

Notice of meeting and agenda

Planning Committee

10.00 am, Thursday, 6 August 2015

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contacts

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 Planning Committee of 15 June 2015 – submitted for approval as a correct record

5. Business Bulletin

- 5.1 Planning Committee Business Bulletin

6. Planning Policy

- 6.1 Developer Contributions and Affordable Housing Guidance – Update for Consultation – report by the Acting Director of Services for Communities (circulated)
- 6.2 Edinburgh Planning Guidance: Student Housing – Revised Draft for Consultation – report by the Acting Director of Services for Communities (circulated)

7. Planning Process

- 7.1 Appeals and Ombudsman Decisions 2014 -15 – report by the Acting Director of Services for Communities (circulated)
- 7.2 Short Stay Commercial Leisure Apartments – Monitoring Report – report by the Acting Director of Services for Communities (circulated)

8. Consultations

- 8.1 Planning Committee Workshop and Awareness Raising Programme – report by the Acting Director of Services for Communities (circulated)

9. Reports from other Committees

- 9.1 Extraction of Unconventional Gas, Fracking and Coal Gasification – Response to Motion – referral from the Corporate Policy and Strategy Committee (circulated)

10. Routine Decisions

- 10.1 Attendance at Conference on Scottish Planning Policy and the New National Framework 3: Communities, Economic Growth and Sustainable, Low Carbon Future – report by the Acting Director of Services for Communities (circulated)

11. Motions

- 11.1 None

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Perry (Convener), Dixon (Vice-Convener), Bagshaw, Balfour, Blacklock, SNP Vacancy, Cairns, Child, Heslop, Howat, Keil, McVey, Milligan, Mowat, and Robson.

Information about the Planning Committee

The Planning Committee consists of 15 Councillors and is appointed by the City of Edinburgh Council. The Planning Committee usually meets every eight weeks. It considers planning policy and projects and other matters, excluding planning applications (which are dealt with by the Development Management Sub-Committee).

The Planning Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton or Carol Richardson, Committee Services, City of Edinburgh Council, City Chambers, High Street, Edinburgh EH1 1YJ, Tel 0131 529 4261 or 529 4105, e-mail

stephen.broughton@edinburgh.gov.uk/carol.richardson@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

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Planning Committee

10.00 am Monday 15 June 2015

Present

Councillors Perry (Convener), Dixon (Vice-Convener), Bagshaw, Blacklock, Child, Heslop, Mowat, and Robson.

1. Minutes

Decision

To approve the minutes of the Planning Committee of 14 May 2015 as a correct record.

2. Strategic Development Plan Main Issues Report 2

Details were provided of the Main Issues Report (MIR2), prepared by SESPlan as the first stage in the preparation of the second Strategic Development Plan for Edinburgh and south east Scotland (SDP2).

The report set out options for long term development in the SESPlan area, the SESPlan Joint Committee had approved the MIR2 and its supporting documents for public consultation at its meeting on 29 May 2015, and each member council had been asked to ratify this decision.

Decision

- 1) To ratify the decision of the SESplan Joint Committee at its meeting on 29 May 2015 to approve Main Issues Report 2 and the supporting Monitoring Statement, Interim Environmental Report and Equalities and Human Rights Impact Assessment for public consultation.
- 2) To note the proposals for engagement and consultation on Main Issues Report 2 and the supporting documents considered by the SESplan Joint Committee on 29 May 2015.
- 3) To agree that minor editorial changes of a non-policy nature to Main Issues Report 2 and the supporting documents are delegated to the SDP Manager in consultation with the Head of Planning, SESplan Project Board Chair and Joint Committee Convener.
- 4) To note the accompanying Background Documents:
 - Background Document 1 - Spatial Strategy Technical Note;
 - Background Document 2 - Economy Technical Note;
 - Background Document 3 - Minerals Technical Note;

- Background Document 4 - Waste Technical Note;
 - Background Document 5 - Housing Land Technical Note; and
 - Background Document 6 - Green Network Technical Note.
- 5) The Convener to request SESPlan, at their next meeting on 29 June 2015, to extend the consultation period to the end of September 2015.
 - 6) To note that the programme of engagement would be circulated to all members of the Planning Committee.

(Reference – report by the Acting Director of Services for Communities, submitted.)

3. Midlothian Local Development Plan Proposed Plan: Period for Representations

Midlothian Council had produced a Proposed Local Development Plan which set out its updated development strategy and planning policy framework to guide development in Midlothian until 2024, and implemented the housing requirements of the approved SESplan Strategic Development Plan.

Representations on the proposals were invited by 26 June 2015, and Committee was asked to approve a formal representation to the Midlothian Local Development Plan Proposed Plan.

Decision

- 1) To approve Appendix 1 to the report by the Acting Director of Services for Communities as the City of Edinburgh Council's representation to Midlothian Council's Proposed Local Development Plan.
- 2) To request that Midlothian Council, in its masterplanning of the wider Millerhill area, addresses the inter-relationship of committed and potential new housing developments and the Energy from Waste facility in order to ensure that these uses can co-exist.

(Reference – report by the Acting Director of Services for Communities, submitted.)

4. Planning Performance Framework 2014-15 Planning and Building Standards Service Plan

Approval was sought to submit the Planning Performance Framework (PPF) 2014-15 to the Scottish Government.

Decision

- 1) To approve the Planning Performance Framework 2014-15 for submission to the Scottish Government.
- 2) To note the progress made in delivery of service improvements in 2014-15.
- 3) To approve the Planning and Building Standards Service Plan for 2015-16.
(Reference – report by the Acting Director of Services for Communities, submitted.)

5. Corporate Performance Framework 2014-15 - Performance for October 2014 – March 2015

Committee was updated on Council performance against Planning strategic outcomes. The report was presented in line with an update on the Council's Performance Framework approved by Corporate Policy and Strategy Committee in June 2014 and contained analysis of performance covering the period from October 2014 to March 2015.

Decision

To note the performance for the period from October 2014 to March 2015.

(Reference – report by the Acting Director of Services for Communities, submitted.)

6. High Hedges – Review of Fees

The High Hedges (Scotland) Act 2013 came into effect on 1 April 2014. Guidance for local authorities on the implementation of the provisions had been released, and following the Act's first year of operation, additional information regarding the processing of High Hedge applications was currently being prepared by the planning service and would be made available online. Approval was sought for a revised fee and refund structure which would be made publicly available.

Decision

- 1) To note that guidance for the general public would be updated in accordance with the report and made available on the Council's web-site.
- 2) To agree that the scale of fees for a submission, and criteria for refunds, under this legislation would be as detailed in Appendix 3 of the report and would be made available online.

(Reference – report by the Acting Director of Services for Communities, submitted.)

7. New Procedure for Dealing with Legacy Planning Applications

Details were provided of a proposed procedure for handling existing and future applications which have an interim "minded to grant" decision subject to the conclusion of a required legal agreement. It put forward arrangements which would reduce delays

in concluding legal agreements before planning permission decision notices could be issued and improve the Council's performance figures.

Decision

- 1) To approve the proposed procedure set out in the report by the Acting Director of Services for Communities to reduce delays in concluding legal agreements before planning permission decision notices can be issued.
- 2) A report on the matter to be submitted in one year, including details of any appeal decisions following refusal of an application under this procedure and exceptions to the six month period granted by the Head of Planning and Building Standards.

(Reference – Planning Committee 26 February 2015 (item 1); report by the Acting Director of Services for Communities, submitted.)

8. Development Management Sub-Committee: Review of Procedures

Committee was asked to approve changes to the procedures for requests for presentations and hearings, applications decided contrary to recommendation, and notification of committee meetings to interested parties.

Decision

- 1) To approve the new deadline for requests for elected members for presentations and hearings at the Development Management Sub-Committee.
- 2) To approve the revised procedures for dealing with applications which are decided contrary to recommendation.
- 3) To agree to the proposal to stop issuing Committee consideration letters to those who have made representations.

(Reference – report by the Acting Director of Services for Communities, submitted.)

9. Customer Engagement Strategy – Draft for Consultation

Approval was sought of the draft Planning and Building Standards Customer Engagement Strategy, and draft Customer Service Charter, for consultation.

Decision

- 1) To approve the draft Customer Engagement Strategy for consultation.
- 2) To approve the draft Customer Service Charter for consultation.

(Reference – report by the Acting Director of Services for Communities, submitted.)

10. Leith Conservation Area – Review of Conservation Area Character Appraisal

Approval was sought of the revised Leith Conservation Area Character Appraisal for consultation.,

Decision

To approve the revised Leith Conservation Area Character Appraisal, in draft, for public consultation.

(Reference – report by the Acting Director of Services for Communities, submitted.)

11. Facilitating Reuse of At-Risk Historic Buildings

An annual update was provided on the Council's role in facilitating the restoration and reuse of at-risk historic buildings. Proposals were outlined to develop joint working practices relating to the disposal of historic buildings currently in Council ownership.

Details were provided of one case that may require intervention at 5 Downie Terrace, Edinburgh

Decision

- 1) To note the status of Edinburgh's buildings on the Buildings at Risk Register, including those which have been brought back into use in the last year.
- 2) To note the intention to develop improved working practices between Planning and Estates on the disposal of historic buildings in Council ownership.
- 3) To note that, if the owner of 5 Downie Terrace did not take action to make the building wind and watertight, a report would be taken to the Planning Committee seeking authorisation to serve an Urgent Works Notice under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.



(Reference – report by the Acting Director of Services for Communities, submitted.)

Planning Committee

10.00 am, Thursday 6 August 2015

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

Planning Committee

Convener:	Members:	Contacts:
<p data-bbox="156 387 347 461">Convener Cllr Ian Perry</p>  <p data-bbox="156 904 389 978">Vice- Convener Cllr Denis Dixon</p> 	<ul data-bbox="580 376 932 936" style="list-style-type: none">• Cllr Nigel Bagshaw• Cllr Jeremy Balfour• Cllr Angela Blacklock• (SNP Vacancy)• Cllr Ron Cairns• Cllr Maureen Child• Cllr Dominic Heslop• Cllr Sandy Howat• Cllr Karen Keil• Cllr Adam McVey• Cllr Eric Milligan• Cllr Joanna Mowat• Cllr Keith Robson	<p data-bbox="1059 376 1342 501">Stephen Broughton Committee Clerk Tel: 0131 529 4261</p> <p data-bbox="1059 562 1342 687">Carol Richardson Committee Clerk Tel: 0131 529 4105</p>

Services for Communities Service Plan 2015-18

The purpose of this [Service Plan](#) is to outline key priorities within Services for Communities and to support our people to deliver on these priorities. The plan gives an overview of the diverse range of services, what we aim to achieve, information on resources, key actions around continuous improvement and how we will achieve our objectives.

