

Issue 4	Infrastructure Contributions	
Development plan reference:	PM3 - Infrastructure Contributions, page 24 5.1 – Perth Area Education Infrastructure, page 71 6.1–Highland Perthshire Area Infrastructure Developer Contributions, page 151-153 7.1–Kinross-shire Area Infrastructure Developer Contributions, page 197-199 8.1–Strathearn Area Infrastructure Developer Contributions, page 239-241 9.1–Strathmore and the Glens Area Infrastructure Developer Contributions, page 273-275	Reporter: David Buylla
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Government (00092) Diana Corrieri (00296) Portmoak Community Council (00638) Jane Smallwood (00702) Fossoway & District Community Council (00830) Manse LLP (00850) Scottish Environment Protection Agency (03194) A Ritchie & Son/M & S M Bullough(08651)		Taylor Wimpey UK Ltd (09004) Jim Pritchard (09104) John Dewar Lamberkin Trust (09166) TACTRAN (09203) A & J Stephen Ltd (09727) Kevin Borthwick(09777) Stewart Milne Homes (10080) Homes for Scotland (10214) David Wilson Homes (10227)
Provision of the development plan to which the issue relates:	All areas of the Plan which relate to developer contributions and infrastructure provision.	
Planning authority’s summary of the representation(s):		
<p><u>Policy PM3 Infrastructure Contributions</u> TACTRAN (09203/3/001): It is requested that bullet point (b) specifically allows for potential contribution towards strategic infrastructure, including infrastructure which serves cross-boundary travel demands and needs as identified within the Regional Transport Strategy. For example Park & Ride facilities serving both Perth and Dundee on the A90 corridor.</p> <p>John Dewar Lamberkin Trust (09166/7/001): Support. Recognise that strategic developments will require the delivery of infrastructure improvements but the provision of offsite facilities needs to be evaluated within the context of wider project deliverability. Policy PM3 should be qualified to expressly support the principal of strategic projects and recognise that in the interests of deliverability the scale of developer contributions needs to be assessed on a project by project basis. This should reflect guidance in Circular 1/2012 Planning Agreements (Core_Doc_097).</p> <p>Stewart Milne Homes (10080/16/001): Policy PM3 needs to set out specific requirements of developer contributions linking to the supplementary guidance. Bullet points a) and b) of the policy are non specific and could be applied to any contribution the Council may consider appropriate at a later date. Level of emerging developer contributions are unreasonable making many sites unviable even when identified at an early stage.</p>		

Contributions need to be reasonable and proportionate and partnership working required to bring forward essential funding, this needs to be set out in the policy to enable it to be appropriately tested.

Developers should not fund large scale infrastructure projects to enable development to come forward and make up shortfalls in the local authority budget. A fair mechanism of delivery considered on a site by site basis is needed to ensure that development viability is not at risk as a result. This should be assessed and demonstrated through the Local Development Plan and not left for Supplementary Guidance or until an application is made for planning permission.

Taylor Wimpey UK Ltd (09004/28/001): Clarify the policy in terms of how it links to Circular 1/2010 (Core_Doc_097) as the policy tests in the Circular are more detailed compared with criteria a) and b).

Homes for Scotland (10214/1/003): The two instances listed a) and b) are not clearly worded to reflect the policy tests set out in Circular 1/2010: Planning Agreements (Core_Doc_097). The contributions must only be asked for when they are required to mitigate a detriment created by the development, and an evidence base will be required.

David Wilson Homes (10227/1/002 & 10227/1/014): Policy not in line with Circular 1/2010: Planning Agreements (Core_Doc_097) which identifies that there should be a link between the development and any mitigation offered as part of the developer's contribution. Planning agreements should not be used to extract advantages, benefits or payments from landowners or developers which are not directly related to the proposed development. The second sentence should be amended to reflect the Circular by deleting '*...the Council will look at the cumulative long-term effect of new development...*'.

