

**REPORT TO SCOTTISH MINISTERS ON THE PROPOSED ABERDEEN
CITY AND SHIRE STRATEGIC DEVELOPMENT PLAN**

STRATEGIC DEVELOPMENT PLAN EXAMINATION

carried out under Section 12 of the

Town and Country Planning (Scotland) Act 1997

***Issue 9 Extract
Strategic Transport Fund***

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Date of Report: 21 January 2014

Issue 9	Strategic Transport Fund	
Development plan reference:	Chapter 5 (Page 40, para 5.8 & 5.9)	Reporter: Stephen Hall
Body or person(s) submitting a representation raising the issue (including reference number):		
<p><u>Support</u> Nestrans (PP052)</p> <p><u>Concerns or Amendments Suggested</u> ASDA Stores Ltd (PP021) Graham Homes Ltd (PP034b) Sandlaw Farming Ltd (PP040b) Kirkwood Homes Ltd (PP094) Elsick Development Co (PP100a) Grandhome Trust (PP108a) Stewart Milne Homes (PP121) Union Square Developments Ltd (PP130) Dunecht Estates (PP146b) Drum Property Group Ltd (PP202) Aberdeen Cycle Forum (PP214b) Homes for Scotland (PP229) Colin & Esther Tawse (PP238b) Bancon Developments Ltd (PP246b)</p>		
Provision of the development plan to which the issue relates:	Putting this plan into practice	
Planning authority's summary of the representation(s):		
<p><u>Support</u></p> <p>PP052 – Reference to the Strategic Transport Fund in para 5.9 is welcomed. Support the creation of statutory supplementary guidance, building on the existing non-statutory guidance which is already established and operating successfully.</p> <p><u>Concerns or Amendments Suggested</u></p> <p>PP021 – There should be clearer recognition that a blanket contribution would not be required and would not be in accordance with Circular 3/2012. The plan should be clear about the circumstances when contributions will be required. The SDP should recognise that a need for new or improved services, facilities or infrastructure, relating directly to proposed developments, must be clearly identified.</p> <p>PP034b, PP040b, PP146b – Development charging proposed through Supplementary Guidance advocating a Strategic Transport Fund is unacceptable. Contributions sought from the development are unlikely to relate directly to the impacts arising from that development and as such, could be considered contrary to the principle set out in</p>		

Circular 3/2012. Strategic Transport Fund is tantamount to a “roof tax” and imposes yet another burden over and above developer contributions and is more likely to discourage rather than encourage development.

PP094 – While accepting the principle of local mitigation, contributions to fund wider impacts should not be sought unless these can be properly justified. The strategic Transport Fund is currently being applied even without statutory status, is based on an out-of-date study and is almost entirely based on projects in Aberdeen City. Its legality is questioned as there appears to be little link between contributions and infrastructure requirements. Industry concerns raised during the 2011 consultation on the guidance were ignored. This is a tax for which there is questionable legal basis.

PP100a, PP108a – It is unclear whether the existing non statutory guidance is to be carried forward. If that is the intention, previous objections to it will be maintained. The guidance needs to be available for public scrutiny through an SDP examination, in the same way that policies in Local Development Plans on developer contributions are critically examined at LDP examinations.

PP121 - Whilst we recognise the need to improve infrastructure in the North East, particularly in terms of the strategic road network we do not accept the principles of the Strategic Transport Fund (STF). The SDPA has to remain realistic about the delivery of the infrastructure required, a matter that requires significant thought, debate and testing. The figures do not give sufficient information to test the validity of each approach at this stage and we would welcome an early engagement to discuss and review and financially test any options being considered. There are significant limitations to the STF. There are still concerns from the development industry that too much reliance is being placed on contributions coming forward as part of new development which should only be used to help enable infrastructure improvements at the most local of levels. If the SDPA continue with the move towards the Strategic Transport Fund there requires to be greater clarity of detail as to how this will be implemented. Infrastructure funding needs to be looked at holistically with all other developer contributions considered and not as a stand-alone fund.

