PLANNING GUIDANCE

# DEVELOPER OBLIGATIONS

2026

*m.connect on-demand service*

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# 1 Introduction

The sustainable economic growth of Moray requires the provision of infrastructure and facilities to deliver new development. Local authorities and other infrastructure providers across Scotland are struggling to provide infrastructure and facilities that will enable new development to happen without putting a strain on existing resources. Therefore, developers are required to contribute to the infrastructure and facilities to mitigate any adverse impact their development has on the existing network. However, developer obligations must be balanced carefully with development costs, sales values, land values and other policy requirements to ensure development remains viable and can continue to deliver the aspirations of the Council and Community Planning Partners for Moray's economic growth set out in the Corporate Plan.

This guidance focuses on developer obligations that vary according to the location and scale of development rather than those whose policy requirements will be applied uniformly across Moray (i.e. affordable housing, accessible housing, and compensatory planting). Failure to provide for policy requirements will render a development proposal contrary to the Local Development Plan for Moray (LDP). This guidance should be read in conjunction with the NPF4, LDP and any other relevant guidance.

The aim of this guidance is to set out a transparent and consistent approach to the likely infrastructure and facility requirements that will be sought for different types of development, the assessment methodologies that will be used to calculate the level of contribution required, and the rates applicable.

This guidance applies to proposals within the area covered by the Moray LDP. Within the Cairngorms National Park Authority (CNPA) proposals will be considered against the CNPA Local Development Plan (CNPA LDP) and Supplementary Guidance on Developer Contributions, which can be viewed at https://cairngorms.co.uk/planning-development/. Where there is a lack of detail on developer obligations within the CNPA LDP and Supplementary Guidance then the Moray Council Supplementary Guidance on Developer Obligations will be applied.

**Purpose**
The purpose of the document is to provide clear guidance on the:

- Developer obligations process;
- Infrastructure and facility requirements;
- Assessment methodology; and,
- Governance.

This guidance will help the development industry factor into viability appraisals the potential financial implications of likely infrastructure and facility requirements at an early stage of the development process to influence land values and provide greater certainty to communities of what the likely infrastructure and facility requirements of a development will be. The Council will work with its Community Planning Partners and key agencies to assess the likely infrastructure and facility requirements and ensure these are fair and proportionate to the impact of the development proposal.

**The Council encourages developers and landowners to contact the Strategic Planning and Development team as early as possible in the development process so that an assessment of the likely infrastructure requirements and developer obligations can be undertaken which can be used to inform the land value/purchase price of the land.**

**Status**
This guidance will be used as a material consideration after the date that the guidance is approved by the Planning and Regulatory Services Committee.

# 2 Context

Developer obligations are contributions sought from developers to mitigate the impact of their development on the community. When a development takes place there is a need for infrastructure and facilities to accompany it. This can include a wide range of infrastructure and facilities (e.g. schools, healthcare facilities, roads, public transport) depending on the scale and location of the development. Developer obligations are intended to ensure that developers make appropriate provision for any pressure on existing infrastructure and facilities or supply additional infrastructure and facilities to negate the impact of the development on the local community. Developer obligations are agreed before work on a development starts and are between the Council and the developer.

**Evidence**

Based on information available during the preparation of the Local Development Plan, and up to the third quarter of 2025, the Council has anticipated where the need for developer obligations will arise. It is not possible to identify this in every case.

The Settlement Statements within the LDP set out the key requirements for facilities and likely infrastructure to which development is required to contribute. However, Settlement Statements may be overtaken as circumstances change during the life of the LDP. It is unrealistic to expect the Council to anticipate every situation where the need for developer obligations will arise, and decisions will be taken based on the adopted LDP, NPF4, the proposed development and its impact on existing infrastructure and facilities, and the tests set out in The Scottish Government Circular 4/2025: Planning Obligations and Good Neighbour Agreements as set out below. The Council will maintain and work to the most up-to-date information on school rolls, the Housing Land Audit, the Council's Capital Programme, NHS Grampian's Asset Management Plan, and other relevant plans and strategies. Contributions primarily relate to capital costs and will be sought towards projects identified in these plans and strategies.

Where a mitigation changes after a contribution has been agreed or received from a developer, then the Council reserves the right to apply the contribution to the new mitigation. Should the cost of the new mitigation be less than the cost identified for the original mitigation then the proportional difference will be refunded to the developer.

**Planning Policy**

The Scottish Government Circular 4/2025: Planning Obligations and Good Neighbour Agreements sets out the circumstances in which planning obligations and good neighbour agreements can be used and how they can be concluded efficiently. Developer obligations (formerly planning agreements) or other legal agreements will only be used where issues cannot be resolved in another way such as attaching a condition to a planning consent. For example, a planning obligation/legal agreement will be required for phased contributions to infrastructure provision as each successor in title needs to be bound by the planning obligation/legal agreement. The Circular sets out 5 tests to be applied when planning obligations made under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) are sought.

Developer obligations sought must meet the tests set out in Circular 4/2025 and embody the infrastructure first principles with NPF4. Developer obligations must be:

- Necessary to make the proposed development acceptable in planning terms;
- Serve a planning purpose;
- Relate to the proposed development;
- Fairly and reasonably relate in scale and kind to the proposed development; and,
- Be reasonable in all other respects.

National policy and guidance on developer obligations including the 5 tests set out above are reflected in the adopted LDP.

**Front Funding of Infrastructure**
NPF4 policy 18 sets out that an integrated Infrastructure First Approach is to be taken to land use planning. Providing the infrastructure necessary to allow a development to proceed may require the Council or other partners to incur costs while working in partnership with developers, or through front funding of investment. Such expenditure will need to be recouped and where appropriate, contributions will be amended to reflect the actual costs incurred as opposed to the estimated costs set out in methodologies contained in this guidance. Circular 4/2025 provides that Local Authorities can recover proportionate payments from subsequent developments which benefit from initial investment until the costs have been recovered in line with the agreed planning obligation/legal agreement. Moray Council will continue to seek developer obligations for infrastructure once it is completed from sites which will utilise the additional capacity created.

*Buckie's Darling, Buckie*

# 3 Process

**LDP Delivery Group**
An LDP Delivery Group has been set up by the Council to facilitate the alignment of investment plans and maintain an up-to-date evidence base to inform developer obligation assessments. The Group is led by Strategic Planning and Development and includes representatives from Transportation Services, Education Services, Housing Services, NHS Grampian and Scottish Water with scope to involve others as and when required.

The group identifies the infrastructure needed to support the growth associated with allocated sites within the Local Development Plan. This includes consideration of cumulative impact and the timing of infrastructure delivery to support growth.