It includes:

- SfC outcomes and the services we provide to meet them;
- Key Drivers for our services including a Growing City, the Economy, Welfare Reform and Climate Change;
- Achievements against objectives for 2014-15;
- Priorities for 2015-18; and
- A Financial summary.

The Service Plan sets out how we are:

- Delivering a proactive planning and placemaking service;
- Positioning Planning and Building Standards at the heart of Edinburgh's commitment to Placemaking; and
- Protecting and enhancing the Built and Natural Environment.

Contact:

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Forthcoming activities:

The next meeting of the Planning Committee will be at 10.00 am on Thursday 1 October 2015 in the Dean of Guild Court Room, City Chambers. Papers for this meeting will be available on line from 25 September 2015.

Planning Committee

10am, Thursday, 6 August 2015

Developer Contributions and Affordable Housing Guidance – update for consultation

Item number 6.1
Report number
Executive/routine
Wards

Executive summary

Following the approval of the Second Proposed Local Development Plan (LDP June 2014) the Council's approach to developer contributions and affordable housing has been revised. The purpose of this report is to seek the Committee's approval of updated guidance on Developer Contributions and Affordable Housing (Appendix 1) for consultation and for use in determining planning applications.

Links

Coalition pledges	P4 , P8 , P15 , P17 , P18
Council outcomes	CO7 , CO8 , CO16 , CO18 , CO19 , CO22 , CO23
Single Outcome Agreement	SO1 , SO2 , SO3 , SO4

Developer Contributions and Affordable Housing Guidance – update for consultation

Recommendations

- 1.1 It is recommended that the Committee approves the update to Guidance on Developer Contributions and Affordable Housing (Appendix 1) for consultation and for use in determining planning applications.

Background

- 2.1 The Second Proposed Local Development Plan (LDP June 2014) sets out a new approach to developer contributions and infrastructure provision linked closely with the second proposed Action Programme. Policies Del1 (Developer Contributions) and Del2 (Retrospective Developer Contributions) require developer contributions from any development if:
1. It will have a net impact on infrastructure capacity; and
 2. It is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.
- 2.2 The second proposed Action Programme sets out the actions required to help mitigate the impact of strategic and planned growth and to deliver the proposals identified within the Plan. To support the new approach, planning guidance on Developer Contributions and Affordable Housing was reviewed in February 2014.
- 2.3 In approving the Second Proposed LDP, in June 2014, Committee noted a requirement to have in place sufficient infrastructure to facilitate the level of housing development set out in the LDP and that the required infrastructure be identified and costed with a budget provision identified through the Action Programme. In order to allow for timely delivery of infrastructure, Committee agreed on 2 October 2014 to use the Second Proposed Action Programme in advance of the adoption of the LDP.
- 2.4 An update to the Second Proposed Action Programme was approved by Committee in May 2015. This report also set out an update on strengthened governance arrangements for delivery, costing and financial modelling of actions, and progress on early design work.

Proposed updates to Guidance on Developer Contributions and Affordable Housing.

- 3.1 Following the approval of the update to the Second Proposed Action Programme it is proposed to make the following changes to guidance on Developer Contributions and Affordable Housing.

Part 1 - Education

- 3.2 The changes which are required to the existing education infrastructure capacity to accommodate growth from the planned development sites within the LDP are set out in the current Action Programme. These actions have been established by the LDP Education Infrastructure Appraisal (Updated June 2014).

Costing of Actions

- 3.3 Following a detailed appraisal, the costs of the education actions set out within the Action Programme have been updated (at 30 June 2015). These costs now take the base capital costs of the changes required to the existing education infrastructure (derived from either national guidance for new primary schools or from recent project experience regarding extensions to primary and secondary school) and include:
- Estimated future cost inflation to the point when it is forecast that the action will require to be delivered.
 - A 7.5% contingency to cover:
 - risks such as a higher than expected level of cost inflation;
 - a change in the timescale to deliver the action; and/or
 - abnormal or other site specific cost.
 - Land costs (value, servicing and remediation) assumed at £1.5m/acre and considered before acquisition.

Action Programme Requirements

- 3.4 The Action Programme identifies infrastructure improvements which are needed to support development across a wide area. Where cumulative impacts have been identified, and infrastructure actions established by the LDP Education Appraisal, a Contribution Zone has been established. Within these zones, legal agreements will be used to secure developer contributions cumulatively and pro-rata across a wide area.

- 3.5 The zones set out within the Action Programme (May 2015) are
- West Edinburgh
 - South East Edinburgh 1 – Liberton/Gilmerton
 - South East Edinburgh 2 - Brunstane/Newcraighall
 - South West Edinburgh
 - Queensferry
 - Craigmillar (under preparation)
 - Leith waterfront (under preparation)
 - Granton waterfront (under preparation).
- 3.6 For each contribution zone, the guidance now provides a breakdown of the costs to be attributed to each zone, by each allocated LDP site. A map of the proposed LDP sites and Contribution Zones is provided in Annex 1 of the Guidance.
- 3.7 Due to revised development proposals within Craigmillar, Leith and Granton waterfront, detailed analysis of the education infrastructure, land and cost requirements for these areas is underway and revised actions will be updated in due course.
- 3.8 With regards to other development which falls within Contribution Zones, the guidance has been updated to include how the net impact, including any additional costs arising, will be assessed when either a) additional units are proposed beyond the site capacities set out within the LDP or b) additional sites or extensions to sites are proposed within a Zone.

Outwith Contribution Zones

- 3.9 To ensure that development which has a net impact on education infrastructure (located outwith Contribution Zones) mitigates this impact, Part 1b: Site specific education now sets out:
- The circumstances in which contributions to education infrastructure will be required;
 - The approach to determining the extent and cost of the required additional infrastructure;
 - The approach taken where there are no education infrastructure solutions or when the cost of the required infrastructure cannot be met by the developer; and

- Where consideration will be given to whether, rather than recommend refusal, the identified actions can be added to the Action Programme and an Action Programme Contribution Zone established.
- 3.10 In order for applicants to assess the cost implications of education infrastructure (out with contribution zones) an illustrative cost per house and per flat is provided in Appendix 1, based on two example developments of 100 units (each of which assumes a different mix of houses and flats).
- 3.11 Although each individual development will still ultimately be subject to an education infrastructure assessment, to determine the actual extent and cost of any required additional education infrastructure, this illustrative cost will allow applicants to have regard to the education requirements when preparing financial appraisals. Where development is proposed beyond 100 units, the illustrative costs would not be relevant and a pre-application discussion with Children & Families should be held to establish the impact of the proposal on the existing education infrastructure and any costs arising as a consequence.

Part 2 – Transport - General

Action Programme Requirements

- 3.12 The road infrastructure capacity requirements to meet growth from the planned development sites within the LDP are set out in the current Action Programme. These actions have been established by the LDP Transport Appraisal (March 2013). The Action Programme establishes the following Transport Contribution Zones:
- Barnton / Maybury Junctions
 - Kaimes Junction
 - Gilmerton Crossroads
 - Gillespie Crossroads
 - Hermiston Park & Ride

3.13 The Guidance now sets out the infrastructure requirements for each of the contribution zones, expressed as a percentage share of cost.

3.14 Due to revised development proposals within, Leith and Granton waterfront detailed analysis of the transport infrastructure requirements for these areas is underway and revised actions will be updated in due course.

Part 3 - Transport - Tram

3.15 Guidance on Tram contributions has been updated to reflect Del 2 of the Second Proposed Local Development Plan. The proposed changes seek to clarify:

- how tram contributions are calculated including change of use developments. This is to comply with the recent Scottish Government changes to developer contributions with regard to the test that the contribution should, 'reasonably relate to the scale of the proposed development'.
- when tram contributions will be required for developments which fall out with the tram contribution zone.

Part 4 – Public Realm

- 3.16 A new process is being developed which will help set priorities for public realm investment. Projects will be assessed against a limited number of high level criteria to produce a priority list. By setting out the criteria and a simple scoring system, transparency will be ensured. This process also needs to complement the approach used to determine priorities for the footway and carriageway capital programme. The methodology will be reported to Committee in due course. This Annex will be updated following the approval of the methodology.
- 3.17 When this methodology is complete and the Public Realm Strategy Updated, strategic public realm contributions will be pursued. Developments will still be required to provide public realm within their sites and site environs.

Part 5 – Open Space

- 3.18 No change to guidance.

Part 6 – Affordable Housing

- 3.19 A number of technical amendments have been made to guidance on Affordable Housing. These include:
- a. An update to the household income threshold to reflect changes since 2011.
 - b. A maximum purchase price for Golden Share properties is proposed for consultation with stakeholders, based on the average purchase price across the city.

Measures of success

- 4.1 A measure of success is an efficient and effective approach to land use planning, which ensures that new developments are suitably served by supporting infrastructure.

Financial impact

- 5.1 There is no direct financial impact arising from the approval of this report. The revised developer contribution guidance aims to provide clarity to all parties involved in the Section 75 agreement process.
- 5.2 It should be noted that the education and transport infrastructure actions required to support the Local Development Plan are currently projected to cost £205m. Although the revised developer guidance will create more clarity to Section 75 agreements, it is unlikely to lead to full cost recovery from developers. There is a risk both on the timing and achievement of developer contributions which could create a short-term or overall funding pressure.
- 5.3 Members should note that no allowance for this infrastructure cost is provided for within the current Capital Investment Programme 2015-2020 or indicative five year plan 2019/20 – 2023/24. Therefore, there remains a real risk to the Council that required infrastructure cannot be delivered as required within the Local Development Plan proposals without identification of additional resources required to fund this.
- 5.4 Funding of £905,000 was identified in the Council Budget 2015/16 to be used for feasibility studies required in relation to this project.

Risk, policy, compliance and governance impact

- 6.1 The risks associated with this area of work are significant in terms of finance, reputation, and performance in relation to the statutory duties of the Council as Planning Authority, Roads Authority and Education Authority. The proposed guidance will help to minimise all of these risks and ensure compliance. The approval of this report and its recommendations has a positive impact in terms of risk, policy, compliance and governance.

Equalities impact

- 7.1 No equalities or rights issues have been identified in relation to this report.