PP130 - It is essential that any requirement for further developer contributions complies fully with the requirements and policy tests set out in Scottish Government Circular 1/2010 “Planning Agreements”.

PP202 - It is fair to say that the Strategic Transport Fund (STF) has been met with mixed reviews, but the basic theory behind it makes sense. Delivery of local (off-site) transport interventions not covered by the STF, but normally paid for by the developer would benefit from a local transport fund that could help alleviate delay and ransom situations in cases of multiple ownership.

PP214b - Strategic Transport Fund’s exclusion of cycling is unacceptable. The cumulative transport impact of developments will in part be mitigated by the provision of a high quality, safe and attractive cycle network. Piecemeal developer contributions are not a satisfactory means to deliver such a network. A share of the STF would be a fair and appropriate means of supporting the delivery of a strategic cycle network.

PP229, PP246b - Do not believe that this draft Supplementary Guidance provides a clear and direct link between the individual developments within the LDP’s and the mitigation being proposed at a strategic level.

PP238b - The Strategic Transport Fund causes particular concern and further information is required so that the principle and the detail of the strategic schemes can be debated at an examination.

Modifications sought by those submitting representations:

Support - PP052 – None sought (supportive)

Concerns or Amendments Suggested

PP021 – There should be clearer recognition that a blanket contribution would not be required and would not be in accordance with Circular 3/2012. The plan should be clear about the circumstances when contributions will be required. The SDP should recognise that a need for new or improved services, facilities or infrastructure, relating directly to proposed developments, must be clearly identified.

PP034b, PP040b, PP146b – The entire section of the Plan under Providing Infrastructure requires to be reviewed to more accurately reflect Circular 3/2012. As currently worded, it places an undue burden on landowners and developers and is contrary to the terms of the Circular.

PP094 – A full and meaningful consultation on the guidance is required and the text of paragraphs 5.8 – 5.10 amended as set out below:

5.8 Developers will be expected to contribute towards necessary infrastructure, services and facilities within their own site. Contributions may also be sought from developers to deal with impacts which lie beyond the immediate development site where this has been demonstrated to be relevant.

5.9 We will consult on and prepare supplementary guidance in support of this plan. This will include all aspects of financial and developer gain contributions including education and transport projects which are needed as a result of the combined effect of new development.

5.10 New infrastructure will be funded by the public sector both local and central government and through contributions from developers and landowners as mitigation for any detrimental impacts of their developments.

PP100a – More information is required on the supplementary guidance for the principle of the guidance to be critically examined at the SDP examination.

PP108a – Insufficient evidence has been brought forward to consider the principle of any strategic contributions based scheme. All references should be deleted.

PP121 – Remove any reference to the Strategic Transport Fund as no agreed policy has been set.

PP130 – Add sentence to paragraph 5.9 to read: “The provisions of such supplementary guidance will comply fully with Scottish Government requirements regarding developer contributions as set out in Circular 1/2010”.

PP202 – The SDP should include discussion of local works associated with sites and the impact this can have on delivery of development in the SGA where requirements for local interventions can create ransom situations. In reference to providing infrastructure the SDP should open up the opportunity for a potential Local Transport Fund to be considered through future Local Development Plans and Supplementary Guidance.

PP214b - The Strategic Transport Fund should acknowledge that higher cycling levels are one way of mitigating the cumulative impact of developments and thus the development of a high quality strategic cycle network along the strategic growth corridors should be eligible for STF funding.

PP238b - Paragraph 5.9 requires more detail on the proposed STF so that further representations can be submitted and the issue debated at an examination into the Plan.

Summary of responses (including reasons) by planning authority:

Support - PP052 – Support Welcomed

Concerns or Amendments Suggested

PP021, PP034b, PP040b, PP094, PP100a, PP108a, PP121, PP130, PP146b, PP214b, PP202, PP229, PP238b, PP246b – The SDP proposes significant levels of development over the period to 2035, well in excess of what has been seen in the area before. This scale of development will have significant impacts on the transport network which will need to be mitigated if the area is to thrive economically and retain its high quality of live.