A & J Stephen Limited (09727/6/001): Recognise that the development industry has an obligation to provide enabling infrastructure in terms of Circular 01/2010 (Core_Doc_097). Recognised that there will be a need to provide strategic infrastructure to deliver development proposals in the Local Development Plan. Representation cautions against any attempt to widen such contributions to fund a wider range of requirements that are tenuous in terms of the proposed developments and fail the tests of scale and kind in Circular 1/2010 (Core_Doc_097). The policy should meet the tests of the Circular.

Manse LLP (00850/1/002): The reference to the tests within Circular 1/2010 (Core_Doc_097) are welcomed as they relate to infrastructure contributions. The first paragraph would benefit from ensuring that all of the tests within that Circular are referenced, or alternatively, the Circular itself is referenced within the Policy to ensure that there is clarity in terms of expectations in relation to infrastructure contributions.

Taylor Wimpey UK Ltd (09004/28/002): Change the reference to the need for a planning agreement explaining how planning conditions must firstly be examined for their appropriateness in line with Circular 1/2010 paragraph 13 (S4_Doc_073).

Homes for Scotland (10214/1/039): The policy wording is not currently in line with Circular 1/2010 paragraph 13 (S4_Doc_073). '*Planning authorities should firstly consider whether the restriction or regulation can be achieved by the use of a planning condition. Planning conditions are preferable to a planning or other legal agreement, as they are simpler and can potentially save time and money.*' The viabilities of sites are under extreme pressure in the current market and any attempts to reduce costs to developers

would be welcomed. The costs of preparing Section 75 agreements can be significant and can cause delays to the receipt of planning consent.

Taylor Wimpey UK Ltd (09004/28/003): Add references to the appropriate topic specific Supplementary Guidance, either published or in preparation, to be read in conjunction with this Policy allowing the linkage to be made clear.

Scottish Government (00092/5/001): Transport Scotland supports Policy PM3 as it proposes to take into account the cumulative impact of new developments, and where contributions are sought they will be reasonable and relate to the scale and nature of the proposed development.

Scottish Environment Protection Agency (03194/18/001): Support the commitment to develop Supplementary Guidance on developer contributions relating to green infrastructure during the plan period as this will help deliver the River Basin Management Plan (Core_Doc_038) protect and improvement objectives which is in keeping with Perth & Kinross Council's duties under the Water Environment and Water Services (Scotland) Act 2003 (Core_Doc_102).

Portmoak Community Council (00638/1/005): Portmoak Community Council strongly supports this key policy.

Transport

Homes for Scotland (10214/1/016): With reference to Paragraph 3.6.3 (S4_Doc_430) of the Plan any developer contributions relating to transport must mitigate any detriment created by the development, not to resolve existing problems created by others. The absence of Supplementary Guidance at the time of Period of Representation on the Proposed Plan frustrates this process and does not allow the industry to respond to this issue in the round. Circular 1/10, paragraph 19 (S4_Doc_074) explains '*Planning agreements should not be used to resolve existing deficiencies in infrastructure provision*'. The Plan should make it clear that developers are not being asked to resolve these existing deficiencies.

TACTRAN (09203/18/001): To allow and stimulate potential developer contributions towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Aberfeldy, Birnam and Dunkeld and Pitlochry: '*developer contributions may be required towards transport infrastructure and facilities*'.

TACTRAN (09203/19/001): In order to allow for and stimulate potential developer contribution towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Kinross/Milnathort '*developer contributions may be required towards transport infrastructure and facilities*'.

TACTRAN (09203/20/001): In order to allow for and stimulate potential developer contribution towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Crieff and Auchterarder, and also the major development at Gleneagles '*developer contributions may be required towards transport infrastructure and facilities*'.

TACTRAN (09203/21/001): In order to allow for and stimulate potential developer contribution towards supporting the overall sustainability aims and objective of the Plan in relation to promoting more sustainable travel choices and behaviour it is recommended that the following wording is included for development in the principal settlements of Alyth, Blairgowrie/Rattray and Coupar Angus *'developer contributions may be required towards transport infrastructure and facilities'*.