Sustainability impact

- 8.1 The impact of this report in relation to the Climate Change (Scotland) Act 2009 Public Bodies Duties has been considered for the Action Programme, and the outcomes are summarised below:
 - The proposals in this report will have a positive impact on carbon emissions because the Guidance deals with the application of policy in relation to the Local Development Plan. Development Plans set out policy which aims to reduce carbon emissions from new development (transport, design, open space and education) and the Guidance implements this.
 - The proposals in this report will have a positive effect on the city's resilience to climate change impacts because the report deals with the

application of the Guidance in relation to the Local Development Plan. Development Plans set out policy which aims to reduce carbon emissions from new development (transport, design, open space and education) and the Guidance implements this.

- The Guidance will help achieve a healthy and resilient economy by ensuring that infrastructure in relation to the housing, economic and mixed use proposals within the development plan are delivered.
- The Guidance will have no impact directly on natural resources, although it implements development plan policy that aims to use resources efficiently and protect biodiversity.
- The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised.

Consultation and engagement

- 9.1 The updated guidance has been prepared in discussion with the relevant Council services and engagement will continue during the consultation period on the changes proposed within the guidance.
- 9.2 The following groups and organisations will be consulted: the Key Agencies, neighbouring authorities, house builders and the development industry, community councils and city-wide amenity and community organisations. The consultation period will start on 17 August and will run for 6 weeks. It is intended to report the responses to the consultation in December 2015.
- 9.3 During the consultation period a series of workshops with developers of the proposed LDP sites in the relevant Contribution Zones will be held. The aim of these meetings is to establish a delivery mechanism for the required education and transport infrastructure. A workshop will be arranged with community representatives to assist their understanding of the proposed changes and assist in their responses to the consultation exercise.

Background reading/external references

Local Development Plan: Aims & Delivery – [Report to Corporate Policy & Strategy Committee 4 December 2012](#)

Proposed Local Development Plan – [Report to Planning Committee 19 March 2013](#)

Developer Contributions and Affordable Housing – finalised version – [Report to Planning Committee 27 February 2014.](#)

Second Proposed Local Development Plan – [Report to Planning Committee 19 June 2014](#) (www.edinburgh.gov.uk/localdevelopmentplan) and [Second Proposed Action Programme](#)

Local Development Plan: Action Programme Update – [Report to Planning Committee 2 October 2014](#).

Local Development Plan: Submission to Examination – [Report to Planning Committee 14 May 2015](#)

Local Development Plan: Action programme Update – [Report to Planning Committee 14 May 2015](#)

Planning Guidance - [Developer Contributions and Affordable Housing](#)

Planning Obligations and Good Neighbour Agreements - [Circular 3/2012](#)

John Bury

Director of Services for Communities

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Links

Coalition pledges	<p>P2 - Hold the maximum P1 class size ratio at 25 and seek to reduce class sizes in line with Scottish Government recommendations</p> <p>P4 - Draw up a long term strategic plan to tackle both overcrowding and under use in schools</p> <p>P8 Make sure the city's people are well-housed, including encouraging developers to built residential communities, starting with brownfield sites</p> <p>P18 Complete the tram project in accordance with current plans</p> <p>P15 - Work with public organisations, private sector and social enterprise to promote Edinburgh to investors</p> <p>P17 - Continue efforts to develop the city's gap sites and encourage regeneration</p> <p>P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and</p>
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protect the economic well being of the City

P30 - Continue to maintain a sound financial position including long term financial planning

P8 - Make sure the city's people are well-housed, including encouraging developers to build residential communities, starting with brownfield sites

Council outcomes

CO7 Edinburgh draws in new investment in development and regeneration

CO8 Edinburgh's economy creates and sustains job opportunities

CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well-managed neighbourhood

CO18 Green – We reduce the local environmental impact of our consumption and production

CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm

CO22 Moving efficiently – Edinburgh has transport system that improves connectivity and is green, healthy and accessible

CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community

Single Outcome Agreement

SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all

SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

SO3 Edinburgh's children and young people enjoy their childhood and fulfil their potential

SO4 Edinburgh's communities are safer and have improved physical and social fabric

Appendices

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Appendix 1 – Guidance on Developer Contributions and Affordable Housing – update for consultation (August 2015)

APPENDIX 1

DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING GUIDANCE

Draft for consultation

AUGUST 2015

CONTENTS

INTRODUCTION

- Who is this guidance for?
- What does it do?
- How does it relate to other guidance?
- Transitional arrangements

GUIDANCE

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 - Action Programme Requirements
 - Action Programme Contribution Zones
 - Out-with Contribution Zones
- Part 1 - Education
 - 1a - Action Programme Requirements
 - 1b – Out-with Contribution Zones
- Part 2 - Transport - General
 - 2a - Action Programme Requirements
 - 2b Out-with Contribution Zones
- Part 3 - Transport - Tram
- Part 4 – Public Realm.
- Part 5 – Open Space
- Part 6 - Affordable Housing

RETROSPECTIVE CONTRIBUTIONS

SPECIAL CONSIDERATIONS

AGREEMENT MECHANICS

AUDIT AND REVIEW PROCEDURES

Annex 1 - Education Contribution Zones Map

Annex 2 – Transport Contribution Zones Map

Annex 3 – Affordable Housing Practice Note

DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING GUIDANCE

Draft for consultation

AUGUST 2015

INTRODUCTION

Who is this guidance for?

This guidance applies to all new development throughout Edinburgh. More detailed guidance on the circumstances in which policies apply is provided in the following sections.

What does it do?

This guidance sets out the contributions that developers will be required to make in order to ensure that necessary mitigation is delivered with new development, and that the housing, economic and mixed use developments listed within the LDP are timeously delivered.

This guidance interprets policies in the Edinburgh City Local Plan (ECLP, 2010) and the Rural West Edinburgh Local Plan (2006, altered 2011). It also applies to new applications for sites identified within the Second Proposed Local Development Plan (June 2014).

Relevant ECLP Policies:

- Policy Hou 7 – Affordable Housing
- Policy Com 2 – School Contribution
- Policy Tra 2 – Planning Agreements
- Policy Tra 3 – Tram Contributions
- Policy Des 3 – Development Design
- Policy Des 7 – New Pedestrian Routes in the City Centre
- Policy Ca 1 – The Central Area

The Rural West Edinburgh Local Plan (2006, altered 2011) Policy Imp 2 Planning Agreements (read in conjunction with Schedule 2 of the Action Plan) sets out equivalent policy provision.

Relevant Second Proposed LDP Policies:

- Policy Del 1 (Developer Contributions)
- Policy Del 2 (Retrospective Developer Contributions)
- Policy Des 8 – Public Realm and Landscape Design
- Policy Env 18 – Open Space Protection
- Policy Env 20 – Open Space in New Development
- Policy Hou 6 – Affordable Housing
- Policy Hou 3 – Private Open Space in Housing Development

This guidance also refers to contributions towards open space. The relevant local plan policies are interpreted in the Council's Open Space Strategy (2010).

This guidance takes account of Circular 3/2012 and other relevant government advice on contributions and legal agreements.

How does it relate to other guidance?

This document is part of a suite of non-statutory planning guidance: *(insert images of suite of guidance documents in final draft)*

TRANSITIONAL ARRANGEMENTSThis guidance will be used to interpret relevant policy in the adopted Edinburgh City Local Plan and Rural West Edinburgh Local Plan, and the emerging Local Development Plan.

The guidance will be reviewed in the light of any changes to the development plan or the review of the Action Programme.

During the consultation period, this guidance will be used to advise applicants on planning applications.

GUIDANCE

General Developer Contributions Approach

The Second Proposed Local Development Plan (LDP June 2014) sets out a new approach to developer contributions and infrastructure provision linked closely with the Proposed Action Programme. Local Development Plan Policies Del1 (Developer Contributions) and Del2 (Retrospective Developer Contributions) require developer contributions from any development if:

1. It will have a net impact on infrastructure capacity; and
2. It is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.

In line with Government guidance developer contributions will only be required where they are necessary, proportionate and directly related to the impact(s) of a proposed development.

Action Programme Requirements

The Action Programme sets out actions to help mitigate the impact of strategic and planned growth and to deliver the proposals identified within the Plan. For the proposals listed within the Plan, contributions will be secured towards actions identified within the Action Programme. These include road and junction improvements, public transport provision, open space and school facilities.

Infrastructure requirements or priorities may be revised through the Action Programme process and the contributions required will reflect this. The Action Programme will be updated annually to take account of any changing circumstances and to include further details, where available, on each action.

The Council will always ensure that contributions are proportionate to the impacts arising from any new development and used to mitigate those impacts. Where any development proposal is likely to give rise to unacceptable impacts it should be noted that planning permission may be refused.

Action Programme Contribution Zones

The Action Programme identifies road, tram, school and public realm infrastructure improvements which are needed to support development across a wide area. Where cumulative impacts have been identified, and infrastructure actions established by the LDP Education Appraisal or Transport Appraisal, a Contribution Zone has been established. Within these zones, legal agreements will be used to secure developer contributions cumulatively and pro-rata across a wide area.

Outwith Contribution Zones

The Action Programme Contribution Zones cover areas where new development is anticipated and land has been specifically allocated with the proposed LDP for this purpose. However, it is expected that new development will also take place outwith these areas and the Council will also seek to accommodate this development where desirable.

These proposals will be considered against the policies in the LDP and an assessment will be carried out in terms of their impact on infrastructure.

Where any development proposal fails to meet any other LDP policy requirements or is likely to give rise to unacceptable impacts, the Council will consider whether a legal agreement can be used to mitigate those impacts or offset any failure in order to comply with policy. However, it should be noted that in cases where it is not possible to do so, planning permission may be refused. Developer contributions will only be required where they are necessary, proportionate and directly related to the impact(s) of the development.

PART 1 – EDUCATION

Part 1a - Action Programme Contribution Zones

For proposals listed in tables 3 - of the Second Proposed LDP and shown on the proposals map, or that fall within a contribution zone, planning permission will be granted subject to legal agreements being secured towards the relevant Education actions within the Council's Action Programme.

The education infrastructure capacity requirements to meet growth from the planned development sites within the LDP are set out in the current Action Programme. These actions have been established by the Revised Education Appraisal June 2014 (corrected September 2014).