The public sector is spending well over £1bn on the transport infrastructure of Aberdeen City and Shire over the next two decades, expenditure which goes well beyond the Aberdeen Western Peripheral Route. The plan itself highlights this (para 5.10). There are limits to the resources of the public sector and it is not unreasonable for the private sector to make a contribution as well where it is required as a consequence of new development. The Strategic Transport Fund is not a mechanism to get the private sector to pay for infrastructure which should be delivered by the public sector. It is designed to provide an up-front indication of the costs of development and ensure that those costs are fairly spread out among development sites.

The current structure plan (CC/Doc2, para 5.8) highlighted the need for development to contribute towards infrastructure to mitigate its wider effects, where a range of sites in both council areas are required to contribute. Supplementary Planning Guidance on the Strategic Transport Fund (CC/Doc 18) was approved by the SDPA in late 2011 and ratified by the two councils in early 2012 and has been operational since then as non-statutory guidance. This followed extensive engagement with the development industry and two rounds of consultation on the guidance itself. The guidance has successfully been applied by both councils to a range of development sites that have come forward over the last year. As at end May 2013, contributions totalling £1,787,000 had been agreed, with £135,000 of this already paid (SuppSDP/Doc32).

It is unreasonable to suggest that there is insufficient information available about the nature of the proposed supplementary guidance. Paragraph 5.9 is clear in its focus and scope for the intended guidance and non-statutory guidance already exists which performs this function (albeit that this guidance will be reviewed).

The preparation of the SDP provides the first opportunity to introduce it as part of the development plan. There are clear legal requirements for the preparation of supplementary guidance (s22 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006). However, it would be the intention of the SDPA to go beyond these minimum requirements. The intention would be to adopt the supplementary guidance soon after the approval of the strategic development plan in early 2014. There is no need to be explicit about this process within the plan itself.

The Cumulative Transport Appraisal (SuppSDP/Doc33) is not out-of-date as has been suggested. It was completed in July 2010 and identifies the cumulative transport implications of the new development proposed in the current structure plan and proposed SDP. The appraisal will be reviewed on a five-year cycle and be used to inform the Main Issues Report for the next SDP.

The Strategic Transport Fund is not a tax but a way of apportioning the cost of specified infrastructure between a range of development sites, based on the scale and nature of development proposed. Impacts on site viability are an important consideration but there is no attempt to place unreasonable burdens on landowners or developers – the guidance seeks to facilitate rather than prevent development.

Scottish Government Circular 3/2012 (SuppRep/Doc48) was published after the Proposed SDP had been agreed but before the period for representations. However, Circular 1/2010 (CC/Doc22) set the context for the current non-statutory guidance and there are no fundamental changes between the documents as far as their implications for the Strategic Transport Fund. There is no disagreement that the Strategic Transport Fund must operate within the policy framework set by Circular 3/2012. However, there is no need to state this explicitly in the text of the plan.

Two representations suggested expanding the scope of the mechanism to include either other infrastructure elements (such as education) or local transport interventions. While worthy of further discussion on the back of the successful operation of the Strategic Transport Fund, there are no plans to move in this direction at the current time and it would not be appropriate to make this a requirement within the text of the SDP.

The interventions required to address the cumulative transport impacts may have cycling infrastructure components but the scale of interventions required mean that significant infrastructure improvements will be required to mitigate the impacts of the new development.

In light of the above, no amendments to the plan are required as a result of these representations.

Reporter’s conclusions:

1. The Strategic Transport Fund is a proposed mechanism for the gathering of (mainly) financial contributions from developers to be spent on strategic transport projects. Non-statutory guidance regarding the Fund is already in place. The authority’s intention is to review this guidance and then adopt it as supplementary guidance following the approval of the strategic development plan.
2. Concerns have been raised regarding:
 - the level of detail the proposed plan contains regarding the Fund, including whether the

strategic development plan should be more explicit about the level of contributions, the mechanics of how payments are made and managed, and who should pay;

- the principle of the fund, and in particular the pooling of contributions in such a way that monies contributed by a developer in one part of the city-region could potentially fund transport infrastructure in another part of the area where, it is argued, no obvious mitigation of the impacts of the development would occur;
- whether the Fund will serve to discourage development by affecting site viability;
- whether contributions are being sought for the right schemes;
- how the strategic development plan should refer to the supplementary guidance;
- whether there could also be a local transport fund; and
- the treatment of cycling infrastructure.