Primary Education

Diana Corrieri (00296/4/001): Agree that the level of development proposed will require a new primary school. No information provided to require the ring fencing of Education Contributions from new housing development in Kinross for a new Kinross Primary School. Kinross Primary School is reaching its capacity and a new primary school is not currently identified for funding in the Education and Children's Services Estates Plan or any budget available to provide this. The secondary school has current spare capacity of 100 places and if all development goes ahead in Kinross-shire it will take the roll close to its maximum. I would argue that until such funding for a new primary school is available for Kinross no further development should be allowed.

Homes for Scotland (10214/1/038): Paragraph 5.1.18 provides no detail of the evidence base for the statement *'Perth in general has limited capacity to immediately support further growth'*. In order to assess these assertions regarding capacity evidence should be produced. Only once this information is available will Homes for Scotland be satisfied that contributions are required. This paragraph should also clarify the reasoning why the contribution trigger for requesting contributions is set at 80% capacity.

A Ritchie & Son/M & S M Bullough (08651/9/001): Acknowledge that the School Estate serving Perth has limited capacity to immediately support further growth. Seek clarification on the current situation, which schools are likely to be increased, by how much and when to inform the timing of development proposals.

Fossoway & District Community Council (00830/1/003); Kevin Borthwick (09777/1/007): There is no coherent plan for provision of primary education in the Fossoway area given the number of new houses proposed. Both the schools in the area are constrained by site and the housing allocation should be accompanied by detailed school provision planning.

Jane Smallwood (00702/1/007): Continuing local primary schools in both Milnathort and Kinross are of utmost importance to preserve identities of Milnathort village and town of Kinross. I would be very disappointed if numbers necessitated a third primary school as feel surrounding area would then lose current attractions particularly in relation to tourism.

Jim Pritchard (09104/1/012): Disagree with the proposal to extend Fossoway Primary School on grounds of road safety and increased traffic.

Modifications sought by those submitting representations:

Policy PM3 Infrastructure Contributions

TACTRAN (09203/3/001): Modify bullet point (b) to include a reference to strategic cross boundary infrastructure.

John Dewar Lamberkin Trust (09166/7/001): Modify policy to support the principle of strategic developments and that any contributions will be assessed on an individual basis.

Stewart Milne Homes (10080/16/001): Modify policy to set out specific requirements of developer contributions linking to the supplementary guidance.

Taylor Wimpey UK Ltd (09004/28/001): Modify policy to clarify how it links to Planning Circular 1/2010.

Homes for Scotland (10214/1/003); David Wilson Homes (10227/1/002); A & J Stephen Ltd (09727/6/001); Manse LLP (00850/1/002): Modify policy to reflect the tests in Circular 1/2010.

Taylor Wimpey UK Ltd (09004/28/002); Homes for Scotland (10214/1/039): Modify the third paragraph to *'The requirements of this policy will preferably be secured through planning conditions, and in certain circumstances through legal agreements.'*

Taylor Wimpey UK Ltd (09004/28/003): Modify policy to include references to appropriate topic specific Supplementary Guidance, either published or in preparation.

David Wilson Homes (10227/1/014): Delete *'...the Council will look at the cumulative long-term effect of new development...'*

Transport

Homes for Scotland (10214/1/016): Modify paragraph 3.6.3 to clarify that new development will not resolve existing deficiencies in infrastructure provision.

TACTRAN (09203/18/001): Modify paragraphs 6.2.3 (Aberfeldy), 6.3.3 (Birnam and Dunkeld) and 6.4.3 (Pitlochry) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

TACTRAN (09203/19/001): Modify paragraph 7.2.3 (Kinross/Milnathort) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

TACTRAN (09203/20/001): Modify paragraphs 8.2.3 (Auchterarder), 8.3.3 (Crieff) and 8.9.2 (gWest) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

TACTRAN (09203/21/001): Modify paragraphs 9.2.3 (Alyth), 9.3.3 (Blairgowrie/Rattray) and 9.4.3 (Coupar Angus) to include *'Developer contributions may be required towards transport infrastructure and facilities.'*

Primary Education

Diana Corrieri (00296/4/001): Modify the Plan to restrict further development in Kinross funding for a new primary school is available.