The Action Programme establishes the following Education Contribution Zones:

- West Edinburgh
- South East Edinburgh 1 – Liberton / Gilmerton
- South East Edinburgh 2 - Newcraighall / Brunstane
- South West Edinburgh
- Queensferry

Due to revised development proposals, further analysis of the education infrastructure (and land) requirements for these areas is underway:

- Craigmillar (under preparation)
- Leith waterfront (under preparation)
- Granton waterfront (under preparation)

Annex 1 contains a map of the Action Programme Education Contribution Zones.

Contribution Zone Requirements

WEST CONTRIBUTION ZONE				
Site Capacities	Total	Houses	Flats	Developer Contribution
Maybury	2,000	1,600	400	£29,663,532.98
Cammo	700	560	140	£10,382,236.54
Edinburgh Park / South Gyle	700	140	560	£4,414,976.15
International Business Gateway	400	80	320	£2,522,843.52
Total	3,800	2,380	1,420	

SOUTH EAST 1 LIBERTON / GILMERTON CONTRIBUTION ZONE				
Site Capacities	Total	Houses	Flats	Developer Contribution
Broomhills	595	476	119	£13,974,853.22
Burdiehouse	228	182	46	£5,355,069.81
Gilmerton Dykes Road	70	56	14	£1,644,100.38

Gilmerton Station Road	490	392	98	£11,508,702.66
The Drum	175	140	35	£4,110,250.95
Moredunvale	200	160	40	£2,069,317.84
Ellen's Glen Road	260	156	104	£4,967,810.10
Total	2,018	1,562	456	

SOUTH EAST 2 NEWCRAIGHALL / BRUNSTANE				
Site Capacities	Total	Houses	Flats	Developer Contribution
Brunstane	1,330	1,064	266	£27,723,808.22
Newcraighall	209	167	42	£4,356,598.43
Total	1,539	1,231	308	

QUEENSFERRY CONTRIBUTION ZONE				
Site Capacities	Total	Houses	Flats	Developer Contribution
Builyeon Road	980	784	196	£20,748,243.42
South Scotstoun	510	408	102	£10,797,555.25
Dalmeny	18	14	4	£381,090.19
Total	1,508	1,206	301	

SOUTH WEST CONTRIBUTION ZONE				
Site Capacities	Total	Houses	Flats	Developer Contribution
Newmills	245	196	49	£881,466.72
Curriehill Road	70	56	14	£251,847.64
Riccarton Mains Road	35	28	7	£881,466.72
Total	350	280	70	

LEITH CONTRIBUTION ZONE (Under preparation)
GRANTON CONTRIBUTION ZONE (Under preparation)

Note on costs

- In order for education infrastructure costs to be understood across the lifetime of the project, base capital costs have been uplifted to include estimated future cost inflation to the anticipated point of delivery, 7.5% contingency and land costs (value, remediation and servicing) at £1.5m an acre.
- These costs are proportionately split across the proposed LDP housing sites within a Zone.
- As contributions include inflation up front, index linking to the BCIS All in Tender Price Index will only be required beyond the estimated delivery date of actions within a Zone. Details of delivery dates can be provided by the Council at pre-application meetings or during negotiations on planning obligations.

Other development within a Contribution Zone

Where a) additional units are proposed beyond the site capacities set out within the LDP or b) additional sites or extensions to sites are proposed within a Zone, the net impact on infrastructure capacity identified within the Zone will be assessed.

- If there is a net impact and it is necessary to mitigate that impact by providing additional capacity above and beyond the actions identified within the Action Programme, the Council will consider whether a legal agreement can be used.
- Where additional education infrastructure is required, it is likely that these additional costs will be required to be borne by the additional site or developer(s).
- Where additional development will result in a net benefit to the existing actions within a Zone, the actions and baseline costs with that Zone may be adjusted and this guideline updated.
- Where any development proposal is likely to give rise to an unacceptable impact on education infrastructure it should be noted that planning permission may be refused.

In order for applicants to assess the cost implications of a) any additional units are proposed beyond the site capacities set out within the LDP or b) any additional sites or extensions to sites which are proposed within a Zone, pre-application discussions should be held with the Council to establish the impact of proposals on education infrastructure and any additional costs arising.

Part 1b - Outwith Contribution Zones

Development that has an impact on education infrastructure will be required to make contributions to ensure that this impact is satisfactorily mitigated.

In recent years the primary sector in Edinburgh has experienced significant rising rolls which, based on the latest population projections from the National Records of Scotland, are expected to continue to rise at least until 2030. This increase in pupil numbers will filter through to the secondary sector with current capacity across the estate projected to be exceeded by 2022.

As a result of this significant pressure on education infrastructure the methodology which was previously used to calculate developer's contributions of having a pre-determined rate per household/flat is no longer appropriate and a new methodology which requires an education infrastructure assessment to be carried out for each development is detailed below.

The following principles apply to new housing development located outwith identified contribution zones.

Developer Contributions will not be required:

- For housing proposals of **less than twelve units** not counting any one bedroom units which are not expected to generate pupils,
- For student housing and development specifically for older people,
- Where there is capacity within the relevant catchment schools and it is predicted that there will be capacity at the time the development is likely to be occupied and generating pupils,
- Where a proposal will result in less than one new pupil.

Assessing the impact of new development

The impact on education infrastructure is addressed by assessing the number of pupils which it is estimated would be generated from the development using pupil generation rates as set out in the table below. The estimated number of pupils generated from any new development will be assessed against the capacity of the relevant high schools - both non denominational (ND) and Roman Catholic (RC) - and their feeder ND and RC primary schools.

Pupil Generation Rates		
Type of School	Flat	House
Non denominational (ND) Primary	0.06	0.26
Non denominational (ND) Secondary	0.026	0.17
Roman Catholic (RC) Primary	0.01	0.04
Roman catholic (RC) Secondary	0.004	0.03

Requirement for developer contributions

If the proposal is classed as pupil generating and is proposed in a location where there is no school capacity and/or it is predicted that there will not be any school capacity at the time the development is likely to be occupied and generating pupils, then a contribution will be required.

The assessment process

The Council will carry out an education infrastructure assessment and determine the extent and cost of any required additional infrastructure. The cost of infrastructure will be based on the most recent costs experienced by the Council to deliver similar infrastructure or rates established by the Scottish Government for the delivery of new schools.

Where there are no possible education infrastructure solutions or the cost of the required infrastructure cannot be met by the developer, and there is no known opportunity for the Council to use contributions cumulatively, phase development or delay development until such time that the infrastructure can be funded and programmed, then the application may require to be refused.

Where the development will result in the requirement for a new school or more substantial extension/s to accommodate pupils generated and there is a known opportunity for the infrastructure to be funded cumulatively by more than one development, consideration will be given to whether, rather than recommend refusal, the identified actions can be added to the Action Programme and an Action Programme Contribution Zone established.

The establishment of any proposed new school (both the intended site and catchment area), would be subject to a statutory consultation and could only be implemented following that process, if approved by the Council.

Where it may present the only viable solution to a capacity issue, the education infrastructure assessment will outline any requirement for catchment review and whether additional infrastructure provision would be required at the proposed receiving school(s). Any proposed catchment review would be subject to a statutory consultation and could only be implemented following that process, if approved by the Council.

Where required, pre-application meetings with the Council can be arranged and the education infrastructure appraisal can be carried out in advance of the submission of a planning application.

Costs of infrastructure

In order for applicants to assess the cost implications of education infrastructure (out-with contribution zones) an illustrative cost per house and per flat is provided below based on two example developments of 100 units (each of which assumes a different mix of houses and flats) which could be used for developments up to 100 units.

Although the development will still ultimately require to be subject to an education infrastructure assessment to determine the actual extent and cost of any required additional education infrastructure, this will allow applicants to have regard to the education requirements when preparing financial appraisals.

Where development is proposed beyond 100 units, the illustrative costs would not be relevant and a pre-application discussion with the Council should definitely be held to establish the impact of the proposal on the existing education infrastructure and any costs arising as a consequence.

Illustrative cost for an assumed 100 unit development (80/20 houses to flats)

Units	Developer Contribution (where land is not required)
Houses (80)	£10,514 per unit
Flats (20)	£1,987 per unit

Illustrative cost for an assumed 100 unit development (20/80 houses to flats)

Units	Developer Contribution (where land is not required)
Houses (20)	£16,292 per unit
Flats (80)	£3,249 per unit

The above costs have been derived from the latest cost information available to the Council regarding extensions to primary and secondary schools. These costs are stated as at Q1 2015 and **exclude any provision for future cost inflation** and will therefore require to be increased by the estimate cost inflation between Q1 2015 and the estimated date when the new infrastructure would require to be delivered based on the movement in the BCIS All In Tender Price Index (Forecast) between Q1 2015 and the date of delivery.

PART 2 – TRANSPORT - GENERAL

Part 2a - Action Programme Contribution Zones

The transport infrastructure requirements from the planned development sites within the LDP are set out in the current Action Programme (Tra 1-24) Contributions will be calculated using a tariff based on the **cumulative contribution zones**:

The road infrastructure capacity requirements to meet growth from the planned development sites within the LDP are set out in the current Action Programme. These actions have been established by the LDP Transport Appraisal (March 2013).

The Action Programme establishes the following Transport Contribution Zones:

- Barnton / Maybury
- Kaimes Crossroads
- Gilmerton Crossroads
- Gillespie Crossroads
- Hermiston Park & Ride

Due to revised development proposals, further analysis of the education infrastructure (and land) requirements for these areas is underway:

- Leith waterfront (under preparation)
- Granton waterfront (under preparation)

Annex 1 contains maps of the Action Programme Transport Contribution Zones.

Contribution Zone Requirements

BARNTON / MAYBURY CONTRIBUTION ZONE		
Site Capacities	Total	Developer Contribution
Maybury	2,000	£1,899,832
Cammo	700	£600,168

BROOMHILLS JUNCTION		
Site Capacities	Total	Developer Contribution
Broomhills	595	£314,815
Burdiehouse	228	£185,185

GILMERTON CROSSROADS		
Site Capacities	Total	Developer Contribution
Gilmerton Dykes Road	70	£47,619
Gilmerton Station Road	490	£333,333
The Drum	175	£119,048

GILLESPIE CROSSROADS		
Site Capacities	Total	Developer Contribution
Newmills Rd	245	£225,806
Curriehill Rd	70	£64,516
Riccarton Mains Rd	35	£32,258
Curriemuirend	180	£177,419

HERMISTON PARK AND RIDE	
All sites	£1000 per unit

Part 2b - Outwith Contribution Zones - Transport Requirements

All development that has an impact on the road network or off road, cycle and pedestrian links will be required to make contributions to ensure that these impacts are satisfactorily mitigated. This will be assessed on a case by case basis.