Level of detail

3. The Strategic Transport Fund is a significant initiative, aiming to accumulate and spend an estimated £86.6 million on transport projects in the region. In doing so, it is intended to unlock the delivery of the strategic development plan's spatial strategy and so deliver significant levels of growth. Paragraph 170 of Scottish Planning Policy states that development plans should identify required new transport infrastructure, and set out the intended approach to developer contributions linked to the transport implications of a proposed development. It is therefore right that the principle of the fund should be established in the development plan. The fund operates across the areas of both Aberdeen City and Aberdeenshire, and often seeks to mitigate the impacts of development in one authority through investment in another. The fund is therefore a strategic matter that is most appropriately covered in the strategic development plan and/or in supplementary guidance connected to the strategic development plan.

4. Paragraph 139 of Circular 6/2013: Development Planning identifies as a matter that should be covered in the plan itself, and not in supplementary guidance, "items for which financial or other contributions ... will be sought, and the circumstances (locations, types of development) where they will be sought". Whereas it states that, provided there is an appropriate context in the plan, a suitable topic for supplementary guidance can be "exact levels of developer contributions or methodologies for their calculation". It is therefore appropriate for the authority to both prepare supplementary guidance regarding the Strategic Transport Fund and also to have included a contextual statement in the plan itself.

5. The section of the proposed plan dealing with the Strategic Transport Fund (paragraph 5.9) is brief, but it does establish a number of things. These are firstly that the authority will prepare supplementary guidance on the topic; secondly that the fund will be concerned with transport projects that are required as a result of development; thirdly that it will consider the combined effects of development; and fourthly the locations within which the fund will apply.

6. Regarding the use to which contributions will be put, the existing non-statutory guidance refers to a "package of defined transport projects" identified in the Cumulative Transport Assessment that the Fund is intended to deliver. The items in the list are all included (with some minor variation in wording) in Schedule 2 of the proposed plan, along with many other schemes. However in the Cumulative Transport Assessment itself this list is referred to as a "conceptual package" (section 6.2), "relatively high level options for consideration" (paragraph 6.2.2) and "by no means exhaustive" (paragraph 6.2.4). It is not therefore clear how much certainty can be ascribed to this list as representing the

schemes that will actually be delivered by the Fund. Nor is it clear from the proposed plan itself which schemes the Strategic Transport Fund is intended to deliver. However, in response to a further information request, the authority has confirmed that the projects listed under the final bullet point of schedule 2 of the proposed plan, together with Kintore Station, are those to which the Fund is intended to apply. In order to comply with paragraph 139 of Circular 6/2013 I conclude that this should be clarified in the plan, and I recommend a modification to achieve this.

7. I have considered whether the descriptions of the schemes listed in schedule 2 are sufficiently specific. It is clearly beyond the scope of a strategic development plan to provide a detailed technical specification for its transport proposals. Paragraph 41 of Circular 6/2013 states that the spatial strategies of strategic development plans “should be specific enough to limit the options available to subsequent LDPs to those that would have a broadly similar impact on other planning authorities in the SDPA; and strategic infrastructure ... networks”. This indicates that there is a limit to the level of detail that strategic development plans are expected to enter into about particular schemes. The proposed plan does broadly identify the transport interventions that are required in order to deliver the spatial strategy. In my view the proposed plan complies with national expectations in respect of the level of detail that is included about these schemes. I also note that in some cases it appears that the exact nature and location of the proposed schemes has yet to be finalised. On balance I conclude that the plan contains a sufficiently precise description of the schemes that are to be supported by the Strategic Transport Fund.