Homes for Scotland (10214/1/038): Modify the Plan to include details on total capacity across the schools estate, current rolls, previous 5 years rolls (to show upwards or downward trends), and projected future rolls for the timescale of the Local Development Plan (taking into account Local Development Plan sites and programming as set out in the Housing Land Audits).

Modify the Plan to include a justification for the trigger for requesting an education contribution is set at 80% capacity.

A Ritchie & Son/M & S M Bullough (08651/9/001): Modify the Plan to include an overview

of the current school estate and identify the programming for school expansions and upgrades.

Fossoway & District Community Council (00830/1/003); Kevin Borthwick (09777/1/007): Modify the Plan to include a detailed school provision plan for Fossoway.

Jane Smallwood (00702/1/007): Modify the Plan to identify the retention of the existing primary schools in Milnathort and Kinross.

Jim Pritchard (09104/1/012): Modify paragraph 7.1.16 to remove proposal to extend Fossoway Primary School.

Summary of responses (including reasons) by planning authority:

Policy PM3 Infrastructure Contributions

TACTRAN (09203/3/001): A contribution towards infrastructure delivered through a planning agreement can only be sought where it meets all the Policy Tests of Circular 1/2010 (S4_Doc_521), the wider the requirement for a contribution is spread the further it falls from meeting these Tests. The proposed modification would raise issues in relation to the transfer of funding to neighbouring Local Authorities and accountability. In addition there is no evidence that it would be politically acceptable to require funding from new development within Perth and Kinross in order to fund projects in neighbouring Local Authority areas. No other Councils under TACTRAN have sought modifications under this issue.

No modification is proposed to the Plan.

John Dewar Lamberkin Trust (09166/7/001): Policy PM3 defines the principle of developer contributions but does not detail how they are applied to new development. It is recognised that strategic development sites require a level of onsite infrastructure delivery and the requirement for offsite infrastructure contributions may impact on the viability of some projects. Supplementary Guidance defines the criteria for the application of contributions to new development. Paragraph 4.7 of the Developer Contributions Supplementary Guidance November 2012 (S4_Doc_522) identifies *‘for large scale developments, (i.e. 250+ new homes) the Council may enter into separate negotiations to determine the required contribution’*. Paragraph 3.16 (S4_Doc_523) identifies that where other requirements or abnormal development costs would render a development unviable the submission of a *‘Development Viability Statement’* which will allow the Council to determine whether to reduce or give exemption from the requirement to developer contributions. Strategic development sites are supported through the individual site reference in the Plan. These sites are required to be developed through a Masterplan which will allow for a negotiation to take place if required on which contributions are applied making sure new developments are viable while appropriately mitigating their impact on infrastructure. It is not considered essential to modify the Plan as the current Supplementary Guidance already allows for a degree of flexibility in its application.

No modification is proposed to the Plan.

Stewart Milne Homes (10080/16/001): Circular 1/2009: Development Planning paragraph 39 (S4_Doc_524) identifies that *‘detailed policies may be removed to Supplementary Guidance...provided an appropriate context remains in the Plan itself.’* Policy PM3 defines the principle and context for infrastructure contributions with the detail defined through Supplementary Guidance in line with the Circular. It is acknowledged that it

would not be appropriate to produce other Supplementary Guidance than that identified under Policy PM3.

No modification is proposed to the Plan.

