**Developer Contributions Supplementary Guidance Consultation**

Comments from FRCC submitted on 21/2/2018

**For Question 1**

1.2 Why should it matter whether the development has an adverse impact or otherwise. There should always be a contribution towards infrastructure with the contribution increasing if there is an adverse effect.

1.3 There is an implication in this wording that the development must remain viable irrespective of the impact on infrastructure. This is unacceptable.

1.5 Why should Business/Industrial/and retail not contribute towards the community facilities that their workers will need ?

**For Question 2**

1.19 The base number of rooms should be clearly specified. Is it for example kitchen, bathroom and lounge or are other rooms included which might not be considered as bedroom?

1.22 ?

**For Question 3**

1.25

 People who do not have children will still benefit from the developing generation and as such it is not appropriate to exempt development not likely to result in resident children from contributions.

**For Question 4**

1.27. Development Viability should not be a consideration in Planning Policy. If it is then there will inevitably be a distortion of data presentation by the developer to demonstrate their need for reduced developer contributions. Whilst it is recognised that in many cases developments cannot support the full cost of infrastructure, they should not proceed if they cannot support the standard contribution.

1.30 The Highland Council should never become involved in discussions of viability. Once the Council has set a method of assessment which it considers fair the determination of viability should rest solely with the developer. If it is determined over a period of time that Council Policy is unacceptably inhibiting development then the policy can be amended but it should not be done on a case by case basis.

**For Question 5**

1.34 This clause says there will be no opportunity for the Public to examine the background to money being ceded to a developer. This is not acceptable and is a further reason why viability should not be a consideration.

General Comments

The following comments apply:

1. It is agreed that each development should contribute towards local infrastructure.
2. It is desirable that there should be a clear scale of contribution so that developers can cost this into their investment calculations.
3. Whilst the level of developer contribution might vary with the size of the development it should be the same for all developments of the same size.
4. Viability should not be a consideration for several reasons:
5. The proposed viability consideration would introduce a high degree of subjectivity into the calculation of developer contributions. This immediately introduces the possibility of abuse. For example the potential of a reduced developer contribution in the event of non-viability would enable the developer to, for example, pay more for land or other materials which might well be provided by companies linked to the developer.
6. It is easy to massage cost projections in project proposals and indeed final costs.
7. As soon as subjectivity is introduced there are significant additional demands on an already busy Council staff.