8. While Paragraph 5.9 of the proposed plan describes the locations where the Strategic Transport Fund will apply, it does not describe the types of development that will be expected to make a payment. The existing non-statutory guidance states that the authority’s intention is to seek contributions from all housing, business, industrial, retail and commercial leisure developments (subject to criteria). In response to a further information request, the authority stated that they do not currently intend to consult on any change to this position. In order to comply with paragraph 139 of Circular 6/2013 I consider that the types of development that will be expected to contribute to the Strategic Transport Fund should be stated in the plan itself, and I recommend a modification to achieve this. I note the particular concerns regarding mixed use development raised by representees in response to further information requests, but consider this to be a matter of detail that can be addressed in the supplementary guidance.

9. Subject to the two changes referred to above, I conclude that the level of detail in the plan, and the proposed use of supplementary guidance, is appropriate.

Principle of pooling contributions to fund regional infrastructure

10. Representees have questioned whether the approach of pooling contributions from developers throughout the Aberdeen Housing Market Area into a single fund is compatible with the policy tests set out for developer contributions in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. In particular it has been questioned whether there is a sufficient link between the impact of individual sites and the regional infrastructure that the Fund will deliver. Some have argued that regional infrastructure should instead be funded by the Scottish Government or local authorities.

11. Paragraph 17 of Circular 3/2012 requires there to be a clear link between the development and any mitigation offered as part of the developer’s contribution. In this

case, the Cumulative Transport Appraisal demonstrates firstly that the overall growth in traffic brought about by the level of development promoted in the plan will, without mitigation, have harmful effects on the operation of the network in terms of increased journey times and congestion. Secondly it shows that a defined package of interventions will assist in mitigating these impacts at various key locations. While the interventions that have been identified at this stage have not yet been subject to detailed appraisal, design or feasibility work, they have emerged out of a process that Transport Scotland has stated (in response to a further information request) is suitably robust for this tier of plan-making. The Cumulative Transport Appraisal has been carried out by recognised professional consultants in association with Transport Scotland as well as the local authorities. I have seen no convincing evidence that would lead me to question its applicability to strategic development planning.

12. Paragraph 168 of Scottish Planning Policy refers to the potential need to address cumulative effects. Paragraph 20 of Circular 3/2012 allows planning authorities to take the cumulative impact of a number of proposed developments into account and use planning obligations to share costs proportionately. It goes on to say that an effect of such infrastructure investment may be to confer some wider community benefit but contributions should always be proportionate to the scale of the proposed development.

13. However there is a distinction to be made between sharing costs among developments which cumulatively require a particular transport investment, and the funding of a basket of measures, not all of which are relevant to every development. According to table 7.2 of the Cumulative Transport Appraisal, none of the individual development areas shown generate traffic that will make significant use of all the proposed new infrastructure. Some developments are shown as having a measurable impact on only one or two new infrastructure components. It therefore appears that the authority's intention is to gather funds from developments which may be spent on transport interventions that do not clearly and directly benefit those developments.

14. As mentioned above, paragraph 17 of Circular 3/2012 requires there to be "a clear link between the development and any mitigation offered as part of the developer's contribution". Paragraph 18 resists the use of planning obligations to extract payments not "directly related to the proposed development". Paragraph 21 states that contributions should not be used to achieve objectives "not strictly necessary to allow permission to be granted for the particular development". Finally, paragraphs 24 and 25 indicate that a developer contribution (at least through a planning obligation) would generally not be appropriate if the development would be acceptable without it. I conclude that the mechanism currently envisaged by the authority in the Strategic Transport Fund would not comply with national policy as expressed in Circular 3/2012, because the relationship between the development supplying the contribution and the infrastructure improvement to be delivered is not sufficiently clear or direct.

15. The authority argues that their proposed approach is justified because (a) the sharing of costs will mean no one development is solely liable for the cost of a specific project or delayed by its implementation, and (b) it is a simple and transparent mechanism as desired by the development industry. These are valid arguments but are not ones that are unique to Aberdeen City and Shire. They are considerations that the Scottish Ministers could have taken into account in preparing Circular 3/2012, which is an up-to-date expression of national policy. I am not therefore persuaded that a departure from national policy has been justified.