Taylor Wimpey UK Ltd (09004/28/001); Homes for Scotland (10214/1/003); David Wilson Homes (10227/1/002); A & J Stephen Ltd (09727/6/001); Manse LLP (00850/1/002): The Local Development Plan is developed in line with Government policy including Circular 1/2010 (Core_Doc_097) which provides the framework for requiring contributions to mitigate the impact of new development. Policy PM3 defines the principle of developer contributions and sets out the basis for Supplementary Guidance. Paragraphs 2.1 – 2.5 of the Developer Contributions Supplementary Guidance November 2012 (S4_Doc_525) defines how contributions will be required in line with Circular 1/2010 and outlines the Policy Tests (S4_Doc_521). It is not considered appropriate for the Plan to replicate government policy.

No modification is proposed to the Plan.

Taylor Wimpey UK Ltd (09004/28/002); Homes for Scotland (10214/1/039): The Council would welcome the opportunity to reduce the number of Section 75 Agreements but it is not convinced that the use of planning conditions is legally robust when used to secure development funding. A review of Circular 4/98 (Core_Doc_186) will be required to take place to ensure that the use of conditions is robust. Until this review is undertaken the use of Section 75 agreements will continue to be the main way of collecting contributions. The policy states *'The requirements of this policy may be secured through legal agreements'* which gives scope for other mechanisms such as planning conditions to be used where appropriate.

No modification is proposed to the Plan.

Taylor Wimpey UK Ltd (09004/28/003): The Note at the foot of Policy PM3 defines which Supplementary Guidance has been developed and the future Supplementary Guidance which will be developed at a future date relating to this policy. It is considered that this already reflects the proposed modification.

No modification is proposed to the Plan.

David Wilson Homes (10227/1/014): Circular 1/2010 paragraph 18 (S4_Doc_526) states that *'In assessing any contributions planning authorities may take into account the cumulative impact of development over time.'* This is reflected in the policy and forms the basis of the calculation of the developer contribution levels.

No modification is proposed to the Plan.

Transport

Homes for Scotland (10214/1/016): Paragraph 3.6.3 (S4_Doc_430) is outlining that existing transport constraints exist in and around Perth; it does not define how the transport network improvements will be funded but references what these improvements are. Supplementary Guidance on Transport Infrastructure Developer Contributions (S4_Doc_446), which has been through public consultation, defines how the network improvements will be funded. The Plan and associated documents should be read as a whole and it is not considered appropriate to replicate the content of the Supplementary Guidance in this paragraph.

No modification is proposed to the Plan.

TACTRAN (09203/18/001, 09203/19/001, 09203/20/001 & 09203/21/001): No specific transport infrastructure projects or proposals have been identified in these areas which would require contributions from new development. The Developer Contributions Transport Infrastructure Supplementary Guidance (S4_Doc_446) applies only within the Perth and Dundee Housing Market Areas, within Perth and Kinross, but the Council will keep this position under review. Circular 1/2010 (Core_Doc_097) and Policy PM3 allows for appropriate contributions to be sought where a deficit would be exacerbated by new development. While the proposed modification seeks to provide clarity without specific projects being identified the proposed wording could cause ambiguity as the majority of new developments would not require to make any such contribution.

No modification is proposed to the Plan.

Primary Education

Diana Corrieri (00296/4/001): Funding for a new primary school in Kinross/Milnathort has not been secured as a new primary school is not immediately required. Site Op15 Lethangie (Reference to the schedule 4 no 33a Kinross/Milnathort Large Housing Sites is highlighted for further information on this issue) has been identified through the Plan to support its delivery if and when required. Kinross and Milnathort primary schools each are currently projected at around 80% capacity but the school roll fluctuates year on year due to a wide range of factors including house completions. The Council monitors the school roll and the level of built development within primary school catchments and through the Service Asset Management Plan (Core_Doc_185) defines where improvements to the school estate are required to meet future needs. Once the requirement for a new school is identified suitable funding sources will be identified and the project identified in the Councils Capital Plan. Until this takes place new development will make a financial contribution to improved education provision where appropriate. In line with Developer Contributions Supplementary Guidance (S4_Doc_528) all contributions received are ring fenced for use within the primary school catchment from which it was required or within the same secondary school catchment where increased capacity can be achieved to meet future needs.