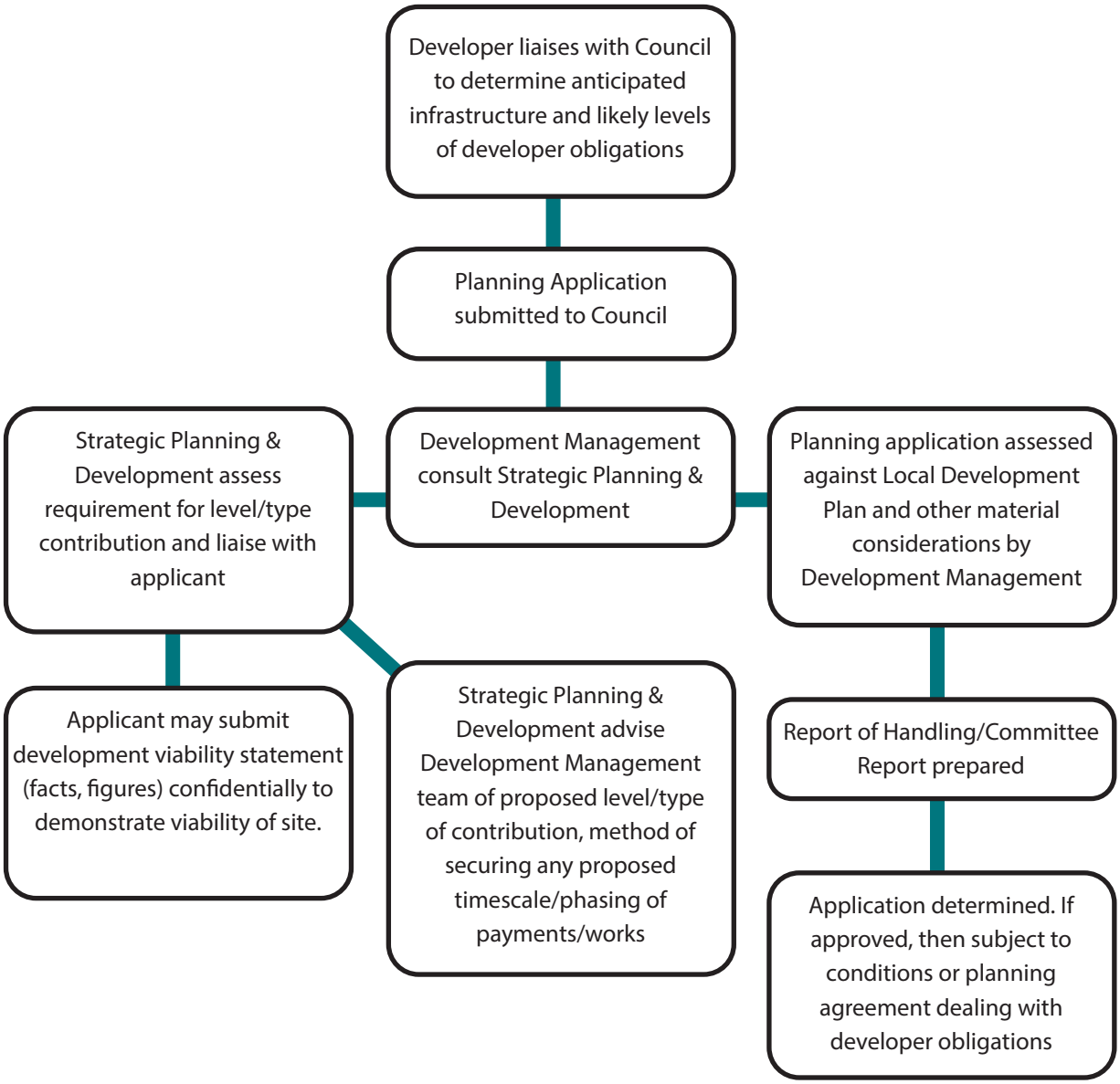



*Diagram 1: Process Flow Chart*

Dialogue on developer obligations can take place at any time with the Council. However, developers are encouraged to contact the Council as early as possible in the development process to ascertain the likely contributions that will be sought and their anticipated level so that these can be factored into early site development appraisal calculations and the extent to which these impact on the total development cost and the residual land value. This service is provided free of charge by the Strategic Planning & Development Team at the Council. The cost of meeting developer contributions and any other policy requirements must feature in any land valuations that determine residual land value.

When a planning application is submitted, the Council assesses what developer requirements are necessary to mitigate any infrastructure and/or facility deficiencies that are a direct result of the proposed development. These requirements are based on an assessment of existing facilities and infrastructure (taking into account any planning and funded improvements) to identify any infrastructure and facility capacity issues in absorbing new development. An assessment is provided to the developer by the Council setting out the contributions, methodology as to how these contributions have been calculated, and the justification for securing these. An example of a developer obligation assessment report is shown in Appendix 1.

The developer can reasonably expect to provide, pay for, or otherwise contribute towards the provision of infrastructure and facilities that would not have been necessary but for the development. Where a developer wishes to provide the infrastructure or facility in full, then this must be in agreement and to the satisfaction of the Local Authority. The basic premise is that the proposed development must not detract from the amenity of existing residents in terms of additional pressure the proposal would generate. In assessing developer obligations, the Council may take account of the cumulative impact of a number of proposed developments that gives rise to the need for mitigation. In these circumstances, the developer obligations sought will be on a pro-rata basis.

As the system of developer obligations in Moray has now been established for some time, and the guidance provides a transparent process for calculating developer obligations for sites identified in the LDP, developers who have purchased land without considering an appropriate level of developer obligations will be considered to have acted unreasonably and without due diligence.

A checklist setting out the actions developers will be expected to undertake and those that the Council will carry out in the identification, negotiation and agreement of developer obligations is set out in Appendix 2.

**Planning Obligations/Legal Agreements**
Developer obligations may be secured through upfront payments under Section 69 of the Local Government (Scotland) Act 1973, Section 48 of the Roads (Scotland) Act 1984 or Section 75 of the Town and Country Planning (Scotland) Act 1997. A legally binding Section 75 agreement (also referred to as a Planning Obligation) is likely to be required for larger developer obligations to secure through phased payments and in perpetuity with each successor in title. Therefore, if the developer sells the site the new owner takes on the responsibility of meeting the developer obligations.

Section 75 legal agreements are likely to be used for larger developments, particularly where there is phasing of payments and infrastructure. Section 75 agreements will be prepared in accordance with the Town & Country Planning (Scotland) Act 1997 and Scottish Government Circular 4/2025. An application may be made to modify an existing Section 75 agreement under Section 75A of the Act 1997 and this may result in the amendment of particular obligations either up or down, or may include obligations that were previously not sought at the time of the original application. Where an application proposes a net increase in the number of units from the original planning consent, a new assessment will be undertaken for these units and the obligations necessary will be reflected in the clauses of the Section 75 legal agreement relating to the development.

Legal agreements are signed off by all parties with an interest in the land and the Council before planning consent is issued and contain the payment structure for developer obligations as well as any other obligations required on the part of the developer or the Council. The exact payment terms will be a matter of agreement between the Council and the applicant.

Where a developer anticipates the need for a Legal Agreement they should prepare for this and include the time required to seek all land owners agreement within the project plan for the development.

Developer Obligations towards Moray Council infrastructure will be index linked to the General Building Cost Index (GBCI) as published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors (RICS) and obligations towards NHS Grampian infrastructure will be index linked to All in Tender Price Index (TPI) as published by Royal Institute of Chartered Surveyors (RICS). Contributions will be index-linked from the first anniversary of the execution of the relevant legal agreement.

A developer can apply to the Council to modify or discharge an obligation within a Section 75 legal agreement and has a subsequent right of appeal to the Directorate of Planning and Environmental Appeals (DPEA) if the authority refuses the application. These applications are assessed against the relevant development plan policies and five tests set out in Circular 4/2025.

The need for a legal agreement may be removed where financial contributions are to be paid as an upfront financial payment prior to planning consent being issued. This mostly relates to smaller development sites, where the level of developer obligation required is disproportionate to the legal costs to set up an agreement. In these cases, upfront payments will be required in order to meet this policy requirement. There may be delays relating to the clearance of funds depending on the method of payment chosen. Funds will not be deposited until planning permission is issued.

**Viability**

Developer obligations must be carefully balanced with development costs, sales values and land values to ensure development remains viable and can continue to deliver the Council's aspirations for Moray's economic growth and the delivery of affordable housing. This is substantiated in Circular 4/2025 which advises that the economic viability of proposals should be taken into consideration when applying developer obligations.

Where there are viability issues the Council may enter into discussion with the developer to negotiate an appropriate level of developer obligations following the submission of a viability assessment based on Appendix 5.

**Viability Assessments**

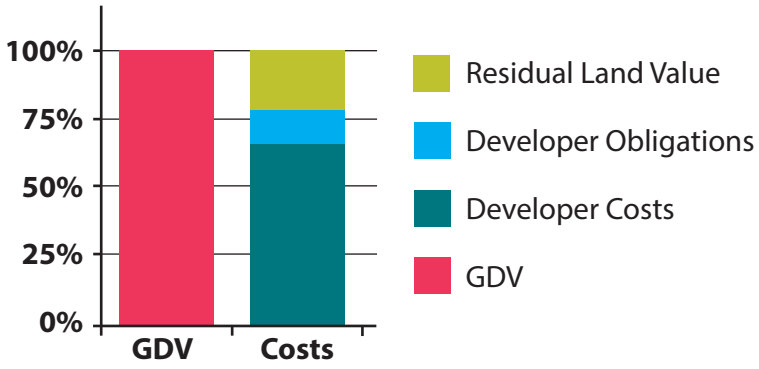
Where a developer considers that the level of developer obligations being applied renders their commercially viable proposal commercially unviable then they must bring this to the attention of the Council setting out the issues they consider to materially affect the viability of their proposal.

In these circumstances, a viability assessment and "open-book accounting" must be provided by the developer which Moray Council, via the District Valuer, will verify. For this service, the developer is required to pay the District Valuer's fee, which will be determined by the District Valuer on a case-by-case basis.

The information required by the applicant in order for the Council to undertake the review of the viability assessment is shown in Appendix 5. The Council will not consider the viability assessment until all the information required is submitted and to the satisfaction of the Council. Further advice is also available on the Royal Institute of Chartered Surveyors (RICS) website at www.rics.org.uk

Should a variation be considered acceptable an assessment report will be issued setting out what developer obligations have been agreed and the reasons for any change to the policy requirements. Planning applications where the negotiated value is a variation exceeding £50,000 will be reported to a meeting of the Planning and Regulatory Services Committee for their consideration/approval.

**Gross Development Value GDV**
(total sales income from the development)
***minus***
**Total Development Costs**
(construction costs, professional fees, developers profit, finance charges, developer obligations)
***equals***
**Residual Land Value**
(amount to be paid to the landowner)




**Freedom of Information**
The Council may disclose information where it is obliged to do so, including where it is subject to request under the Freedom of Information (Scotland) Act 2002 (FOI) or the Environmental Information (Scotland) Regulations 2004. In such circumstances, the Council will seek the views of the developer and take them into account when considering and responding to any request. Where appropriate, developers are advised to obtain their own legal advice on this matter.