16. This examination relates to the content of the strategic development plan and not to the detailed mechanics of the Strategic Transport Fund. But paragraph 139 of Circular 6/2013 confirms that main policy principles should be established in the strategic development plan itself, as should any departures from national policy. I consider that the issue of whether contributions from across the region may be pooled into a single fund and potentially spent on infrastructure unrelated to the contributing development is a sufficiently important policy principle as to need to be established in the plan itself. This is particularly the case given my conclusion at paragraph 14 above that such an approach would be a departure from national policy.

17. Turning to the wording of paragraph 5.9, this refers to “a Strategic Transport Fund”. The use of the singular in this phrase could be taken to necessarily imply the pooling of contributions and the loss of any link between the contributing development and the infrastructure improvement. However I consider that the use of this phrase is acceptable on the basis that the authority can, within the scope set by the strategic development plan, further define the characteristics of the fund (including, for instance, whether it may be sub-divided into a number of separate accounts) in supplementary guidance. Paragraph 5.9 then refers to the funding of “transport projects which are needed as a result of the combined effect of new development”. I also find this phrase to be acceptable as it could refer to ordinary cumulative impacts as envisaged by Circular 3/2012 (where several developments jointly have an effect on a particular infrastructure component that requires to be mitigated). Where combined effects do not exist there is less need for a strategic fund, as any necessary mitigation can be secured through the normal development management process.

18. I therefore conclude that the existing wording in the proposed plan is acceptable, but requires adding to in order to address well-founded concerns that the principles of Circular 3/2012 should be adhered to. In particular, paragraph 5.9 needs to establish that the fund will only be used to gather contributions towards infrastructure improvements that are related to the developments concerned and strictly necessary in order to make any individual development acceptable in planning terms. I recommend a form of words to achieve this.

19. Regarding the question of whether investment in regional infrastructure should come from government or through developer contributions, there is no clear dividing line between the scales of infrastructure that should be funded privately or publicly. However I note the significant investment being made in the transport network of North East Scotland by Transport Scotland, as described in Paragraph 5.11 of the proposed plan. Given that the scale of new development envisaged in the spatial strategy of the plan will impact upon the regional transport network, I believe on balance that it is appropriate for developers to make some contribution to necessary upgrades.

Development viability

20. Where there are demonstrable impacts from development that require mitigation, it is reasonable for the planning authorities to seek developer contributions. But it would be counter-productive if such a requirement was so onerous as to prevent development happening. No specific evidence has been submitted to demonstrate that the Strategic Transport Fund would threaten the viability of any particular development. However, given the scale of contributions that may be sought (the current non-statutory guidance gives a range of figures around £2,000 per house) it must be possible that the viability of some developments may be affected. This possibility is touched upon at Paragraph 22 of

Circular 3/2012, which refers to the use of staged or phased payments as a potential resolution.

21. It will be the role of the forthcoming supplementary guidance to describe any exceptions or variations to the developer contribution as part of the detailed policy. I would not expect this level of detail to necessarily be included in the strategic development plan itself. In preparing that guidance, the authority will wish to address the need to maintain development viability. Furthermore, in identifying development sites in local development plans, the planning authorities could usefully satisfy themselves that the sites are viable, including taking cognisance of the impact of any requirement for developer contributions.

Schemes supported by the Strategic Transport Fund

22. I have already concluded that the package of measures that are to be supported by the Strategic Transport Fund should be clearly identified in the plan.

23. Representations have questioned whether the package of measures identified currently in the non-statutory guidance and the Cumulative Transport Appraisal is correct. In particular, if a purpose of the Fund is to support measures with a regional benefit that mitigate the impact of a range of proposals, it has been questioned whether some of the schemes are actually specific to certain developments. In response to a further information request, the authority has confirmed that the identified projects do all mitigate the impact of a range of developments. In relation to certain of the road-based schemes this view is supported by the evidence in Table 7.2 of the Cumulative Transport Appraisal which shows all the proposed infrastructure items being used by at least 2 developments. At paragraph 11 above I noted Transport Scotland's evidence that the Appraisal represented a suitably robust process for this tier of plan-making. Overall I am satisfied that the list of projects has been generated in an adequately robust way.