No modification is proposed to the Plan.

Homes for Scotland (10214/1/038): The Developer Contributions Supplementary Guidance (Core_Doc_069) details where new development is required to contribute towards primary education. In line with Circular 1/2009: Development Planning paragraph 39 (S4_Doc_524) identifies that '*detailed policies may be removed to Supplementary Guidance*' and it would not be appropriate to repeat this in the Plan. The information which is requested be included is subject to constant change and it is more appropriate to be considered through Supplementary Guidance than through the Plan. In order to plan and manage the school estate so that capacity is available when needed adequate notice is required of growing pressures. At 80%, some but not all of the primary streams are full or approaching it, and our ability to accommodate primary pupils of any age to classes, may be compromised. 80% capacity allows sufficient space to reorder classes if the age profile of the school roll changes and tries to ensure that primary pupils moving into the catchment area during an academic year can be accommodated.

The response to Enterprise and Infrastructure Committee on Representations received on Supplementary Guidance has responded to the additional points raised. (pages 119, 120 and 123) (S4_Doc_527)

No modification is proposed to the Plan.

A Ritchie & Son/M & S M Bullough (08651/9/001); Fossoway & District Community Council (00830/1/003); Kevin Borthwick (09777/1/007): Information on the current school estate and the future programming for school expansions and upgrades are produced through the Service Asset Management Plan (Core_Doc_185) which is reported to Life Long Learning Committee annually. The Management Plan is publically available and it would not be appropriate to replicate it through the Local Development Plan. The Draft Action Programme submitted with this Plan identifies the current school infrastructure projects and this document is the most suitable place to cover this detail.

No modification is proposed to the Plan.

Jane Smallwood (00702/1/007): Paragraph 7.1.16 of the Plan does not define that the requirement for a new primary school at Kinross and Milnathort will replace one or more of the existing primary schools. It is proposed that the new primary school will be in addition to existing schools providing flexibility when determining how to support future development needs.

No modification is proposed to the Plan.

Jim Pritchard (09104/1/012): The statement in paragraph 7.1.16 is seeking to provide additional clarity and transparency by identifying that to meet future development in Powmill and existing planning permissions the Fossoway primary school will require to be extended. Any extension to the school will be defined through the Service Asset Management Plan (Core_Doc_185) and detailed designs will take account of issues such as traffic generation.

No modification is proposed to the Plan.

Reporter's conclusions:

Policy PM3 Infrastructure Contributions

1. The fact that a piece of infrastructure for which developer contributions are to be sought, would benefit residents in another locality, even in another planning authority area should not in itself necessarily rule out seeking a developer contribution. If the requirement from the developer is to fund infrastructure to the extent that is reasonably related to the development in question, the fact that the same piece of infrastructure would also benefit others is not in itself a barrier, provided that the contribution request satisfies the expectations of circular 3/2012 (which has superseded circular 1/2010). If the infrastructure in question happened to be located in another planning authority area there would be some additional complication to the drafting of an obligation, but this should not be insurmountable. Ultimately however, as there is no reason why this kind of scenario would fall outwith the existing wording that is proposed for Policy PM3, there is no need for any modification to the policy.

2. There is no need for Policy PM3 expressly to support the principle of strategic projects as, when the plan is read as a whole, the support that is offered to such schemes through the proposed site allocations is immediately clear. The authority has confirmed its commitment to considering the deliverability issue on a project by project basis, when assessing the scale of developer contributions. However, it would more clearly reflect the requirements of circular 3/2012 if the policy confirmed this commitment.