*Community Orchard, Buckie*

**Exemptions**
The Council have adopted the following exemptions:

- Student Accommodation. As this development will not generate resident children and place an additional burden on the existing schools, they will not be expected to contribute to Education facilities. A proposal to change these types of accommodation into mainstream housing will require planning permission, and an education contribution will be sought at this time (if necessary);
- HMO Accommodation. These developments will not be expected to contribute to Education, but may be required to contribute towards Healthcare; Sport and Recreational facilities and Transportation
- Sheltered, Extra Care, and Serviced Accommodation. These developments will not be expected to contribute to Education, Healthcare and Sport and Recreational facilities, but may be required to contribute towards Transportation;
- PNOTRE (Prior Notification) and PAPRE (Prior Approval). These developments will not be expected to contribute to Education, Healthcare and Sport and Recreational facilities, but may be required to contribute towards Transportation;
- Replacement Houses;
- Holiday Accommodation;
- Temporary caravans;
- Residential Annexe where it is conditioned to be ancillary to the main property;
- Town Centre Redevelopment of existing buildings for residential use where the original fabric is retained and redevelopment is achieved via internal conversion; or redevelopment of opportunity sites identified in Town Centre Masterplans adopted as a material consideration by the Council;
- Approval of Matters Specified in Conditions (AMC) planning application;
- Amendment of previously permitted planning application of 4 or more residential units results in a net increase of 1 SRUE or less than 1 SRUE;
- Sites with extant planning consent whereby: the previous planning consent is within the timeframe between consent being granted and expiry at the time of the verification of the current planning application; or the previous planning consent has commenced or developer obligations had previously been paid;
- Commercial Development where the floor space is less than 1,000m2 or the site area is less than 1 hectare; and
- Redevelopment of brownfield sites within Town Centres

**Governance**
The Council and NHS Grampian will endeavour to spend the funds received on appropriate infrastructure and facilities within 15 years of the date of payment, or for those applications where phased payments are received through a Legal Agreement within 15 years of the date of final payment, unless otherwise agreed. Contributions not spent by the end of the relevant period will be refunded to the developer with any interest accrued within 21 days of receiving a written notice from the developer requiring to do so. Where applicable, net of any additional administrative costs directly attributable to the particular contribution to be refunded.

For applications where payment has been made upfront, where planning consent lapses as development has not commenced on the site within the period of the consent or a smaller dwelling built, developer obligations will be refunded to the applicant within 21 days of receiving a written notice from the applicant requiring it to do so, with any interest accrued.

Interest of 5% per annum above the Bank of England base rate will be charged on the late payment of developer contributions from 14 days after the date the developer obligations fall due until payment.

For residential developments, the Council will not expect the individual purchasers of the completed residential plots to have liability for any of the financial contributions.

**Indexation**
All rates as set out in this guidance are correct as of Quarter 3-2025 and will be reviewed and published every 12 months. Developer Obligations towards Moray Council infrastructure will be index linked to the General Building Cost Index (GBCI) as published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors (RICS) and obligations towards NHS Grampian infrastructure will be index linked to All in Tender Price Index (TPI) as published by Royal Institute of Chartered Surveyors (RICS). These rates will be reviewed every 12 months to ensure they are in line with actual costs incurred. The published index linked rate for the date the application is submitted will be used in the assessment report.

# 4 Infrastructure and Facility Requirements

**Types of development**
Developer obligations will be sought for the following types of development:

- **Residential development:** All proposals which involve the creation of new residential unit(s).
- **Commercial development:** All proposals where the floorspace is 1,000m$^2$ or where the site area is 1 hectare or more
- **Other applications:** Where the Council or NHS Grampian considers the proposal to be of a scale or type appropriate to merit consideration of developer obligations

**Methodology**
Developer obligations will be sought on a per-residential unit equivalent (unless otherwise stated). A three bedroomed residential unit will be taken as a "standard sized residential unit" (SRUE). The figures below show how the obligation is calculated.

| Size of Residential Unit | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed | 6 bed |
|---|---|---|---|---|---|---|
| Contribution | 0.6 | 0.8 | 1.0 | 1.2 | 1.4 | 1.6 |

Where a planning permission in principle application is received and the precise mix of units is not available then the assessment will be based on 1 SRUE (3 bed unit) for each of the units proposed.

1 bed units will not be expected to contribute towards education facilities.

**Infrastructure and facility requirements**
Developer obligations will be sought for the following infrastructure and facilities:

- Education;
- Transport;
- Healthcare;
- Open Space and Sports, Community & Recreational Facilities;
- Play Opportunities and Destination Parks;
- Green Networks and Access Improvements

This is not intended to be an exhaustive list and requirements may change over time as additional mitigations are identified in the Council's Capital Plan and other relevant strategies. A further assessment of infrastructure and facility requirements will be undertaken on submission of a planning application.

## Education

Contributions will be sought towards meeting the cost of improvements for nursery, primary, and secondary education infrastructure that is necessary as a direct consequence of residential development.

***When and where do they apply?***

Contributions will be sought from all residential developments where the school roll in the catchment primary and/or secondary schools exceeds 90% of its planning capacity as a result of the development, cumulatively along with other identified developments in the school catchment. This figure has been adopted due to the rural nature of Moray and the large number of schools with composite classes from a school estate which includes a number of older buildings which can restrict the number of pupils a school can accommodate. Additional Support Needs (ASN) provision can also limit the number of pupils which can be accommodated in a school as a result of increased space requirements for pupils with ASN needs. An ASN strategy is currently being developed by Education Services and this may require a separate contribution towards ASN.

The Scottish Government Guidance on Determining Primary School Capacity (2014) sets out that planning capacity is a physical, theoretical measure of the total number of pupils which could be accommodated in a school, based on the total number of teaching spaces, the size of those spaces and the class size maxima.

Where a mitigation is required, this will be provided by the most appropriate method by either a permanent extension, reconfiguration of the existing building to provide additional classroom space, through the erection of a new-build school, or by rezoning.

Mitigations are informed by collaborative work with Education Services, alongside Capital Plan allocations, the Learning Estate Strategy, and indicative measures identified in the Moray Local Development Plan.

***How is the contribution calculated?***

Contributions will be calculated for each development and are based on the Housing Land Audit (HLA) and published School Roll Forecast (SRF) for Moray using the following formula:

**Average Number of Pupils Over 90% Capacity x Rate of Mitigation = Contribution**

Contributions are calculated on the basis of the average number of pupils that the school(s) are over capacity over the 5-year period following the submission of a planning application.

The average number of pupils over 90% planning capacity will be expressed as a percentage of the number of houses proposed by a development against the total number of houses built within the school catchment during the 5-year period.

Where the proposed build out of the development is beyond 5 years, contributions for the remaining units for the extended period beyond 5 years will be calculated using the following formula:

**Number of Houses Remaining x Relevant Pupil Product Ratio x Rate of Mitigation**

The rates applicable to each mitigation are set out below:

| Mitigation Measure | Cost per pupil | |
|---|---|---|
| | Primary School | Secondary School |
| Rezoning | £5,697.78 | £5,697.78 |
| Reconfiguration | £7,720.57 | £15,441.17 |
| Permanent Extension | £49,235.81 | £60,446.37 |
| New School | £69,204.67 | £88,523.12 |

The rates per pupil as set out above reflect the recent costed projects within Moray, indexed in line with BCIS where appropriate.

If the identified mitigation is a rezoning exercise, then a contribution will be sought towards the cost of the rezoning consultation. School catchment rezoning is a separate statutory process so in the event that a rezoning application is not approved, then alternative mitigation would need to be explored. The rates for reconfiguration and rezoning are indicative as these may vary depending on the nature of the project proposed. The cost for rezoning may include costs towards reconfiguration or other infrastructure as part of the mitigation.

For primary schools, contributions will be used to create capacity for the relevant catchment area. As set out in the Education (Scotland) Act 1980 the Scottish Government require Local Authorities to allow out of zone placements and as such, capacity may be created at an alternative local school to reduce demand in the relevant catchment.

***Pupil Product Ratio (PPR)***

The number of pupils generated per residential unit (often referred to as the 'pupil product ratio') is set out below:

| | Pupil Product Ratio (PPR) |
|---|---|
| **Primary Education** | 0.3 |
| **Secondary Education** | 0.15 |

This PPR has been tested and proven to be reasonable in Moray.

### *New Schools*

In larger developments, where the development as a whole or as a part of the masterplanned area generates the need for a new school the developer will be required to provide an appropriate sized area of land for the school: 2.5 hectares for a primary school. This figure is based on a provision of a modern school and associated facilities such as playing fields and SUDS. The land provided should be an appropriate shape, reasonably flat, accessible, transferred at nil cost to the Council, and serviced at the developer's expense.

Where the development does not fully require a new school, the Council will pay for the part of the land that is attributable to pupils generated by other developments. Other developments generating pupils that are zoned to the new school will then be required to provide a proportionate contribution towards the land value element, that the Council has front funded, in addition to the contribution to building costs. A per pupil rate for the land value element will be based on the total land value cost which will require an independent valuation to be undertaken.

### *Nursery Provision*

New housing development may result in extra demand for early learning and childcare places, resulting in the need for a material increase in nursery provision. Future guidance on nursery provision, including rates will be provided.

*Linkwood Primary School*
*Elgin*

## Transport

A developer will be required to undertake mitigation measures to ensure there is no adverse impact on the transport network as a direct result of their development or arising from the cumulative impact of development in the area. Transport interventions that are expected to be provided as part of a new development should be reflected in associated planning applications. The developer will be expected to deliver the infrastructure and measures at their cost and for cumulative impact through a proportionate contribution towards transportation interventions identified in the Elgin Transport Strategy or other location specific transport plans which may be agreed by the Council.

The Scottish Government Planning Guidance on Local Living and 20 Minute Neighbourhoods states that 'The Local Living and 20-minute neighbourhood concepts aim to create places where people can meet the majority of their daily needs within a reasonable distance of their home, by walking, wheeling or cycling'. Transport mitigation such as active travel connections and public transport provision may be identified to support local living. This will be determined on a case-by-case basis.