24. Regarding whether a new junction onto the Fastlink at Chapelton of Elsick should be included in the list of schemes to benefit from the Strategic Transport Fund, I note that this and the Loirston A90 link are the only road-based interventions identified in Table 6.2 of the Cumulative Transport Appraisal not to be included in this list. Paragraph 7.2.13 of the appraisal indicates that this scheme may provide wider benefits than solely for the Chapelton of Elsick development. However the authority's evidence is that this junction is not required before 2027, if at all. I therefore conclude that this matter can be revisited when the plan is reviewed and does not require a modification at this time.

25. One representee has noted that all but one of the projects to be supported are in the area of Aberdeen City. I see no need to give particular consideration to the distribution of transport projects between the administrative areas of Aberdeen City and Aberdeenshire. What is important is which projects are required to mitigate the impacts of the spatial strategy. Given that the road and rail networks in the city region focus on the city, I do not find it surprising that most of the interventions identified are within Aberdeen City.

Reference to supplementary guidance

26. There is clearly strong interest in the development sector in the detail of the Strategic Transport Fund, and calls for the supplementary guidance to be subject to full and meaningful consultation. The authority has commendably stated its intention to go beyond the statutory minimum requirements when it comes to consult on the guidance. It

is not appropriate for me to recommend modifications to the plan to define the form this consultation will take. The statutory requirement to consult is set out in Section 22(3) of the Town and Country Planning (Scotland) Act 1997 (as amended).

27. It has also been argued that the supplementary guidance should encompass not only the Strategic Transport Fund but also other forms of developer contribution. There may be benefits in considering the package of potential contributions together, particularly so that the cumulative impact of contributions can be assessed. But it should be possible for the planning authorities to consider these matters in the round without necessarily setting out all their requirements in one piece of guidance. The Future Infrastructure Requirements for Services (FIRS) Group provides a forum for this to happen. It is also the case that while policy around some developer contributions is best considered across the city region as a whole, other requirements may be best formulated at the level of the individual authority. Therefore I conclude that it is not necessary to modify the plan to require this supplementary guidance to be broadened in scope.

Local Transport Fund

28. A suggestion has been made that the plan should also consider local transport works that are required to provide access to sites and the potential for a local transport fund to help deliver these. I note that the authority states that it has no plans for such a fund. Also, local delivery considerations regarding individual sites are more properly a matter for local development plans. I therefore conclude that no modification to the plan is necessary.

Cycling

29. Regarding the comments from the Aberdeen Cycle Forum, it is the case that investment in cycling infrastructure may be expected to help mitigate the transport impacts of new development. Paragraph 167 of Scottish Planning Policy states that “development should be supported in locations that are accessible by...cycling..., making best use of or adding to existing networks and creating new networks”. The Strategic Transport Fund is based on evidence in the Cumulative Transport Assessment, which does not appear to have addressed cycling measures. Therefore I do not have the evidence with which to justify recommending a modification to the plan to bring cycling measures within the scope of the Strategic Transport Fund. However this is an issue which could profitably be addressed in any review of the Assessment and, in due course, of the plan.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. Amend Paragraph 5.9 to read:

“We will prepare supplementary guidance in support of this plan. This will allow (through a ‘Strategic Transport Fund’) transport projects which are needed as a result of the combined effect of new development to be funded and delivered. The transport projects that will benefit from the Fund are identified in Schedule 2. Contributions will generally be sought from housing, business, industrial, retail and commercial leisure developments in the strategic growth areas within the Aberdeen Housing Market Area, subject to detailed criteria to be set out in the supplementary guidance. Contributions will only be used to support projects that are related to the developments concerned and are necessary to

make those developments acceptable in planning terms.”

2. Amend the final bullet point of schedule 2 to read:

“The following transport measures supported through the Strategic Transport Fund to deal with the combined effect of new development on the transport network:

- a new station at Kintore;*
- [list continues as in proposed plan]”*

3. Delete *“a new station at Kintore and”* from the sixth bullet of schedule 2.