Assessing the impact of new development

The Council will consider the condition and capacity of the road and pedestrian, cycle and public transport network and the existing access arrangements in relation to any proposal. Each application will be considered on its individual merits, taking into account these factors and any identified Action Programme Requirements. Where a Transport Assessment is necessary this will be used to inform decisions on the need for supporting infrastructure.

The following infrastructure requirements will be used as a checklist to be considered in connection with any development proposal. While it is not exhaustive, this provides a clear starting point for discussions between developers and the Council.

General Transport Requirements

Whether or not there is a requirement for major improvements it is likely that the surrounding network will require upgrading to accommodate the development proposal.

The Council is currently developing an updated and comprehensive Street Design Guidance, a requirement of the Scottish Government Policy, Designing Streets, which requires local street design guidance to be developed to inform the policy agenda at a local level. The Street Design Guidance will set out a hierarchy of street types seeking to define the type of improvements and quality of improvements expected. A range of new approaches to street design and maintenance will be sought, including provision for improved sustainable urban drainage solutions.

Unless otherwise stated these requirements apply in principle to all development types. The types of improvements required are as follows:-

1. Road Improvements (Carriageway and Footways)

Where new access arrangements are required to service a new development, the Council will seek improvements to footways and carriageways adjacent to the new development. These should be designed as an integral part of the proposals for on-site external space.

2. Traffic Signals

New development often changes travel patterns and can place new demands on the road network. As a result the installation of new traffic signals or controlled pedestrian crossings, or significant upgrading/refurbishment of existing installation, is often required. Exceptionally, minor upgrading or reprogramming will suffice.

3. Traffic Calming Measures

The introduction of new development often generates the need for traffic calming measures, which may include new shared surfaces approaches and more traditional interventions such as speed bumps, pinch points and new signage.

4. Cycle/Pedestrian Routes

Developers are required to provide safe and accessible cycle/pedestrian routes and connections to existing cycle networks/public transport. These may be segregated or on road facilities.

5. Bus Stops/Shelters/Real Time Information/Bus Boarders/Buildouts/Bus Priority

New and upgraded facilities are often required to deal with added demand on public transport created by new development and/or can be a means of offsetting the traffic implications of a development by improving the public transport offer.

6. Car Sharing Scheme

Car sharing schemes such as the City Car Club provide a more sustainable option to individual car ownership and is often required where full parking provision cannot be provided or it is undesirable to do so. The provision of City Car Club spaces or equivalent car sharing scheme along with a contribution towards vehicles is often required.

7. Traffic Regulation Orders (TROs)/Stopping-up Orders

Where the Council needs to promote Orders to facilitate development, developers are required to meet the Council's administration costs in addition to paying for the infrastructure to support the TRO. This could include bollards at a road closures or yellow lines and signage.

Transport Indicative Costs Tables

Indicative table of costs and applicability (prices at February 2009)

The purpose of this table is to provide developers with an indication of the costs involved in meeting the transport infrastructure requirements set out above. The requirements and costs will vary from site to site, and developers are expected to provide and meet, in full, the cost of all external works identified in the Transport Assessment and/or through the planning process. A guarantee cannot be given as to the actual costs arising from the assessment of individual proposals. Early discussion with the Council is encouraged. The tables below set out the costs of specific items of infrastructure for information.

Table 20 - TRANSPORT REQUIREMENTS		
Infrastructure Requirement	Applicability	Cost
Road Improvements (Carriageway and Footways)	This requirement will apply in principle to all developments.	The developer will be required to carry out these works. The costs can vary significantly depending on the extent of works and the materials required.
Traffic Signals	This requirement will apply in principle to all developments.	The cost will vary depending on what is required. A single pedestrian crossings costs approximately £50,000 whereas signalling a four arm junction costs approximately £250,000. There may also be design costs to be met.
Traffic Calming Measures	Where any new development is likely to increase traffic movements on surrounding residential streets this will be a requirement.	The developer will normally be required to provide these improvements. A traffic calming feature costs approximately (road hump or cushion) costs approximately £2000 per feature and they are required at 80 metre intervals. An entrance treatment for a 20mph zone costs £5000.
Cycle Routes	This requirement will apply in principle to all developments.	In addition to providing cycle routes/facillities on roads within new developments developers will be required to fund external links to connect with the wider cycle network. The developer will normally be required to provide these improvements. The estimated cost for such works is in the region of

		£50,000 per kilometre to be provided.
City Car Club (or CAR SHARING SCHEME)	This requirement will apply in principle to all developments.	For 3-7 Units £7000 and one parking space on road (prospectively adopted). For 8-15 Units £12,500 and two parking spaces on road (prospectively adopted). For 16-50 Units £18,000 and three parking spaces on road (prospectively adopted). Over 50 units will be individually assessed. City Car Club contributions will entitle the first purchaser of every residential unit to one year's free membership. Office and other commercial development will be individually assessed.
Traffic Regulation Orders/Stopping-up Orders	All development potentially	Approximately £2,000 per Order required.

PART 3 – TRANSPORT - TRAM

Where the proposed tram network will help to address the transport impacts of a development, a contribution will be sought towards its construction and associated public realm works.

This guidance applies to all new developments requiring planning permission within the defined proximity of the proposed tram lines as shown in the plan below, and throughout the city with regard to major developments.

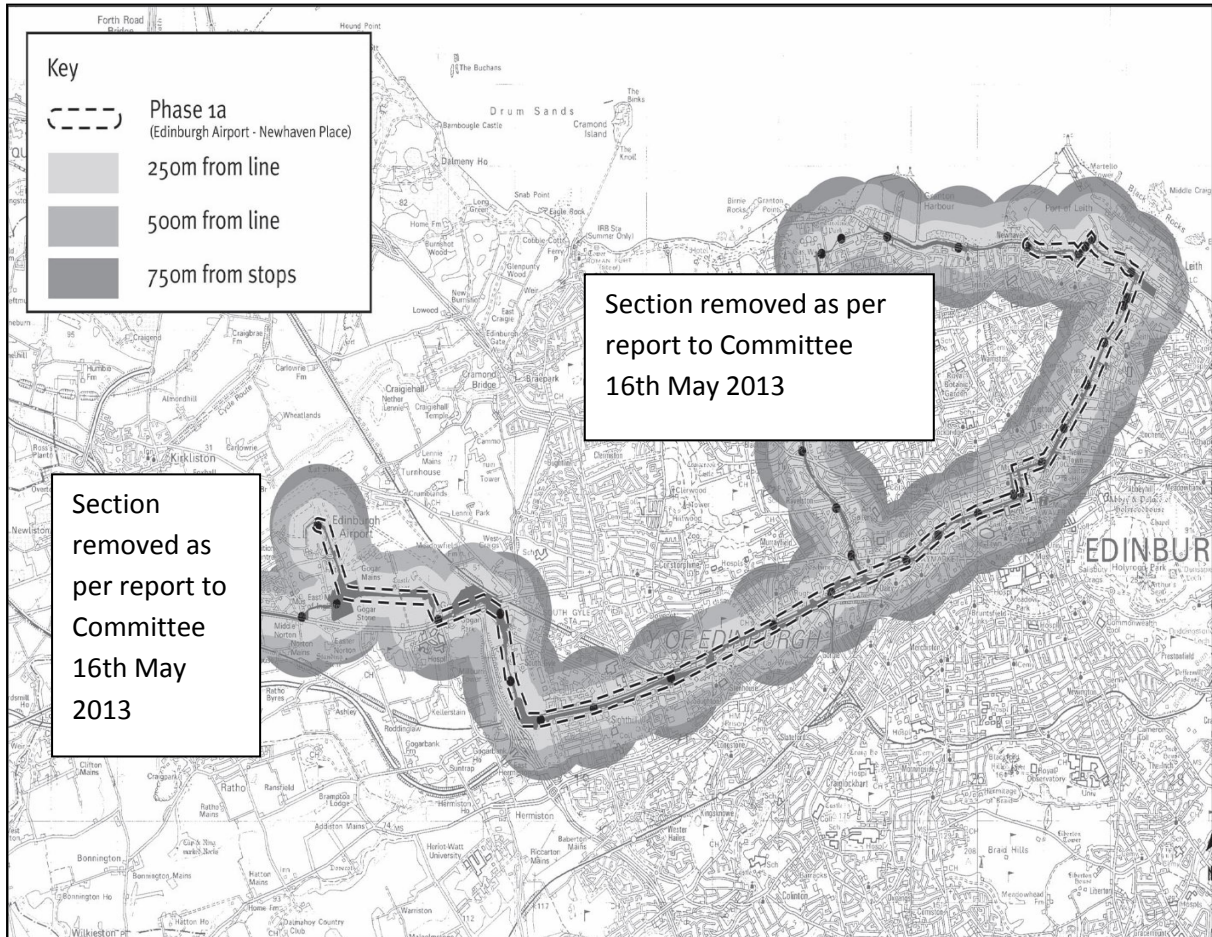
In relation to Phase 1A of the project the Council has constructed the tram line and its associated public realm. As part of the funding strategy money has been borrowed against future contributions from developers. Given the amount of public money that has been spent and the fact that many developers have already contributed towards the project this approach is considered appropriate. The Council in constructing the tram network has provided a necessary piece of transport infrastructure to allow future development to proceed.

Scheme Principles

- A. All developments should make an appropriate contribution towards the construction costs of the tram system and associated public realm to ensure the necessary transport infrastructure is in place in time to take account of the impacts of these new developments in the City. Contributions will be sought, where they are required, in an appropriate, transparent and equitable manner.
- B. The level of contribution required depends on the following factors:
 - i. type of development,
 - ii. distance from tram route, and
 - iii. size of development.
- C. The level of contribution will be calculated as follows:
 - i. Firstly, from Table 1 below establish scale-factor (1-15) by type of and size (GEA) of development proposed.
 - ii. Secondly, choose appropriate zone within which the development lies. Determination of the zone will be based on the shortest walking distance between any part of the site and the nearest edge of the constructed tram corridor. If the development lies within different zones, the zone closest to the tram will be used. Sites within 250 metres are Zone 1 and sites lying between 250 metres and 500 metres are Zone 2.