3. Circular 3/2012 requires authorities to consider the requirement for a planning obligation using a sequential approach that favours the use of a planning condition wherever possible and requires that an alternative legal agreement is employed, for example, an agreement made under a different statute, in preference to a planning obligation. The policy requires to be modified to reflect this expectation.
4. Circular 3/2012 also sets out a series of five policy tests that must all be met before a planning obligation can be used. These are long established requirements that were also set out in circular 1/2010. As this policy is concerned with developer contributions, which could potentially be secured by some other means, rather than planning obligations specifically, it is not necessary for the policy to repeat the five tests. And, in the event that a planning obligation were requested for a particular development, the requirements of the circular would apply in any event.
5. The policy sets out two instances where there may be a requirement for an infrastructure contribution: where development would generate a future need for additional infrastructure or community facilities; and where it would exacerbate a current need. Whether a particular contribution request is reasonable will depend on the facts of each case, but there is no conflict in principle between either instance that is referred to in this policy and the tests in the circular. A requirement that arose due to an existing infrastructure deficiency (the second instance referred to in the policy) would potentially comply with the circular's tests if the developer were expected merely to address the additional impact of their development rather than to address the deficiency in its entirety. The circular is clear that it is inappropriate to grant planning permission for a development which would demonstrably exacerbate a situation which was clearly already unsatisfactory. Therefore, if, as a consequence of a particular development proposal an existing problem would be worsened, it would be reasonable to require the prospective developer to address that existing problem to the extent that the additional development proposed would not make it any worse. There is no reason to assume that the intention of the policy in regard to this second instance is other than to operate in accordance with the circular.
6. There is no justification for deleting the policy's reference to cumulative long-term effects, as the circular specifically permits planning authorities to take into account the cumulative impact of a number of proposed developments, and use obligations to share costs proportionately.
7. The note within the policy identifies examples of particular types of infrastructure that might require a developer contribution and which will be the subject of supplementary guidance. The chosen wording confirms that this list should not be considered exhaustive and it would not be appropriate for the policy to attempt to indicate every instance where a contribution might be sought, as this could change over time.

Transport

8. Supplementary guidance is not subject to the same examination process as other aspects of the plan. The fact that some of the proposed guidance has yet to be produced does not impair interested parties' ability to respond to the Proposed Plan itself, which is the subject of this examination.
9. As there is no evidence of specific infrastructure issues to be addressed in the principal settlements of Aberfeldy, Birnam and Dunkeld, Pitlochry, Kinross/Milnathort, Crieff and Auchterarder, or in the major development at Gleneagles, it would be

inappropriate for the plan to set out that developer contributions may be required towards transport infrastructure and facilities in those areas. Policy PM3 would remain effective with or without specific reference to these locations in the event that such issues were identified.

Primary Education

10. Policy PM3 seeks to secure justified developer contributions towards infrastructure and community facilities. The justification for such contributions would be undermined if they were invested in infrastructure that was remote from the development site or did not in some other way have a clear link with the proposed development. However, this is a matter of procedural detail for the authority at the development management stage and, in the case of contributions that are secured by an obligation, is typically a requirement of the authority, which is written into the obligation. There is therefore no need to specify in the text that contributions that are intended to address a particular issue (for example to fund the extension of a particular school) will be ring-fenced for that purpose.

11. The plan's reference to school capacity in Perth being limited does not appear to be supported by evidence. But there is also no evidence before this examination to disprove that statement. Ultimately, the issue will be addressed at the development management stage, when the capacity that is available at that time to accommodate the likely pupil generation from the development under consideration will be assessed in accordance with Policy PM3 and the supplementary guidance. The adequacy of the evidence base will be one of the issues for the parties to consider at that time. Other issues would include the suitability of schools to be extended even if funding were available due to factors such as traffic levels, effects on the locality and the availability of land on which to expand.

12. There is no reference in the plan to a school capacity of 80% being the trigger for requesting contributions so there is no need for this to be explained in the text. Matters of such detail are for supplementary guidance.

Reporter's recommendations:

Policy PM3 Infrastructure Contributions

1. Modify the policy by the insertion of an additional paragraph immediately before the Note, to read as follows:

"In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments."

2. Modify the policy by replacing the paragraph that follows points (a) and (b) with the following:

"Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required."