

Protocol for Identifying Developer Contributions

The Highland Council

September 2023

Developer requirements for planning applications and pre-application enquiries are determined using the following:

- the Local Development Plan
- Development Briefs
- the LDP Delivery Programme
- the Developer Contributions Supplementary Guidance
- consultation responses for planning applications

Where a deficiency in services or infrastructure is identified, the case officer works in consultation with specialist officers or partners for each type of infrastructure to confirm whether contributions need to be sought. Any contributions sought must comply with national legislation for Developer Contributions as set out in Circular 3/2012 Planning Obligations. Through the determination of the application, and in combination with the specialist contacts, the case officer negotiates on behalf of the Council, the appropriate mitigation to be provided or for financial contributions to be made.

The Council collects contributions for specific known projects through developer contribution 'pots' and these are monitored regularly. The specialist contacts on each type of contribution also have a role in coordinating any developer contributions, along with any other funding sources, to enable delivery of infrastructure. This activity is monitored through the Developer Contributions Board.

Where there are developer contribution pots for projects that do not come forward, or are identified as being no longer required, there may be scope for those contributions to be re-directed to a project that provides suitable mitigation/equivalent benefit for the community concerned. In these instances, the relevant Area Committee will be presented with a list of projects that are considered to be eligible. Incompatible projects will not be presented for consideration. The role of the Area Committee will be to agree the distribution of such contributions across eligible projects. Officers will be present to provide advice.

Protocol

1. Communities and partners are encouraged to identify requirements for future development and/or their place during the preparation of a Local Development Plan (LDP) and any Area Plan (typically led by the public sector) – including placemaking priorities and place and/or site-specific infrastructure requirements;
2. Local Development Plans (LDPs), LDP Delivery Programme, Development Briefs and Masterplans therefore identify upfront requirements;
3. Alongside, communities are encouraged to prepare their own Local Place Plan to identify the unique requirements and ambitions for their community;

4. Where an appropriate representative Community Group identifies a new project or priority that might be eligible for Developer Contributions, they can make recommendations for consideration by the Developer Contributions Board (through the Developer Contributions Officer) and subsequent decision by Area Committee (in line with step 7 of the Protocol);
5. At application or pre-application stage, Case Officer identifies requirements based on feedback from specialist officers and representations on the planning application etc, including requirements from LDP, Delivery Programme, Dev Brief, Place Plan, Local Place Plan as necessary;
6. Determination of an application confirms appropriate mitigation; by the Case Officer, if determined by delegation, or NPAC/SPAC that would provide an opportunity for Members to highlight alternative mitigation methods;
7. In circumstances where alternative mitigation is flagged, or where mitigation cannot be agreed, or where spend has not been identified – Area Committee then given chance to agree appropriate mitigation, with officer input as outlined above.