- iii. Thirdly, those sites based on the shortest walking distance between any part of the site and the nearest part of a tram stop lying between 500 metres and 750 metres are Zone 3. (The Plan below gives an indication of these Zones).
 - iv. Fourthly, using the Zone appropriate to the particular development, move along Table 2 to the column numbered as the scale factor obtained from Table 1. The figure shown is the amount in £'000s to be contributed towards the tram project by that particular development.
 - v. Fifthly, the contribution, once agreed, will be index-linked from the date of agreement until date of payment on the basis of the BCIS All-in Tender Price Index.
- D. Proposals for change of use will also require to be calculated with regard to a potential contribution. This will be based on the tram contribution based on the proposed planning use(s) for the building(s)/land, minus the tram contribution based on the lawful planning use of the existing building(s)/land. Where, the resultant contribution is positive then that will be the contribution that is required to be paid for that development. Changes of use or subdivision falling below the thresholds shown in Table 1 will not normally be expected to provide a contribution.
- E. Where development proposals are in excess of Tables 1 and 2, these tables will be applied on a pro rata basis to calculate the minimum level of contribution required.
- F. Major developments, as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, on land outwith the defined zone 3 will also be considered in regards to their net impact on transport infrastructure. Where there is a net impact on infrastructure, specifically in relation to trip generation on public transport and this requires mitigation developments may be required to make a contribution to the tram system. In such cases, the Transport Assessment submitted with the application should address fully the potential role which could be played by tram in absorbing the transport impacts of the development.
- G. The construction of the tram system infrastructure (Phase 1A) completed in 2014. The Council has borrowed £23 million to fund the construction of the tram system and intends to repay this amount through developer contributions. This guideline will continue to apply in relation to development along the tram route until the amount of borrowing, including costs, highlighted above has been repaid. This provision relates to Phase 1A of the construction of the tram route as shown in the plan below.
- H. Policy Exemptions are as follows:
- i. Small developments falling below the thresholds shown in the Table will not be expected to provide a contribution unless they are clearly part of a phased development of a larger site. In such cases the Council will seek to agree a pro-rata sum with the applicant.

- ii. In the event of a developer contributing land towards the development of the tram system, the amount of the contribution required under this mechanism may be reduced. Each application will be considered on its individual merits, taking into account factors such as the value of the land, its condition, and the location of existing and proposed services.



Tram Developer Contribution - Calculations

TABLE 1 - IDENTIFICATION OF SCALE FACTOR PROPOSALS BY LAND USE (Gross External Floor Area)

scale factor	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Retail (sqm)	250-499	500-999	1,000-1,499	1,500-2,499	2,500-4,999	5,000-7,499	7,500-11,999	12,000-17,499	17,500-24,999	25,000-34,999	35,000-49,999	50,000-74,999	75,000-119,999	120,000-174,999	175,000-249,999	250,000+
Offices (sqm)	250-499	500-999	1,000-1,499	1,500-2,499	2,500-4,999	5,000-7,499	7,500-11,999	12,000-17,499	17,500-24,999	25,000-34,999	35,000-49,999	50,000-74,999	75,000-119,999	120,000-174,999	175,000-249,999	250,000+
Residential (units)	5-19	20-34	35-69	70-104	105-139	140-174	175-209	210-244	245-279	280-314	315-349	350-384	385-419	420-459	460+	
Pubs and Restaurants (sq m)	100-199	200-499	500-799	800-1,099	1,100-1,399	1,400-1,699	1,700-1,999	2,000-2,299	2,300-2,599	2,600-2,899	2,900-3,199	3,200-3,499	3,500-3,799	3,800-4,099	4,100+	
Business Park (sq m)	250-499	500-999	1,000-1,499	1,500-2,499	2,500-4,999	5,000-7,499	7,500-11,999	12,000-17,499	17,500-24,999	25,000-34,999	35,000-49,999	50,000-74,999	75,000-119,999	120,000-174,999	175,000-249,999	250,000+
Industry (sq m)	500-999	1,000-1,999	2,000-2,999	3,000-3,999	4,000-4,999	5,000-5,999	6,000-6,999	7,000-7,999	8,000-8,999	9,000-9,999	10,000-10,999	11,000-11,999	12,000-12,999	13,000-13,999	14,000+	
Warehousing (sq m)	1,500-2,999	3,000-5,999	6,000-8,999	9,000-11,999	12,000-14,999	15,000-17,999	18,000-20,999	21,000-23,999	24,000-26,999	27,000-29,999	30,000-32,999	33,000-35,999	36,000-38,999	39,000-41,999	42,000+	
Hotels (bedrooms)	5-9	10-24	25-40	41-60	61-75	76-90	91-105	106-120	121-135	136-150	151-165	166-180	181-195	196-210	211+	
Hospitals/Residential Institutions (sq m)	1,000-1,499	1,500-2,499	2,500-3,499	3,500-4,499	4,500-5,499	5,500-6,499	6,500-7,499	7,500-8,499	8,500-9,499	9,500-10,499	10,500-11,499	11,500-12,499	12,500-13,499	13,500-14,499	14,500+	
Non-residential Institutions (sq m)	1,000-1,499	1,500-2,499	2,500-3,499	3,500-4,499	4,500-5,499	5,500-6,499	6,500-7,499	7,500-8,499	8,500-9,499	9,500-10,499	10,500-11,499	11,500-12,499	12,500-13,499	13,500-14,499	14,500+	
Medical/Health Services (sq m)	200-299	300-499	500-799	800-1,099	1,100-1,399	1,400-1,699	1,700-1,999	2,000-2,299	2,300-2,599	2,600-2,899	2,900-3,199	3,200-3,499	3,500-3,799	3,800-4,099	4,100+	
Multiplexes (sq m)	250-499	500-999	1,000-1,499	1,500-2,499	2,500-4,999	5,000-7,499	7,500-11,999	12,000-17,499	17,500-24,999	25,000-34,999	35,000-49,999	50,000-74,999	75,000-119,999	120,000-174,999	175,000-249,999	250,000+
Other Leisure Uses (sq m)	1,000-1,499	1,500-2,499	2,500-3,499	3,500-4,499	4,500-5,499	5,500-6,499	6,500-7,499	7,500-8,499	8,500-9,499	9,500-10,499	10,500-11,499	11,500-12,499	12,500-13,499	13,500-14,499	14,500+	

Larger Developments will be negotiated separately (The application of these tables on a pro rata basis, will be used as a starting point.)

TABLE 2 - AMOUNT OF CONTRIBUTION IN £000s

scale factors	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Zone 1 (up to 250m)	17-45	46-91	92-137	138-183	184-230	231-274	275-322	323-368	369-414	415-461	462-507	508-553	554-599	600-645	646+
Zone 2 (up to 500m)	12-33	34-68	69-102	103-137	138-172	173-206	207-231	232-276	277-310	311-345	346-380	381-414	415-449	450-484	485+
Zone 3 (up to 750m)	7-22	23-34	35-68	69-91	92-114	115-137	138-160	161-183	184-206	207-230	231-253	254-276	277-299	300-322	323+

*Zones refer to those on appendix 1 plan

Notes

The amount of contribution attributable to any development will depend on the exact size of the development (sqm/number of units, etc). This table provides the range of financial contribution in each scale factor, which relates to the range of development sizes in each scale factor shown in the map in Annex 1. This table is provided to assist in calculating the level of contribution that will be sought. The exact amount will be confirmed during the planning application process.

PART 4 – PUBLIC REALM

Where a strategic public realm action has been identified within the Public Realm Strategy, which will help address a deficiency in the public realm requirements of a development, a contribution will be sought towards its construction.

The Edinburgh Public Realm Strategy was approved by the Planning Committee in December 2009. It set out objectives for the delivery of public realm within Edinburgh and identified a list of public realm project priorities.

A new process is being developed which will help set priorities for public realm investment. Projects will be assessed against a limited number of high level criteria to produce a priority list. By setting out the criteria and a simple scoring system, transparency will be ensured. This process also needs to complement the approach used to determine priorities for the footway and carriageway capital programme.

The methodology will be reported to Committee in due course. This Annex will be updated following the approval of the methodology.

Until this methodology is complete and the Public Realm Strategy Updated, strategic public realm contributions will not be pursued. Developments will still be required to provide public realm within their sites and site environs.

PART 5 – OPEN SPACE

Where development proposals are unable to deliver any required open space as part of the development, or involve loss of open space, contributions will be sought to deliver improvements off-site.

Open Space – Contributions to Improvements

Local policies set out requirements for provision of open space in new housing development (Policy Hou 3 in the ECLP and LDP) and other development (Policy Os 3 in ECLP, Policy Env 20 in LDP), and identify the limited circumstances in which loss of open space will be permitted (ECLP Policies Os 1 and 2, LDP Policies Env 18 and 19).

The Council's Open Space Strategy sets out analysis and actions which helps interpretation of those policies. Contributions towards the actions identified in the Strategy will be sought where the above requirements for new open space are not to be met fully within a development site or where development involves loss of open space and the relevant policies require off-site enhancement or provision of open space.

Open Space – Ongoing Maintenance

Where development will establish new publicly accessible open space, there should be adequate arrangements for ongoing management and maintenance. These can be:

- Factoring on behalf of the private landowner(s)
- Adoption by the Council

In the case of adoption by the Council, this will result in an additional maintenance burden which the Council will need to pay for using its revenue budget. The Council will only adopt a significant open space if financial contributions towards these ongoing revenue costs are provided.

The cost of this will depend on the size and quality of the open space. Some open space features cost more to maintain per unit area than others. If a developer is interested in transferring an open space to the Council by adoption, early discussion of the landscaping proposals with the Council's Parks and Greenspace service is advised.

PART 6 – AFFORDABLE HOUSING

Planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be on-site. Whenever practical, the affordable housing should be integrated with the market housing. The detail of how developers will be expected to deliver this is provided below:

Affordable Housing Approach

Affordable housing is defined in the practice note in Appendix 1. In all cases planning applications should clearly set out proposed mechanisms for contributing to local affordable housing need.

Where a proposal is fewer than 12 units but is clearly part of a phased development of a larger site which would be subject to an affordable housing requirement, an affordable element will be required at an appropriate stage in the development of the site as a whole.

On-Site/ Off-Site Provision

The affordable element should normally be provided on-site. However, provision may be acceptable on an alternative site where the total number of dwellings is below 20, or where all of the following criteria apply:

- There are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, or there are other advantages to the Council in accepting off-site provision such as achieving more, higher quality or better-located affordable units elsewhere; and
- An agreed mechanism for delivering the requisite number of affordable units (e.g. through an agreement with a Registered Social Landlord (RSL) at an alternative location elsewhere within the same area of the city is in place; and
- The proposed alternative site makes an equally satisfactory contribution to meeting unmet local housing needs as the principal development site.

