



# Contents

Key Principles .....	1
Planning Context .....	3
Revised Consultation Draft Circular 12/1996: Planning Agreements .....	3
Scottish Planning Policy 3: Planning for Homes .....	3
Rates and procedures .....	3
Justification .....	4
Appendix 1 .....	5
Appendix 2 .....	6
Appendix 3 .....	7
Further Information .....	8
Contacts .....	8

## Status of the Supplementary Guidance

This Supplementary Guidance reflects the policy advice given in **Scottish Planning Policy 3: Planning for Homes and Scottish Office Circular 12/1996: Planning Agreements**. In addition this Supplementary Guidance takes into consideration the consultation draft of Scottish Government Circular on Planning Agreements which is likely to be adopted for use by the Scottish Government in 2009. The Council will seek comments on this draft from developers, the Highland community, its elected Community Councils and other relevant stakeholders in 2009 and adopt it, after amendments resulting from the consultation process. The Council will monitor its effectiveness and review its content at regular intervals to ensure it remains relevant and compliant with Scottish Government policy and advice and any further strategies adopted by the Council. The Supplementary Guidance will tie in to future consolidated Supplementary Guidance covering all forms of developer contributions.

Supplementary Guidance does not have the same status as policy in the currently adopted Development Plan. However, it will be taken into account as a material planning consideration by the Council, Reporters or the relevant Scottish Minister when determining planning applications and appeals. Under the Planning Etc. (Scotland) Act 2006, Supplementary Guidance can be adopted as part of the development plan. It is the intention that on the approval of the Highland Wide Local Development Plan this supplementary guidance will be adopted as part of the development plan.

## Key Principles Prìomh Phrionnsapail

This guidance has been put in place to set out a policy on how developer contributions will be sought towards the provision of primary and secondary schools in the Highlands. Development of new housing in areas where the school is at or approaching capacity can put pressure on education provision. In line with national guidance, there is scope to ensure that developers contribute towards the investment needed to address these pressures.

The requirement for contributions can be triggered by two types of development:

- Sites allocated for housing development in Highland Council Local Plans. Capacity issues are identified in Plans whenever possible but Government guidance on class sizes, and potential future changes to this guidance, means that school capacities are now assessed on an annual basis and the position may change after Plans are published.
- “Windfall” proposals that come forward in the catchment areas of schools at or near capacity.

To assist developers, the Council has identified which school catchment areas could be at or approaching capacity over the coming years if the amount of housing land identified within them is built out. The lists in appendices 2 and 3 of this document show these catchments, and this will be used as a guide to inform where contributions may be required.

Developer contributions will be applied equally to all developments of 4 or more houses or flats irrespective of size. Proposals for sites not allocated for development in the Local Plan and/or not in accordance with general policies are unlikely to be supported irrespective of proposals put forward by developers to address school constraints.

The Council has a target of enabling<sup>a</sup> 2,000 new affordable houses to be built between 2007/08 and 2010/11, and to ensure that this is not compromised developer contributions required under this guidance will not be applied to affordable housing<sup>b</sup> developments, delivered by Registered Social Landlords. The impact of these developments on school capacity will however still be considered when planning applications are being determined. This will inform the Council’s investment programme.

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<sup>a</sup> Draft Corporate Plan 2009/11 “Work with the Scottish Government, local partners and the private sector to enable 6,000 new houses, with appropriate amenities, to be built in the Highlands between 2007-8 and 2010-11, with 2,000 of these affordable houses for rent and low cost home ownership of which 600 will be for older people and people with disabilities. Also Single Outcome Agreement outcome target 10.2.

<sup>b</sup> affordable housing: Housing made available at a cost below full market value, to meet an identified need. It includes social rented accommodation, some private sector rented accommodation, and publicly subsidised housing for sale. It may also include unsubsidised entry-level housing for sale where it can be demonstrated clearly that the homes are affordable to low-income groups of households (SPP3 Planning for Homes 2008 definition).

This guidance is intended to cover relatively straightforward situations where additional teaching classrooms are all that is required. In more complex cases the scale of contribution will be calculated on a case by case basis:

1. For development proposals in the A96 Growth Corridor Framework, which was adopted by the Council in September 2007, the existing Developer Contributions Protocol as it relates to education provision will apply.
2. Large scale housing proposals outwith the A96 Corridor may require specific large scale education infrastructure. In this case the application will be handled through the Council's protocol for dealing with larger applications<sup>c</sup> (as defined by the Town and Country Planning (Planning Hierarchy) (Scotland) Regulations 2008) which will give early notice of the likely requirement. Developers of all sites are advised to have early pre- application discussions with the Council prior to the submission of planning applications to resolve any difficulties before design work has reached an advanced stage.
3. Where the ancillary and support services in the school are not adequate to service the additional classrooms, which might include nursery provision, basic site services, vehicular access, car parking, staff rooms, office facilities, playgrounds and play facilities etc (not an exhaustive list).