**Transport infrastructure requirements and costs will vary from site to site. Developers are encouraged to contact the Council's Transport Development Team as early as possible in the development process to ascertain the likely transport infrastructure requirements that will be sought in order that these can be factored into early site development viability calculations.**

A mitigation measure to the transport network that can be carried out by the developer will generally be secured via planning condition and where this is not possible a financial contribution will be sought through a legal agreement. Examples of modifications to the transport network and provision of sustainable travel secured through s75 can include:

- Funding of bus services to serve the development during early phases;
- Provision of or funding of public transport priority measures (e.g. bus gates);
- Installation of traffic signals, controlled pedestrian crossings and/or upgrading/refurbishment of existing traffic signal infrastructure;
- Provision or upgrading of roads, bridges and other infrastructure (e.g. new footways);
- Alterations to existing roads.

Examples of modifications to the transport network and provision of sustainable travel secured through conditions attached to a planning consent can include:

- Infrastructure to support Active Travel, in particular Routes to School;
- Travel plans to incentivise use of active travel infrastructure and public transport;
- Installation/upgrading of street lighting;
- Infrastructure to support Traffic Regulation Orders/Stopping-Up Orders;
- Passing places.

Examples of standard costs associated with sustainable travel and transport network improvements include:

- New bus shelter (Moray Council is required to deliver infrastructure within the existing public road): £5,075;
- Processing of Road Traffic Regulation Order (e.g. extend speed limit, waiting restrictions) as set out in the current Moray Council Fees and Charges schedule.

***Local Authority provided public transport***

Developer obligations will be sought from developments within rural and urban areas, where no public transport connection is available and will contribute to public transport provided by Moray Council to serve the additional residents generated by the new developments.

| Mitigation Measure | Cost per SRUE |
|---|---|
| Moray Council provided bus | £418.00 |

***Transport Assessments/Statements***

For developments of 50 or more dwellings the final need for transportation developer obligations will be determined by a Transport Assessment (TA) which should be carried out by the developer.

For developments of 49 dwellings or below, a Transport Statement will be required and this will identify the existing transport infrastructure, travel characteristics associated with the site and the proposed measures to improve the infrastructure and services to encourage sustainable travel to the site. Detailed accessibility analysis and assessment of the traffic impacts would not normally be required.

The information required for a Transport Assessment/Statement can be found in Appendix 3. Developer obligations will be sought towards transport interventions at locations where there is a material increase in traffic. For example in Elgin at the A941 New Elgin rail crossing point and adjacent Edgar Road and Laichmoray junctions a material increase is anything in excess of 1% as these already operate above capacity during the peak periods, for all other locations in Elgin a material increase would be in excess of 5%. For all other locations in Moray the material impact will be considered to be 5% where there are currently operational issues and 10% elsewhere.

High quality design which prioritises active travel and the use of public transport and results in an identifiable reduction in the use of private cars evidenced through the Transport Assessment may be reflected in the final need for transportation developer obligations. The use of target mode shares will require justification and strong evidence of interventions to support active travel and public transport, and will only be considered where there is an agreed monitoring programme and clause within a S75 agreement which would secure an additional developer obligation towards public transport or active travel mitigation if targets were not met. If additional public transport or active travel measures cannot be provided then additional developer obligations will be sought towards mitigating the impact of additional vehicles on the transport network.

***Cumulative Impact of Development on the Wider Transport Network***

Development of a number of sites will have an effect on the operational performance of the transport network. When these sites are considered together this may require different mitigation measures than when considered individually. Additional assessments of key junctions on the trunk road network, utilising previously agreed capacity modelling parameters with Transport Scotland, will be undertaken and overall mitigation measures further developed for the cumulative impact of developments, taking cognisance of the needs of pedestrians and cyclists as the National Transport Strategy aims to make sure that public transport and active travel options are the preferred choice for people making short journeys.

***Elgin***

Elgin Transport Strategy (ETS) addresses the cumulative impact of development allocated in the Moray Local Development Plan 2020 up to 2030. The ETS sets out a series of transport interventions which seek to improve pedestrian and cycle access, develop public transport, ease congestion and make travel around Elgin more predictable and consistent. The ETS can be viewed on the Council's website at **www.moray.gov.uk/downloads/file109528.pdf**

The transport elements considered within this developer obligations guidance only apply to the local road network. Where any development has the potential to change the volume or nature of traffic using the Trunk Road Network (A95 and A96) further consideration will be required in discussion with the Council's Transport Development Team and with Transport Scotland. This further consideration may result in planning conditions and/or additional mitigation requirements related to the strategic transport network.

The final need for developer obligations will be determined through an agreed TA/TS. Contributions towards the transport interventions identified in the ETS will be sought from all residential development including windfall sites.
Transport interventions in the ETS are split into:

- Core: address both existing network constraints where development will have an adverse impact as this will exacerbate an existing situation and to provide for the additional demand for travel associated with new development;
- Directly related to development: interventions directly related to the development of a LDP site (e.g. replacement of bridge to enable two-way traffic);
- Council: specific improvements led and delivered by Moray Council (e.g. Moray Council Travel Plan). Contributions will not be sought towards transport interventions attributed solely to the public sector.

As noted previously, the transport elements considered within this developer obligations guidance only apply to the local road network and further discussions will be required where there is a potential impact on the Trunk Road. While indicative improvements to the A96 are included within the wider Elgin Transport Strategy the Council acknowledges that further and more detailed engagement on rationale for specific interventions, consideration of trunk road safety, impact on strategic traffic movements and design in accordance with Scottish Transport Appraisal Guidance and Design Manual for Roads and Bridges.

Elgin is split into five areas as shown on Plan A in Appendix 4. The transportation need for a development is calculated on the basis of where the development is located and where trips from the development would likely be passing through and is calculated using peak period car trips based on trip generation rates from TRICS which are the same as used in the Elgin Traffic Model. Information pertaining to TRICS and the Elgin Traffic Model is provided in Appendix 3.

Developments are required to proportionately contribute towards interventions within their respective areas and interventions within the central and commercial area given that the central and commercial area will attract trips from all residential developments within Elgin. Where an intervention is on or crosses boundaries contributions will be sought from developments in both areas.

The transportation need and associated level of developer obligations will be based on a Transport Assessment/Statement provided by the developer and agreed with Moray Council. The transportation need will be informed by the percentage increase in development traffic at the points of the transport network where ETS interventions are proposed, including Active Travel interventions particularly where increases in traffic would lead to community severance.

Where the TA/TS identifies a development impact of less than 1%, no developer obligation would be sought for that intervention. Where the TA/TS identifies that an improvement is required at one of the ETS interventions which is more onerous than that included in the ETS, then the developer will be required to develop and deliver mitigation measures at that location.

High level costs for each transport intervention have been supplied by the Council's transport consultants, Jacobs. These costs include an outline allowance for land purchase and utilities diversions. A table setting out the ETS transport interventions and associated costs are shown in Appendix 4.

Should the actual cost of a transport intervention following construction and operation be lower than that estimated through the ETS, then an appropriately apportioned refund will be provided where a developer has provided the full developer obligation for the transport intervention.

***Buckie***

In Buckie, developer obligations are required to enable the provision of new active travel infrastructure, including a new bridge over the Burn of Buckie, which would provide a new high quality, safe and direct connection from the Southwest Buckie development area to the eastern part of Buckie where the majority of existing and future employment opportunities are located, along with other facilities such as education, healthcare and retail.

A proportionate contribution will be sought from the sites which make up the Southwest Buckie Masterplan and R7 Muirton Road site, based on a per housing unit rate, with additional funding being provided by Moray Council to account for demand associated with existing housing to the west of the Burn of Buckie.

The current estimated cost for the active travel connection (September 2025 prices) is £2,033,365.67. The current number of housing units for relevant developments are:

Existing Housing:

- Silberg Drive 180 housing units;
- Alba Road 147 housing units; and
- Inchgower 112 housing units.

Development Sites:

- R7 Muirton Road (indicative capacity) 161 housing units; and
- R8 + LONG 600 housing units.

Total number of housing units which would benefit from the new infrastructure is 1200 (based on indicative site capacities in April 2024).

This gives an indicative rate for developer obligations towards the Burn of Buckie Active Travel infrastructure of £1,694.47 per housing unit at the time of writing this report. Note as planning applications are received then the number of housing units may increase/decrease. This will lead to a proportional change in the level of developer obligations sought.

### *Other settlements*

For all other settlements and in rural areas, each planning application will be assessed on its own merits. Developers will be expected to meet in full the cost of all external works identified in the Transport Assessment and/or through the planning process and undertake these works. The developer may also be required to make an appropriate contribution towards mitigation measures on the wider transportation network, in particular active travel provision and public transport.

The Council may agree transport plans or specific interventions for other locations (e.g. Forres, Buckie) from time to time where the predicted growth from a range of sites indicates the need to set out a single approach to transport infrastructure improvements to mitigate the impacts of those developments or provide off-site infrastructure to support sustainable travel. Any requirement to contribute to the delivery of one of these plans or interventions will be consulted and set out as an appendix to this Guidance.