Commuted Sums

The payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20, or all of the following criteria are met:

- There are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, where it is evidenced to be unviable or unfeasible or where there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere; and

- The Council is confident that that the commuted payments can be spent on providing affordable units within the same area of the city within five years of the payment being made; and
- The proposal is for less than 50 dwellings or is for a conversion.

Housing Mix

The proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided.

Integration

Social rented housing should be situated close to local amenities, services and public transport. It should be tenure blind and well integrated with housing for sale. Large groupings of the same tenure type should be avoided.

Therefore no more than 0.5 ha of social rented housing should generally be located together.

Further information on the detailed implementation of the Council's affordable housing policy is set out in Annex 1. Among other things, this sets out the priority clients for affordable housing and the calculation of commuted sums.

RETROSPECTIVE CONTRIBUTIONS

Developer contributions will continue to be sought towards the construction of infrastructure identified in the Action Programme, after the construction works are completed and until the associated borrowings have been repaid. The same principle applies to other high cost infrastructure which has been delivered through borrowing.

Where the Council intends to borrow money to deliver infrastructure improvements and then recover, either in part or full, this money through continuing to seek contributions from developers, the details of the amount being borrowed will be identified in the Action Programme.

SPECIAL CONSIDERATIONS

Where it can be demonstrated that there are such abnormally high site preparation costs that addressing the provisions of this guideline threatens the financial viability of developing the site, the requirement to make a contribution towards physical and social infrastructure may be varied or even waived.

Such costs could include remediation of contamination or unusual infrastructure requirements, but not normally the cost of land purchase. It is accepted that for a development to be viable an appropriate site value needs to be achieved by the landowner and an appropriate return for the developer, taking account of market conditions and risk, needs to be achieved. However, developers should take account of the Council's policies in bidding for land. The Council will not accept over-inflated land values as a reason for reducing contribution requirements.

The level of any reduced requirement will be based upon an appraisal of the relevant financial information, which must be made available to the Council. However, if it is not financially viable to meet the requirements of this guideline it may be that the development proposal will be refused.

Alternatively, it may be that in order for development in a particular location to be approved with a lower level of contribution, the scale or intensity of the development itself may have to be reduced, if alternative means of funding necessary infrastructure cannot be identified.

AGREEMENT MECHANICS

The Annexes attached to this guideline provide further advice on the way in which contributions are calculated. Once these requirements are agreed, the timescales for delivery will be agreed between the Council and the applicant. A Section 75 agreement will normally be required, although other arrangements may be made where smaller contributions are to be paid up front.

The Council needs to ensure that contributions are received in good time to allow necessary infrastructure to be delivered in step with new development. However, the Council

appreciates that the timings of payments may have implications in terms of project cash flow and will take this into account in agreeing terms. In the interests of facilitating such discussions, the Council has prepared a Model Legal Agreement, which can be downloaded from the Council's website.

It is anticipated that planning applications will be submitted and construction started at varying timescales. Whilst collecting cumulative contributions, the Council may apportion monies received to deliver the infrastructure needed to support the first phases of development on the ground. Developers will be required to demonstrate that a site can proceed in the short term prior to the delivery of other infrastructure projects that the site would be expected to contribute to.

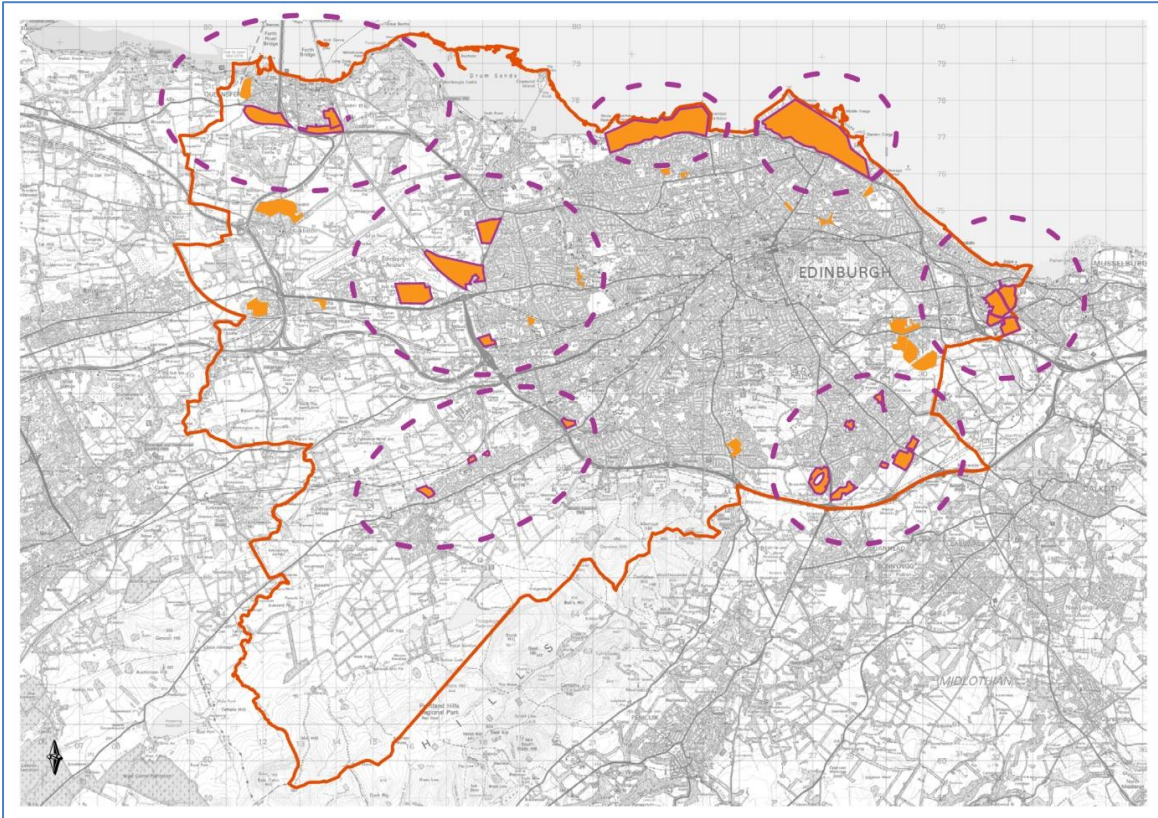
Within Contribution Zones, any remaining contributions will be held and be put towards other actions within the contribution zone that the site lies within as and when required. Future iterations of the Action Programme will provide details of the phasing and delivery of the infrastructure needed to support strategic growth.

AUDIT AND REVIEW PROCEDURES

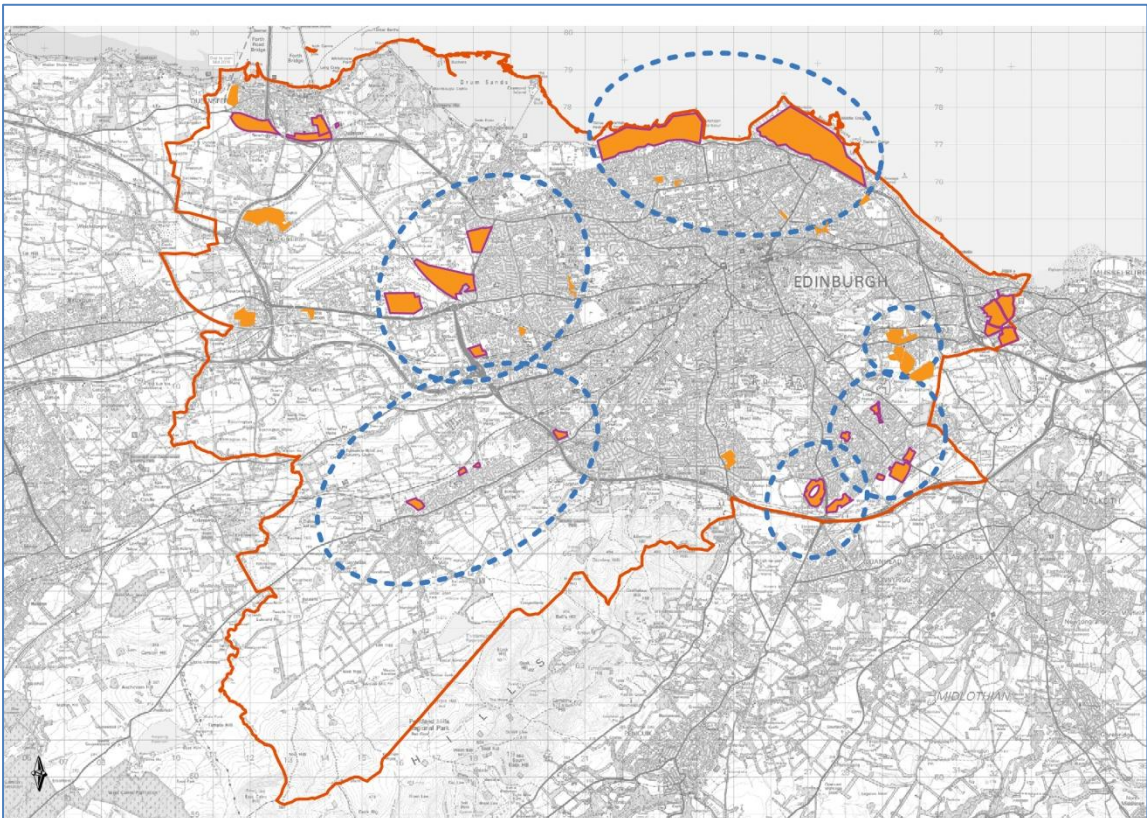
This guidance will be reviewed as part of the development plan process and will be revised in the light of any changes to the development plan or the review of the Action Programme, Affordable Housing Provision, site-specific transport requirements, the Public Realm Strategy or Open Space Strategy.

In addition, on-going assessment will be carried out to ensure that policies are only applied where it is necessary to do so and revisions to this guidance will be made accordingly. Applicants also have the statutory right to apply to the Council for the modification or discharge of a Section 75 agreement.

Annex 1 – EDUCATION CONTRIBUTION ZONES



Annex 2 – TRANSPORT CONTRIBUTION ZONES



ANNEX 3 –Affordable Housing

This practice note is not planning guidance but it provides further information explaining how the policy and guidance is implemented by the Services for Communities Department. It should be read in conjunction with the policy and guidance and the Scottish Government circular Planning Advice Note (PAN) 2/2010 on Affordable Housing.

