider green network. Developments are encouraged to not only include appropriate open space and links within the site boundaries, but to consider how these will interact with surrounding areas. No development should be viewed in isolation and all will have a duty to contribute to the quality of their local environment by integrating into existing green networks in an appropriate and sensitive manner. As such it is possible that off-site provision will be necessary to ensure that new development sites connect into the existing green network.

Items for which developer contributions may be sought will include:

- Improvements to core paths serving the development
- New and/or improved on or off road cycle/walking routes to connect with existing core paths
- Cycle parking facilities.
- Provision of open space or equivalent contributions to upgrading existing open space such as nearby community woodlands that serve the development area and enhancement of existing habitats to improve their ecological value.
- Route or interpretative signage.
- Off-site sustainable urban drainage schemes and associated ecological solutions (all Greenfield sites are expected to include sufficient sustainable drainage facilities within the site, however it is acknowledged that this may not be practical on all brownfield sites).
- Green corridors such as new hedgerows and tree lines to connect green networks.

The Dundee Green Network Non-statutory Planning Guidance can be accessed via the council website <http://www.dundee.gov.uk/citydevelopment/planningdivision/>

Public Art

Public Art can make a significant contribution to enriching the quality of developments, open spaces and the cultural heritage value by adding visual interest and quality to the city's environment.

Public Art can draw upon the location's history, culture and social circumstances to reflect the development's part in the Dundee community. Artworks can be of various scales from small discreet items which are there to be discovered, to statement pieces which can act as a focal point enabling them to serve as a local meeting place or landmark. In doing so Public Art offers an opportunity to utilise artworks as a focus for promotional activities, both for the City as a whole and the developments responsible for their commission.

Examples of Public Art in Dundee can be viewed at

<http://www.dundee.gov.uk/citydevelopment/publicart>

Policy 2 of the Local Development Plan advises that developments with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.

The inclusion of the Percent for Art policy within the Local Development Plan is viewed as a major contributor to the achievement of quality and interest in the cityscape of Dundee.

Contact Details

Planning Team
City Development Department
Dundee City Council
Dundee House
50 North Lindsay Street
Dundee, DD1 1LS

For general advice and information, telephone 01382 433105 or
email planning@dundeecity.gov.uk

Website: <http://www.dundeecity.gov.uk/citydevelopment/planningdivision/>

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