There may be school specific factors, such as space, quality of ancillary accommodation, etc which mean that increasing capacity is not a practical proposition. In such circumstances suspensive conditions or phasing of the development will be necessary. In extremis, the Council may refuse planning permission.

Normally, impacts will be cumulative, and no one development will cause the difficulty. In these circumstances a financial contribution based on the provision of additional classrooms will be applied on a per housing unit basis.

The Highland Council has developed a standard modular design for permanent classroom extensions which provide a cost effective alternative to temporary demountable units. They comprise one or two classrooms, toilets, a cloakroom area and storage cupboards, and the costs for these modules are used to derive the unit costs given below. This approach gives construction costs which are typically 75% (or less) of the industry standard average costs given by the **Building Cost Information Service (BCIS)**.



The impact of development will be judged based on the available capacity at the schools affected, the school roll projections, and the ratio of pupils per housing unit from new housing developments that are applicable at the time of the planning application. This process is described in more detail later. The pupil product ratios used have been derived from studies of the number of children enrolling at schools from a representative sample of new build housing developments.

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<sup>c</sup> *delivering Major Developments, A Pre-Application Guide: February 2009 (or subsequent update)*

## Planning Context **Co-theacsa Dealbhachaidh**

### Revised Consultation Draft Circular 12/1996: Planning Agreements

The revision to Circular 12/1996 details how Section 75 of the Town and Country Planning (Scotland) Act 1997 should be implemented. The Highland Council shares the Scottish Government's belief that planning agreements have a useful role to play in the development management process where they can be used to overcome obstacles to the granting of planning permission. Any proposed planning agreement must satisfy the requirements of all of the following as set out in Circular 12/1996:

- Necessary to make the proposed development acceptable in planning terms (Sequential test of necessity);
- Serve a planning purpose and be relevant to the published development plan of the authority (Planning purpose test);
- Directly relate to the proposed development (Relationship to development test);
- Fairly and reasonably relate in scale and kind to the proposed development (Scale and kind test); and be
- Reasonable in all other respects (Reasonableness test).

The circular supports the approach The Highland Council is taking to set out the broad principles, methodologies and exact levels of contributions in Supplementary Guidance.

### Scottish Planning Policy 3: Planning for Homes

SPP3 discusses the potential for use of Planning Agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 and this supports the revision of Circular 12/1996 to ensure Planning Agreements can be used to facilitate development necessary to increase sustainable economic growth in Scotland at a local and national level.

### Rates and procedures

The level of contributions will be reviewed and updated on a regular basis. The contributions are calculated from a combination of pupil product and classroom extension costs. Tables 1 and 2 in the Appendix shows the current contribution expected per housing unit for each type of school. If the roll which is forecast when all of the planned development in the catchment takes place exceeds the school capacity by less than 25 pupils including nursery, then the contribution will be based on the unit cost of a one classroom extension. If the capacity shortfall is more than 25 pupils including nursery then the contribution will be based on the unit cost of a two classroom extension.

As described earlier, further (or separate) contributions towards ancillary accommodation may be required in more complex cases. Any agreement will specify how and when the money should be spent and will be returned (with interest) if it proves not to be required.

## Justification

The number of births per year in Highland fell progressively in the latter part of the 20<sup>th</sup> century until they began a small year on year increase starting in 2002. Government has revised its forecasts of future birth rates and now predicts that the current rate of increase will continue until 2010 before rates again begin to decline. The general trend that emerges from an analysis of all school roll projections is that school rolls in many parts of Highland will continue to fall due to a locally ageing population. Some modest increases will result from the recent increase in birth rates, while significant increases in the roll will continue to be confined to areas of concentrated new house building.

In the autumn of each year the Highland Council produces a school roll projection for the next 10 years for every primary and secondary school. (Available on-line at [www.highland.gov.uk/yourcouncil/highlandfactsandfigures](http://www.highland.gov.uk/yourcouncil/highlandfactsandfigures)). This takes into account:

- Actual school enrolment figures from the September roll census;
- Future Primary 1 intakes based on birth data and projected birth rates;
- New housing made up of developers estimates of likely build rates on sites allocated in the Local Plan (collected as part of our annual Housing Land Audit), and an assessment of likely windfall development based on historic rates, the prevailing economic climate and any policy changes; and
- The current school capacity.