*m.connect on-demand service*

## Healthcare

Healthcare facilities can include General Medical Services (GMS), Dental Services, Community Pharmacies and Health and Social Care Partnerships (where it can be identified there is need for provision in the GP Practice), or such other infrastructure systems relating to those which will offset the impact of development e.g., remote consulting, reconfiguration etc. Scottish Health Planning Notes and GP Premises Directions provide national guidance on standards and specification for healthcare facilities.

***When and where does it apply?***

It applies to all residential developments where the capacity of existing facilities will be exceeded as a result of the development. Site specific requirements are initially identified in the Settlement Statements within the LDP. Requirements for specific mitigations are identified in appendix 6.

The baseline is identified as the recommended number of patients of 1,500 per General Practitioner (GP). Although guidance refers to a GP, this can also include other Healthcare Professionals. The Primary Medical Services Directions and the Scottish Health Planning notes set out floor space and accommodation requirements. Primary healthcare provision also includes a number of Health and Social Care Partnership and link worker services located within the same facility. Additional floor space is therefore identified for this purpose.

Contributions may be sought for a new build facility, permanent extension, internal reconfiguration works or any other mitigation identified by NHS Grampian to provide additional capacity. The mitigation will be based on required infrastructure capacity (i.e. floorspace requirements) to deliver the number of GPs and support services as opposed to number of staff currently employed in premises.

On this basis, the following contribution per residential unit equivalent will be sought for each mitigation measure:

| Mitigation Measure | Permanent Accommodation | Internal Reconfiguration |
|---|---|---|
| **Contribution per SRUE** | £1,838.45 | £1,081.58 |

On larger residential development sites, where development as a whole or part of a masterplan generates a requirement for requirement for GP, Health and Social Care Practice Moray (HSCP Moray), facilities there may be a need to provide these on-site. Similar to education facilities, a proportional land value contribution will also be required. This may be in the form of serviced land at nil value cost or a financial contribution, which will be additional to the mitigation measure for build cost.

On larger residential development sites there may also be a requirement for an interim solution to be provided to ensure the residents can access a Healthcare Facility at the early stages of the development. This may be in the form of a commercial unit at nil rental cost for an agreed timeframe.

## Open Space and Sports, Community & Recreational Facilities

New sports and recreation facilities such as sports pitches, parks and children's play areas will be required to meet the Council's Open Space requirements set out in the LDP, NPF4, Open Space Strategy or other relevant guidance.

### *Sports Pitches*

The Review of Sport, Leisure and Recreational Provision in Moray, April 2014, identified that grass pitches in Moray are heavily used but are restricted by poor weather, lack of floodlighting, use of other activities and maintenance issues. The Review identified that the Scottish climate and vast amount of football that takes place on natural grass pitches are incompatible and unsustainable from a maintenance resource perspective. With the ever-improving developments of synthetic turf technology, the flexibility offered by the surface in terms of game size and the capacity for repeated play without detrimental effect is further evidence that a synthetic grass pitch located in every associated school group (ASG) area can ensure year-round outdoor sports pitch activity is available and reduce the pressure on natural grass pitches.

The sportscotland national average for synthetic grass pitches is 1.0 full sized pitch per 10,000 population. The Facilities Planning Model 2023 sets out that Moray provision currently aligns with the national average however 3 of Moray's pitches have restricted access due to them being located on private property (Army, RAF and Private School) and 1 other pitch is not full sized.

A previous outdoor pitches strategy for Moray Council aimed to provide a synthetic grass pitch in every ASG in Moray. Current pitch provision in Forres falls below this intention therefore contributions will be sought towards a provision of an enclosed, floodlit, synthetic grass pitch in Forres to mitigate the adverse impact of proposed development on recreational sports facilities.

| **Mitigation Measure** | Synthetic Grass Pitch (1.0ha) |
|---|---|
| **Contribution per SRUE** | £280.42 |

Contributions will also be sought towards the provision of grass pitches where new development creates strain on existing grass pitches. Contributions will be identified on a case-by-case basis.

### *Sports, Community & Recreational Facilities*

Sports, community and recreational facilities are an integral part of new developments, particularly if existing provision would not have the capacity to cope with increased population. Moray Council has a sport and leisure capital investment plan which will continually evolve and align with the Council's capital plan. This specific investment plan will identify new facility requirements as well as existing refurbishment. Financial contributions may be secured towards internal reconfiguration or other works to enhance existing facilities, create an extension or a new build facility to help alleviate the impact of users arising from new development.

These facilities may include, but are not limited to, outdoor facilities such as multi use games areas (MUGA's), athletics facilities, lighting, fencing, spectator areas, changing facilities and indoor facilities such as swimming pools, fitness rooms, exercise studios, community meeting space and sports/gym halls.

Further consultation may be required both internally and with the local community to establish how facilities would be impacted to further evidence contributions required. Due to the significant variation of costs across sports, community and recreational facilities rates will differ and be applied accordingly.

### *Play Opportunities and Destination Parks*

Developments will be required to provide play spaces in accordance with the adopted LDP, NPF4 and the Open Space Strategy or other relevant strategies and with reference to the Play Sufficiency Assessment. Contributions will be sought towards enhanced play provision in community parks which serve the development where the development will create strain on the existing play spaces. Contributions will be identified on a case-by-case basis.

Moray Council has identified Destination Parks in Aberlour (Alice Littler Park), Buckie (Ian Johnston and/or Linzee Gordon), Elgin (Cooper Park), Forres (Grant Park), Keith (St Rufus Park).

*St Rufus Park (Keith)*

These parks play a role within communities providing a greater variety of opportunities for play for a greater age range and may provide other facilities such as skateparks or pitches. These have wider catchments than neighbourhood or local equipped play areas. If existing provision would not have capacity to cope with increased population financial contributions may be secured towards enhancing, reconfiguring, extending existing facilities and/or new facilities within Destination Parks. This could include, but is not limited to, play provision, MUGA's, paths, seating and other furniture, lighting, or any proposals within approved guidance or masterplans.

## Green Networks and Access Improvements

No development should be viewed in isolation and have a duty to contribute to the quality of their local environment by integrating into existing green networks and access routes. Off-site provision may be necessary and where this is the case, developer obligations will be sought.

Examples that developer obligations may be sought for include:

- New and/or improvements to existing core paths and active travel routes serving the development and/or connecting to existing core paths/active travel routes;
- Cycle parking facilities and repair stations at key destinations such as town centres, community facilities and town parks (e.g. Cooper Park in Elgin);
- Route or interpretative signage;
- Off-site sustainable urban drainage systems (all greenfield sites are required to provide this on-site however, it is acknowledged that this may not be practical on brownfield sites);
- New habit, wildflower planting, hedgerows and tree lines to connect green corridors and support ecological habitats and biodiversity; and
- Improvement of poor-quality open spaces as advised by the Open Space Strategy and Audit.

Planning conditions will be used where possible, however where core paths align with the Active Travel network delivery may be facilitated as part of the developer obligations towards the transportation network.

Developer obligations will be sought on a case-by-case basis.

# Appendix 1

## Developer Obligations Assessment Report

*Please note that this assessment is hypothetical and demonstrates the methodology applied.*

**As set out below, a total developer obligation of £1,912,914.52 (£22,504.88 per unit) is required to mitigate the negative impact that this development proposal has on local education, transport and healthcare infrastructure.**

**Date:**

**Application Reference**: 24/00000/APP

**Description**: Residential development of 85 houses and associated infrastructure at Moray Town

**To:** Development Management

**Applicant:**

I refer to the above-mentioned planning application under consideration by Moray Council.

This assessment is carried out in relation to policies contained within the Moray Local Development Plan (LDP), specifically policy DP2 Housing and PP3 Infrastructure & Services.

Copies of these policies can be found on the Council website at
**http://www.moray.gov.uk/downloads/file133546.pdf**

*This assessment report will set out the basis for any agreement you enter into with Moray Council.*

*Your application will be unable to be determined (in terms of delegated powers/reported to committee) until we have reached agreement in writing on the terms as set out in the assessment report.*

**Summary of Obligations**

| Infrastructure | Level of Contribution |
|---|---|
| Primary Education<br>*New build Moray Primary School* | £796,545.41 |
| Secondary Education<br>*Extension at Moray Secondary School* | £523,238.48 |
| Healthcare<br>*Permanent accommodation at Moray Health Centre* | £152,591.35 |
| Transportation | £662,717.27 |
| **Total Developer Obligations** | **£2,135,092.51** |

**Breakdown of Calculation of Obligations**
This section of the report sets out how the obligations outlined above have been calculated.

**Calculation of Standard Residential Unit Equivalents (SRUE)**
Applications are assessed on the basis of standard house unit equivalents (SRUE). This application is considered to comprise of the following:

5 x 1 bed (0.6 SRUE) = 3 SRUE

15 x 2 bed (0.8 SRUE) = 12 SRUE

50 x 3 bed (1 SRUE) = 50 SRUE

15 x 4 bed (1.2 SRUE) = 18 SRUE

This assessment is therefore based on 83 standard residential unit equivalents (SRUE).

## INFRASTRUCTURE

### Primary Education

Pupils from this development are zoned to Moray Primary School which is has a mitigation identified as the result of new development. The development has been factored into the School Roll Forecast 2023 (SRF) on the following assumed phasing: 30 units in 2027, 30 units in 2028, and 25 units in 2029.

Education Services has identified that a new school will be required. The number of pupils over 90% capacity that this development is responsible for has been identified as 11.51.