New housing sites allocated in the Highland Council Local Plans will either already have been taken into account in the projections or the allocation is conditional on addressing school capacity constraints. Any planning application for new development over and above existing commitments will therefore be tested by re-running the school roll projections for the relevant school. If these reveal capacity issues which can be technically overcome a financial contribution is likely to be sought.

The techniques used by the Highland Council to estimate future school rolls follow recognised best practice but it should be noted that they are based on a number of trend based and averaging statistical techniques. Whilst the assumptions have proved generally reliable, the nature of the exercise means that they cannot be regarded as a prediction.

Where developer contributions are sought, or refusal is recommended, the background information and assumptions used will be made available.

Developers should also be aware that there may be other issues affecting particular sites that will require development contributions for community infrastructure in addition to education provision. As described earlier, further (or separate) contributions towards ancillary community facilities or ancillary accommodation may be required in more complex cases. This will be covered by broader guidance covering Developer Contributions which is in preparation.



## Appendix Pàipear-taice 1

Table 1 gives the contribution required if the roll which is forecast, when all of the planned development in the catchment takes place exceeds the school capacity by **less than 25 pupils**.

Table 2 gives the contribution required if the roll which is forecast, when all of the planned development in the catchment takes place exceeds the school capacity by **25 pupils or more**.

**Table 1: Contribution per Unit of Open Market Housing Based on a One Classroom Extension**

<i>1 classroom</i>	<i>Primary</i>	<i>Secondary</i>
<b>Houses</b>	£2,013	£1,039
<b>Flats</b>	£260	£65

**Table 2: Contribution per Unit of Open Market Housing Based on a Two Classroom Extension**

<i>2 classrooms</i>	<i>Primary</i>	<i>Secondary</i>
<b>Houses</b>	£2,013	£1,039
<b>Flats</b>	£260	£65

The costs given in Tables 1 and 2 are for quarter 4 of 2008 and will be updated to the current cost on a quarterly basis. The exact payment arrangements will be discussed with the developer involved, taking into account the capital planning required by the Council, and the likely build out rates of individual developments.



## Appendix Pàipear-taice 2

The table below indicates the primary schools in Highland where developer contributions towards providing increased capacity may be required. The school capacities and roll forecasts are reviewed annually, based on the September pupil census.

Primary Schools		
Achaphubuil	Deshar	Knockbreck (Tain)
Aldourie	Dochgarroch	Lochardil
Alvie	Duncan Forbes	McDiarmid
Applecross	Duror	Merkinch
Ardgour	Elgol	Millbank
Arisaig	Farr (Inverness)	Mulbuie
Auchtertyre	Glenelg	North Kessock
Aviemore	Glenurquhart	Pulteneytown
Avoch	Hill of Fearn	Raigmore
Ballachulish	Hillhead	Resolis
Balloch	Hilton (Inverness)	Shieldaig
Balnain	Holm	Smithton
Bower	Inshes	Spean Bridge
Bridgend	Invergarry	Stoer
Bualnaluib	Inverie	Strathconon
Carbost	Inverlochy	Strathgarve
Cauldeen	Kilchoan	Strontian
Conon	Kiltearn	Tarbat Old
Coulhill	Kinlochbervie	Tarradale
Cradlehall	Kinlochewe	Tomnacross
Craighill	Kinmylies	Watten
Crossroads	Knockbreck (Skye)	
Crown		

## Appendix Pàipear-taice 3

The table below indicates the secondary schools in Highland where developer contributions towards providing increased capacity may be required. The school capacities and roll forecasts are reviewed annually, based on the September pupil census. Secondary school capacities are under active review at the time of preparing this Guidance and revised figures are expected to be available for the September 2009 based update.

### Secondary Schools

Charleston Academy  
Culloden Academy  
Dingwall Academy  
Dornoch Academy  
Fortrose Academy  
Grantown Grammar  
Invergordon Academy  
Inverness Royal Academy  
Kingussie High  
Kinlochleven High  
Lochaber High  
Mallaig High  
Millburn Academy  
Nairn Academy  
Plockton High  
Thurso High  
Ullapool High

## **Further Information** **Mion-fhiosrachadh**

Advice on the use of planning agreements is provided by the Scottish Government in the following publications:

- Scottish Planning Policy 3: Planning for Homes, paragraph 104
- Circular 12/1996P: Planning Agreements

## **Contacts** **Cuir fios**

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