Therefore, contributions are sought on the following basis:

11.51 pupils x £69,204.64 = £796,545.41

**Contribution towards Primary Education = £796,545.41**

### Secondary Education

Pupils from this development are zoned to Moray Secondary School which is has a mitigation identified as the result of new development. The development has been factored into the School Roll Forecast 2023 (SRF) on the following assumed phasing: 30 units in 2027, 30 units in 2028, and 25 units in 2029.

Education Services has identified that an extension towards Moray Secondary School will be required. The number of pupils over 90% capacity that this development is responsible for has been identified as 5.91.
Therefore, contributions are sought on the following basis:

5.91 pupils x £88,534.43 = £523,238.48

**Contribution towards Secondary Education = £523,238.48**

### Transportation

Based on the interventions identified within the Elgin Transport Strategy (ETS), the Moray Council Transportation Service has confirmed that contributions will be sought to mitigate the impact of the proposed development on the transport network as detailed in Appendix 4.

The average contribution per unit is £7,796.67and the following will be sought:

£7,796.67x 85 units= £662,717.27

**Contribution towards Transportation = £662,717.27**

**Healthcare**
Healthcare facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities.

The recommended number of patients is 1500 per General Practitioner (GP).

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development.

NHS Grampian has confirmed that the existing health centre is operating at capacity and contributions will be required to increase capacity at the Health Centre. Therefore the following contribution will be sought:

Increase capacity at the Health Centre: 83 SRUE x £1,838.45 per SRUE = £152,591.35

**Contribution towards Healthcare = £152,591.35**

# Appendix 2

## Checklist for Developers and the Council in the Developer Obligations Process

### ☑ Developers will be expected to:

- Check the Guidance on Developer Obligations for potential requirements along with any other relevant Supplementary Guidance.

  Reflect all policy requirements set out in the Moray Local Development Plan and any site-specific requirements stipulated in the LDP Settlement Statements, Action Programme, Masterplans and Development Briefs, and undertake a TA/TS to an agreed scope.

- Contact the Council as early as possible in the development process to ascertain the likely obligations that will be sought and their anticipated level.

- Factor any developer obligations or other policy requirement/site specific requirement into development appraisal calculations. Reflect developer obligations in the development appraisal and in the value of the land.

- Establish and agree their preferred phasing of developer obligation payments and delivery of developer obligations, which will be included in a Section 75 or other appropriate legal agreement.

- Conclude any agreement timeously.

### ☑ The Council will:

- Meet with developers early in the development process and issue an interim assessment setting out the anticipated level of developer obligations that will likely be sought.

- Prepare developer obligations assessment at pre-application and application stage when required.

- Negotiate and deal with the assessment of developer obligations and any planning obligations in a timely manner.

- Suggest the use of particular types of legal agreements, planning conditions, etc., appropriate to the circumstances.

- Only use planning obligations where they meet the tests set out in Circular 4/2025.

- Consider all relevant factors which may impact on the financial viability of the development scheme.

- Issue planning consent only when the Section 75 agreement or other appropriate legal agreement has been signed by all parties and (if required) the agreement has been recorded in the Register of Sasines or registered in Land Register of Scotland.

- Monitor contributions, seek payments when due and notify applicants of any change in circumstances that may affect the concluded obligation.

# Appendix 3

## Transportation

### Information required for Transport Assessment (TA)/Transport Statement (TS)

The onus will be on the developer to provide a TA/TS which follows the Transport Scotland Transport Assessment Guidance 2012 and, where required use the Elgin Traffic Model.

Where developments are expected to create an increase in traffic, a completed **Transport Assessment Form www.moray.gov.uk/downloads/file87671.pdf** must be submitted by the developer to allow officers to consider the requirement or otherwise for further assessment.

Developers are urged to carry out early consultation with Transportation prior to the submission of development proposals. If a Transport Statement/Transport Assessment is required the scope should be agreed with Transport Development prior to the submission. A TA must provide:

- An assessment of travel characteristics*;
- A description of the measures which are being adopted to influence travel to/from the site*;
- A description of the transport impacts of the development in a dynamic network and how these will be addressed e.g. proportionate contribution towards intervention identified by the Elgin Transport Strategy.

And, include:

- Forecast of person trips generated by the development*:
- Forecast of person trips generated by mode of transport*;
- Appraisal of the routes from development to end destinations (schools, employment, local services) by foot, cycle, public transport and vehicle.

* Minimum requirement for Transport Statement.

**Elgin Traffic Model**
The Elgin Traffic Model is a macrosimulation model, the extents of which cover the whole of the Elgin road network. The model provides the facility to review the performance of the collective traffic system to check for changes in network performance and to determine the areas of the network where there would be an increase in traffic as a result of a development.

When use of the Elgin Traffic Model is required, developers and their consultants must first agree the scope of the assessment to be undertaken with the Transport Development Team and then complete an Elgin Traffic Model Access Form **www.moray.gov.uk/downloads/file114455.doc**

The model is operated by the Council's transport consultant who will undertake any necessary changes to the model and run the testing scenarios. Output from the model runs will be provided as a report with model output data in the form of shape files (if required). There is a fee associated with accessing the model which will depend on complexity of any changes required to the base model and the number of scenarios tested through model runs. The payment of invoices will be through the Moray Council (data will not be released until payment has been received).

**TRICS**
The Vehicle Trip Generation rates used in the Elgin Traffic Model have been derived using TRICS. TRICS is the national standard system of trip generation and analysis in the UK and Ireland, and is used as an integral and essential part of the Transport Assessment process. The system allows its users to establish potential levels of trip generation for a wide range of development and location scenarios and is widely used as part of the planning application process by both developer consultants and local authorities.

**Table 1- Trip Generation Rates**

| Residential Trip | Vehicle Trips Per Dwelling | | |
|---|---|---|---|
| Generation Rates | Arrivals | Departures | Total |
| AM Peak | 0.140 | 0.390 | 0.530 |
| PM Peak | 0.350 | 0.190 | 0.540 |

# Appendix 4

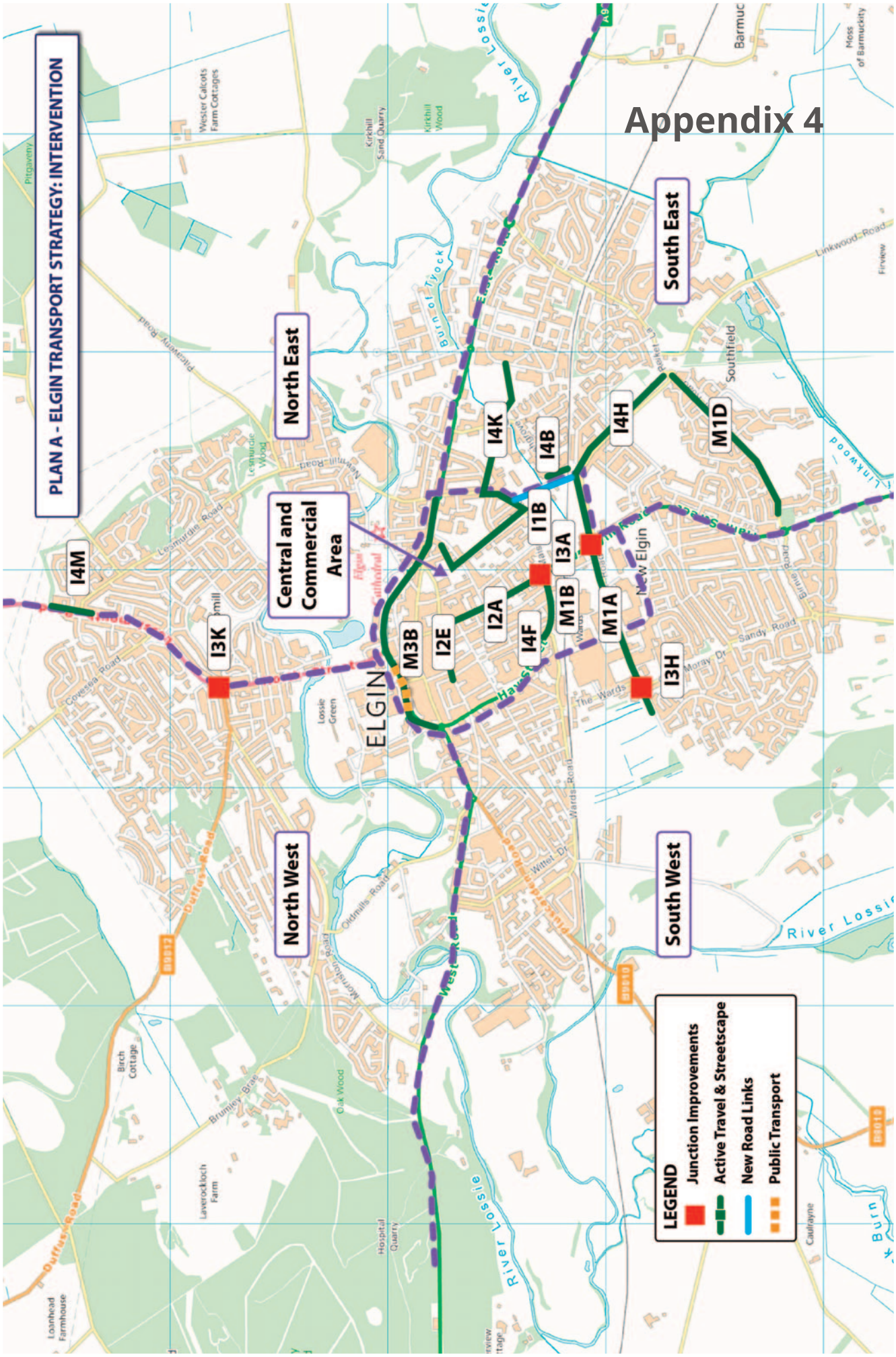



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**Table 2 – Elgin Transport Strategy Interventions**

Indicative costs for each measure have been provided by our consultant Jacobs. They have been calculated by quantity surveyors based on available information and make an initial allowance for utility diversions and land costs.

| Reference | Intervention | Cost |
|---|---|---|
| **Central** | | |
| I1B | New north/south rail bridge: Ashgrove/Linkwood Road to Masondieu Road- two way arrangement with signals | £13,956,026 |
| I2A | Moss Street – convert to one-way (northbound) & widen footways/cycle lanes | £906,667 |
| I2E | South Street – pedestrianise between Commerce Street and Batchen Street | £1,394,870 |
| I3A | New Elgin Road- improve performance/replace junctions North/South of railway | £3,640,613 |
| I4B | New cycle/pedestrian north/south rail bridge: Ashgrove Road | £6,357,124 |
| I4F | Station Road cycle lanes | £111,590 |
| M1A | Edgar Road pedestrian crossing improvements | £90,666 |
| M1B | Station Road/Maisondieu Road pedestrian crossing improvements | £313,846 |
| M3B | Elgin Bus Station redesign/improve operation | £3,487,176 |
| **South-East** | | |
| I4H | Linkwood Road cycle lanes | £139,488 |
| I4K | Pinefield to East End Primary School Active Travel Route | £295,866 |
| M1D | Thornhill Road pedestrian crossing improvements | £313,846 |
| **North-West** | | |
| I3K | North Street/Morriston Road junction improvements | £34,871 |
| I4M | A941/Lesmurdie Road: improvements to pedestrian/ cycle provision and crossing | £156,922 |
| **South-West** | | |
| I3H | Edgar Road/The Wards junction improvements | £418,461 |

**Note:** *this list does not include interventions which would be undertaken either solely by the public sector or interventions attached to a specific development.*

Full details of all of the interventions within the Elgin Transport Strategy can be found at: **www.moray.gov.uk/downloads/file109528.pdf**

# Appendix 5

## Information Requirements for Development Viability Assessment

The Applicant (who may, or may not be the end developer) is required to submit the following information to enable the Independent DSV and Council review of development viability:

- Financial Viability Appraisal as a hardcopy and as a 'live spreadsheet' in Microsoft Excel with working formulas; and
- Applicant Viability Data (AVD) form.

**Please note that the Council will not consider the viability assessment until all the information required is submitted and to the satisfaction of the Council.**

| Applicant Viability Data (AVD) Form | |
|---|---|
| **1)** | **Initial Details** |
| **A)** | **Planning Application Reference Number** (As listed on Council's public records - e.g. Council website): - |
| **B)** | **Brief description of the proposed Development/Redevelopment: -** |
| **C)** | **Full postal address of the subject development site: -** |
| **D)** | **Please provide a plan which highlights the location of the subject development site** |
| **E)** | **Please provide a site plan which highlights the boundaries to the subject development site** |
| **F)** | **Please advise what the GROSS site area is (in hectares & acres)** |
| **G)** | **Please advise what the NET development area is (in hectares & acres)** |
| **H)** | **Please detail site density** (number of houses per hectare & acre on a gross and net area basis) |
| **I)** | **Please advise of the TOTAL Gross Internal Area** (Calculated in accordance with the RICS code of measuring practice) **to the new buildings to be built/converted/ refurbished** (in square metres & square feet) |
| **J)** | **Please include a hardcopy and an electronic copy (in Microsoft Excel with working formulas) of a policy compliant Financial Viability Assessment (FVA) including Developer Obligations and Affordable Housing Contributions** |
| **K)** | **Please confirm the land sales price expected to be paid or price paid** |
| **L)** | **Please provide an overview of the factors which are restricting full delivery of the Council's Developer Obligations and/or Affordable Housing Contributions** |

## 2) Development periods (for finance calculations)

| Description of item: | Assumed start date | Total length of period (months) | Distribution pattern (e.g. straight-line, S-Curve, Weighted etc) |
|---|---|---|---|
| A) Total development period | | | |
| B) Construction period (Private Housing) | | | |
| C) Construction period (Affordable Housing) | | | |
| D) Construction period (Commercial Development) | | | |
| E) Sales period (Private Housing) | | | |
| F) Sales period (Affordable Housing) | | | |
| G) Sales period (Commercial Development) | | | |
| H) Other (please specify) | | | |

## 3) Gross development value (GDV)

| A) Brief description of item being built *(e.g. name of house type)* | Type of item being built *(e.g. private dwelling, affordable dwelling, office suite, etc)* | Number of bedrooms | Gross Internal Area (GIA) of item (sqm) | Number of each item | Value (£s) per item | Total value (£s) of item |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |
| **TOTAL** | | | | | | |

| B) Brief description of additions to GDV | Area of item (sqm) | Value (£s) per item |
|---|---|---|
| Ground Rents | NA | |
| Service charges | NA | |
| Other (please specify) | | |
| **TOTAL** | | |
| **TOTAL GDV** | | |

## 4) Development Costs

**Note: Please indicate if costs are inclusive or exclusive of VAT, the rate at which VAT is charged and whether VAT can be claimed back.**

### A) Development costs

| Rate (if applicable): | Total cost (£s): | Description of cost: | VAT |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| **TOTAL** | | | |

### B) Exceptional (Abnormal) Development costs (Where applicable)

| Rate (if applicable): | Total cost (£s): | Description of cost: | VAT |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| **TOTAL** | | | |

### C) Developer Obligations and Affordable Housing Contribution

| Rate (if applicable): | Total cost (£s): | Description of cost: |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| **TOTAL** | | |
| **TOTAL Development Costs** | | |

## 5) Development fees & charges:

**Note: Please indicate if costs are inclusive or exclusive of VAT, the rate at which VAT is charged and whether VAT can be claimed back.**

| Description of item: | % Rate: | % of: | Total cost: | VAT |
|---|---|---|---|---|
| **A)** Professional fees | | Base build cost | | |
| **B)** Agency & Marketing (Private Housing) | | GDV | | |
| **C)** Agency & Marketing (Affordable Housing) | | GDV | | |
| **D)** Agency & Marketing (Commercial Development) | | GDV | | |
| **E)** Legal costs associated with disposals | | % of GDV or £s per unit | | |
| **F)** Finance- Debit interest | | Borrowing | | |
| **G)** Finance- Credit interest | | Any development surplus | | |
| **H)** Developer's return (profit) for Private Housing | | GDV or cost | | |
| **I)** Developer's return (profit) for Affordable Housing | | GDV or cost | | |
| **J)** Developer's return (profit) for Commercial Development | | GDV or cost | | |
| **K)** Site Acquisition costs | | | | |
| **L)** Other (please specify) | | | | |
| **TOTAL Development fees & charges** | | | | |
| **TOTAL COSTS** | | | | |

| | |
|---|---|
| **Residual land value (TOTAL GDV - TOTAL COSTS)** | |

# Guidance Notes and Checklist for Planning Applicants

**Guidance notes for completing the AVD form and details of any relevant data/ supporting documentation to be provided.**

| 1) Initial Details | | | |
|---|---|---|---|
| **Item** | **Description** | **Notes** | **Check** |
| **A** | Planning Application Ref. Number | Provide planning application details including reference number as listed on the Council website.<br><br>If a planning application has not been submitted or if there are any documents not available on the website, or if revisions have been made that are not available on the website please provide copies (e.g. plans, design and access statements, pre- application supporting documents etc.). | ☐ |
| **I** | Total Gross Internal Area | Measurements should be stated in accordance with the RICS Professional Statement 'RICS Property Measurement' (2nd Edition) and, where relevant, the RICS Code of Measuring Practice (6th Edition).<br><br>Measurement basis should be clearly stated and use a traditional measurement basis (e.g. NIA or GIA). | ☐ |
| **J** | Policy Compliant Financial Viability Assessment (FVA) | Provide a hardcopy and electronic copy in Microsoft Excel with working formulas.<br><br>RICS Professional Statement: Financial Viability in Planning: conduct and reporting sets out what should be included in FVAs and how they must be carried out. Appendix C of RICS Guidance Note 94/2012 is an indicative outline of what to include in a viability assessment (please note RICS are currently reviewing the 2012 guidance note and both the above mentioned documents refer to England however they are considered relevant to the process in Scotland). RICS guidance note, Valuation of development property, 1st edition, October 2019 will also be a relevant document. | ☐ |
| | | The viability appraisal to include a cash flow as an Excel document showing how values have been assessed. | ☐ |
| | | The viability assessment to factor in the Council's stated policy requirements in respect of Developer Obligations and Affordable Housing Contributions. | ☐ |

| Item | Description | Notes | Check |
|---|---|---|---|
| **K** | Land Value | Include the land sales price expected to be paid. Supply copy of an option or conditional agreement. | ☐ |
| | | Supply proof of the land deal e.g. missives and disposition if already purchased.<br><br>The cost of meeting Developer Obligations and any other policy requirements must be taken into account when purchasing land. | ☐ |
| **2) Development Periods (for finance calculations)** | | | |
| **A-H** | | Detail the development programme showing the anticipated period involved in development including pre-build, build period and marketing period. | ☐ |
| | | Include details for future phases, expected sales and rental growth, expected cost inflation and credit rates. | ☐ |
| **3) Gross Development Value (GDV)** | | | |
| **A** | Description of item being built | Include name of house types as appearing on planning documents and as advertised. Detail number of bedrooms. | ☐ |
| | | Show the split between private housing, affordable housing and any commercial elements. | ☐ |
| | | Include estimates of sales values for residential properties, including supporting market evidence to support the estimated sales/lettings values. | ☐ |
| | | Detail the anticipated value of the affordable housing with supporting evidence of how these have been valued and the assumptions adopted. Include likely levels of rent and government grant received, details of any 'Design & Build' contracts entered into with Moray Council or a RSL (Registered Social Landlord). | ☐ |
| | | For the commercial elements of the scheme (if applicable) detail yields, including supporting evidence and any deductions for incentives, rent free periods, voids. | ☐ |
| | | Note the basis of measurement for each element (GIA-Gross Internal Area, NIA-Net Internal Area, NSA-Net Sales Area). | ☐ |

| Item | Description | Notes | Check |
|---|---|---|---|
| **B** | Additions to GDV | Detail any existing income or any additional funds that will continue to be received over the development period. | ☐ |
| **4) Development Costs** | | | |
| **A** | Development costs | Provide a QS cost schedule:<br>• full build cost estimate, not a summary<br>• showing how the costs have been estimated and including specifications, drawings and quotes where available<br><br>If a full cost schedule is not available, please provide an explanation (e.g. 'cost based on previous tender/ completed development' etc) of the assumed costs for all cost items included under sections 4A-4C (or shown within the appropriate sections of your submitted FVA) and reasons for providing assumed costs. | ☐ |
| | | Detail separately the costs for the private housing, the costs for the affordable housing and the costs for commercial (if any). | ☐ |
| | | The costs to be per square metre based on GIA.<br><br>The development costs to include the following:<br>• prelims<br>• demolition costs<br>• site preparation costs<br>• externals<br>• site works<br>• infrastructure including internal access roads, drainage, hard and soft landscaping<br>• substructure and superstructure<br>• internal finishes<br>• any other development costs<br><br>Each item to be detailed individually. | ☐ |
| | | State whether costs are inclusive or exclusive of a contingency and state what the contingency is (% of build cost). | ☐ |
| | | Indicate if costs are inclusive or exclusive of VAT, the rate at which VAT is charged and whether VAT can be claimed back. | ☐ |

| Item | Description | Notes | Check |
|---|---|---|---|
| **B** | Exceptional (Abnormal) development costs (where applicable) | Detail any exceptional or 'abnormal' development costs. Include supporting reports for site abnormals etc. and full cost estimates and build-up of how these costs have been assessed (state professional fees and contingencies separately).<br><br>The following information will be required:<br><br>Earthworks- a copy of the cut and fill model with existing and design levels and drawings plus any calculations by the Engineer/QS.<br><br>Below ground obstructions- a copy of the site investigation report plus any calculations by the Engineer/QS.<br><br>Retaining walls- drawings and specs indicating founds type, retaining wall details, sections, Rebar schedules and wall layouts with height. Plus any calculations by the Engineer/QS.<br><br>Gas Protection measures- site investigation report confirming the presence of gas, specification and GIA of GF slabs that are affected.<br><br>Foundations- design details, specification, lengths and pile cap or ring beam details of the piles required and to which plots.<br><br>Quotations for any of the works. | ☐ |
| | | Indicate if costs are inclusive or exclusive of VAT, the rate at which VAT is charged and whether VAT can be claimed back. | ☐ |
| **C** | Developer Obligations and Affordable Housing Contribution | Detail any estimated Developer Obligations and Affordable Housing commuted payments (where applicable) as determined by The Moray Council. | ☐ |
| **5) Development Fees and Charges** | | | |
| **A** | Professional Fees | Detail separately the following professional fees:<br>• architects<br>• Quantity Surveyor<br>• engineers<br>• planning consultant<br>• project manager<br>• any other professional fees. | ☐ |

| Item | Description | Notes | Check |
|---|---|---|---|
| | | Provide an explanation of assumed costs included under sections 5A- 5L (e.g. 'cost based on previous tender/ completed development) and reasons for providing assumed costs. | ☐ |
| | | Indicate if fees are inclusive or exclusive of VAT, the rate at which VAT is charged and whether VAT can be claimed back. | ☐ |
| **B-D** | Agency and Marketing | This would include:<br>• show houses<br>• sales personnel<br>• running costs<br>• any other cost associated with agency and marketing | ☐ |
| **F-G** | Finance | It is assumed that projects are fully funded by borrowing.<br><br>Detail assumed interest rates for credit and debit. | ☐ |
| **H-J** | Developer's return | Distinguish the level of return expected from the private housing, affordable housing and commercial development (if applicable). | ☐ |
| | | Detail whether the profit is a % of GDV or cost. | ☐ |
| | | Developer's return can comprise 'Profit' and what is sometimes termed 'Overheads'. Indicate whether the return includes Profit only or Profit and Overheads; and provide an itemised breakdown. | ☐ |
| **K** | Site Acquisition costs | State separately any additional acquisition costs:<br>• Land and Buildings Transaction Tax (LBTT)<br>• VAT<br>• surveyor's fee<br>• legal costs<br>• any other site acquisition costs | ☐ |
| **L** | Other | Include any development costs or fees not captured elsewhere (e.g. planning costs such as building warrant, NHBB, etc) | ☐ |
| **6) Other Information** | | | |
| | | Include any other data or supporting documentation you consider relevant to enable an independent review of development viability. | ☐ |

The Applicant Viability Data form and Guidance notes have been developed by the District Valuer Service and finalised by Moray Council to ensure a transparent and consistent approach in dealing with viability assessments.

# Appendix 6

Where a mitigation changes after a contribution has been agreed or received from a developer, then the Council reserves the right to apply the contribution to the new mitigation. Should the cost of the new mitigation be less than the cost identified for the original mitigation then the proportional difference will be refunded to the developer.

## Education

Contributions are sought towards the zoned primary and secondary schools which serve the development.

Contributions will be sought for the proposed mitigation measures unless otherwise advised by Education Resources and Communities Service at the time of application.

| **Buckie High School** | | |
|---|---|---|
| Buckie High School | Contributions towards new build secondary school | £84,534.43 per pupil |
| **Elgin Academy** | | |
| Seafield Primary School | Rezoning** | £5,441.05 per pupil* |
| **Elgin High School** | | |
| Greenwards Primary School | New build primary school | £66,086.44 per pupil |
| Linkwood Primary School | New build primary school | £66,086.44 per pupil |
| Elgin High School | Extension at secondary school | £57,722.77 per pupil |
| New Elgin Primary School | Rezoning | £5,441.05 per pupil** |
| **Speyside High School** | | |
| Mortlach Primary School | Rezoning | £5,441.05 per pupil* |

* *The rate provided for reconfiguration is indicative as these may vary depending on the nature of the project proposed.*

** *The rate for rezoning is indicative as this may vary depending on the nature of the project proposed. The cost for rezoning may include costs towards reconfiguration or other infrastructure as part of the mitigation.*

**Transportation**
Transportation requirements are set out in Appendix 4.

Developer obligations will be sought from developments within rural and urban areas, where no public transport connection is available and will contribute to public transport provided by Moray Council

**Healthcare**
Contributions are sought for the closest medical practice the development is zoned to or any such facility that would serve the development..

While contributions may be identified for an extension to a medical facility or a new medical facility, reconfiguration works may be carried out in the interim to alleviate capacity constraints.

| **Buckie** | | |
|---|---|---|
| Seafield and Cullen Medical Practice | Contribution towards reconfiguration at the medical centre | £1,052.06 per SRUE |
| **Elgin** | | |
| Maryhill Medical Practice | Contributions towards an extension at the medical centre | £1,788.27 per SRUE |
| Linkwood Medical Practice | Contribution towards a new build health centre | £1,788.27 per SRUE |
| **Keith** | | |
| Keith Medical Group | Contributions towards a new build health centre | £1,788.27 per SRUE |
| **Forres** | | |
| Forres Health Centre | Contribution towards an extension at the medical centre | £1,788.27 per SRUE |
| **Lossiemouth** | | |
| Moray Coast Medical Practice | Contribution towards an extension at the medical centre | £1,788.27 per SRUE |

| Milnes | | |
|---|---|---|
| Fochabers Medical Practice | Contributions towards a new build health centre | £1,788.27 per SRUE |
| **Speyside** | | |
| Rinnes Medical Practice | Contribution towards an extension at the medical centre | £1,788.27 per SRUE |
| Aberlour Health Centre | Contribution towards reconfiguration at the medical centre | £1,052.06 per SRUE |

**Sports and Recreation**
Contributions are sought from all development which is zoned to Forres Academy.

| Forres | | |
|---|---|---|
| Forres Academy | Contribution towards 3G Pitch in Forres | £259.67 per SRUE |