Contents:

- 1) Requirements, aims & objectives of the Affordable Housing Policy (AHP)
- 2) On-site affordable housing provision
- 3) Nine types of affordable housing tenure
- 4) Three flexibilities within the policy – Commuted Sums, Off-site land and Unsubsidised affordable housing tenures
- 5) Five considerations: tenure blind requirement, availability of public subsidy, viability, land valuations & AHP for major developments
- 6) Priority clients
- 7) Contact Details

SECTION 1 - Requirements, aims and objectives of the AHP:

- The main requirement of the AHP is that applicants are required to provide land to the Council or a third party of the Council's choice, (normally a Registered Social Landlord / RSL).
- This land ought to be sufficient to provide 25% of the residential units contained within the application
- By convention in Edinburgh, such land transfers will be transacted for no monetary or other consideration
- Land is secured in a Section 75 legal agreement. Edinburgh has a Model Legal Agreement which outlines the standard terms, conditions and trigger points for this land transfer
- It is the Council's stated preference that the affordable housing contribution should be made on-site, in whole or in part. This is in the interests of meeting identified affordable housing needs and developing mixed, sustainable communities in the city
- Without the affordable housing policy, there would be a significant restriction on the amount of land that was available for RSLs to deliver affordable housing

There are three other flexible alternatives to on-site land provision.

- the delivery of unsubsidised affordable housing units on-site;
- providing the Council with a plot of off-site land;
- Or making payment of a commuted sum in lieu of on-site affordable housing

There are conditions and restrictions on how these three flexible options may be agreed, and the circumstances in which they may be acceptable. The procedures for these options are contained in Section 4. Council officials will be happy to discuss these with you should you wish your site to be considered for such an arrangement.

SECTION 2 - On-site affordable housing:

On-site affordable housing is the Council's stated preference for the delivery of any given affordable housing contribution. This will typically involve either:

- 1) A land transfer for no monetary or other consideration. The land must be capable of providing at least 25% of the proposed residential units. It will be transferred to the Council or a third party nominated by the Council for no monetary or other consideration. The land will be serviced land. The trigger points for the land transfer will be clearly laid out in a Section 75 Agreement. The Council's model agreement anticipates the land transfer will take place before 30% of the market units are completed (to ensure the affordable housing is not back-loaded). To satisfy the test of acting reasonably, there is a time limit of 60 months for the Council to agree contracts for the delivery of the affordable housing, on a "use it or lose it" basis. If, within this timescale, the Council cannot arrange for delivery on-site (or for an alternative flexible affordable housing solution to be agreed with the developer, all parties acting reasonably) the land will revert to the applicant as land for market housing.

- 2) Delivery of on-site unsubsidised units. There are a range of unsubsidised affordable housing tenures, which all meet an identified affordable housing need in Edinburgh. Rather than gifting land for no monetary consideration, the developer may build out the units, and will be free to rent or sell them. The price and tenure of the units will be governed by a Deed of Conditions, which is agreed by both the developer and the Council within the Section 75 legal agreement. There is more information on each tenure type in the next section and the Council would encourage applicants to meet with officials at the earliest opportunity to discuss these arrangements in detail to help find the most suitable solution for both parties, on a case-by-case basis.

SECTION 3 - Tenure Types:

There is a broad range of approved affordable housing tenures. These are contained within Scottish Government Circular PAN 2/2010 paragraph 5 (or such future updated equivalent documents, as guidance may be updated from time to time).

The Council encourages applicants to meet with officials at the earliest opportunity to discuss the most suitable affordable housing contribution for their site.

Currently affordable housing of all tenures, types and sizes is required in Edinburgh, according to the Housing Need & Demand Assessment. Any affordable housing contribution must clearly meet an identified affordable housing need. City of Edinburgh Council officers will be happy to discuss the range of needs that can be met through the use of different tenures to making an affordable housing contribution.

The Nine Approved Tenure types:

Social Rent

Housing provided at an affordable rent and usually managed locally by an RSL such as a Housing Association, Housing Co-operative, local authority or other housing body regulated by the Scottish Housing Regulator.

Mid Market Rent (MMR)

Private rented accommodation, subsidised, available at rents below market rent levels in the city, usually around 80% of Local Housing Allowance (LHA) levels, and which may be provided either over the medium or long term.

Intermediate Rent (Unsubsidised MMR)

Private rented accommodation, unsubsidised, available at rents below market rent levels in the city (ie at a point below 100% of LHA) and which may be provided either over the medium or long term.

To provide certainty for developers and to allow for meaningful viability appraisals to take place, whilst ensuring such proposed developments meet an affordable housing need at the point where planning consent is issued, the Council is willing to agree to set rent levels using the LHA figures on the date of the appraisal, even though the LHA figure is recalculated and changed monthly.

Subsidised Low Cost Home Ownership (1) Shared Equity

The owner pays for the majority share in the property with an RSL, local authority or Scottish Government holding the remaining share under a shared equity agreement. Unlike shared ownership, the owner pays no rent and owns the property outright.

Subsidised Low Cost Home Ownership (2) Shared Ownership

The owner purchases part of the dwelling and pays an occupancy payment to a RSL on the remainder.

Subsidised Low Cost Home Ownership (3) Discount Sale (subsidised)

A subsidised dwelling sold at an affordable level (calculated as 3.5 times median income levels in the city at the time the property is first advertised on the housing market). Discounted serviced plots for self build can contribute. A legal agreement can be used to ensure that subsequent buyers are also eligible buyers

Unsubsidised LCHO (1) Discount Sale

A dwelling without public subsidy sold at an affordable level.

This is defined and calculated as 3.5 times median income levels in the city at the time the property is first advertised on the housing market.

A Deed of Conditions will be attached to the missives in order to maintain the house as an affordable unit to subsequent purchasers. Edinburgh has developed this type of tenure (and the required Deed of Conditions) in the past. The conditions are agreed and codified

between the developer and the Council within the Section 75 agreement. They include the following:

- Eligible purchasers must not earn more than the median income level in the city. The Council sources this data annually from Scottish Government (CACI).
- Current updated figures are available from affordable.housing@edinburgh.gov.uk
- A Maximum Disposal Price (MDP) is fixed for the property through the formula 3.5 times the average income level in the city at the time the property is first advertised on the market. In 2013 this was currently £136,735 (3.5 x £39,067).
- Developers and subsequent purchasers may not accept a figure higher than the MDP for the property, though they are at liberty to accept a lower figure.
- The property must be advertised to the majority of the Edinburgh market (currently through advertising on ESPC), for a period of a year and a day. If following this period an eligible purchaser has not been found (all parties acting reasonably) the property may revert to being a market housing unit.
- The eligible purchaser must live in the property as their sole residence and may not let or sublet the property. Proof of identity plus the previous three bank statements and payslips will be required to prove eligibility status.
- As no public subsidy is involved, there are no additional restrictions on the building sizes or standards of Discount Sale units.

Unsubsidised LCHO (2) Golden Share

Similar to Discount Sale, except with different criteria around pricing and eligibility:

The purchase price is set at 80% of market value in perpetuity, the market value being set by an independent or district valuer to the satisfaction of the Council. The purchase price should not exceed £214,796, the average property price in Edinburgh. Purchasers must be able to evidence local connection and an inability to finance the purchase of the full market value of the property.

Unsubsidised LCHO (3) Unsubsidised Shared Equity

The owner purchases part of the dwelling, usually 60 to 80% of value, with the remaining stake held by a developer.

The maximum price paid for the purchaser's stake must not exceed 3.5 times the average income level in the city (a maximum purchase price of £136,735). –).

The property may therefore be valued anywhere up to £227,891 (in which case the £136,735 purchase price would give the purchaser a 60% stake in the property).

SECTION 4 - Flexibilities & How they work procedurally:

Where on-site, subsidised affordable housing is not viable or feasible there are three other possibilities which may be explored i.e. unsubsidised affordable housing tenures, off-site land provision, and commuted sum payments.

Unsubsidised on-site affordable housing – see above sections on Golden Share and Unsubsidised Shared Equity. The Council is happy to discuss delivery options.

Off-site land provision (wording as agreed in Planning Committee report 6 August 2009)

When an application proposes off-site affordable housing provision, it must be demonstrated that the alternative location:

- is a location where housing is supported in principle
- is capable of delivering more than the number of affordable units required on the principal site (usually 25% of the total)
- is delivered to the Council, or directly to an RSL at no consideration, quicker than the affordable housing would have been delivered if located on-site, and typically no later than when the first building or demolition works take place on the principal site; and
- is within an area where there is not already a concentration of social rented accommodation

A concentration of affordable housing would be present where there is a locality with more than 50% of the housing as social-rented tenure, including localities where the introduction of the proposed off-site arrangement would create more than 50% social-rented tenure within the locality area.

A locality area is normally the datazone within which the alternative site is found and the adjoining datazones. Datazones are the key small-area statistical geography in Scotland. Datazones are compiled by the Scottish Neighbourhood Statistics (SNS) Department of the Scottish Government.

The affordable housing clauses within the Section 75 legal agreement will be discharged immediately upon the transfer of title of the off-site location by a Developer to the Council (or an RSL).

A primary consideration within this approach is to ensure the AHP contributes to the Council's commitment to create mixed, sustainable communities.

Commuted Sums (wording as agreed in Planning Committee report 13 May 2010)

Commuted sums may be considered for local developments and, where justified, in exceptional cases may be considered for major developments.

The commuted sum is a financial sum, paid by a developer to the Council.

The commuted sum is paid in lieu of serviceable land which would have been delivered to the Council or to an RSL nominated by the Council for the purpose of developing affordable housing.

The principal site should be valued assuming it benefits from planning permission, it is serviceable, there is no affordable housing contribution to be made and there is no commuted sum payable.

The land value per unit should be derived by dividing the land value by the total number of units proposed on the site.

The affordable housing contribution should be calculated by applying the AHP percentage (i.e. 25%) to the total number of units proposed.

The commuted sum should be arrived at by multiplying the land value per unit by the number of affordable housing units required.

The Council rounds down the number of affordable housing units required to the nearest lower whole number of units when those units are provided on-site. However, for the commuted sum formula the Council employs a direct percentage calculation in order to reflect the precise affordable housing contribution generated by the application.

For example, a 15 unit proposal would generate a 3 unit contribution on-site or a 3.75 unit (15/4) contribution if a commuted sum is agreed. In practice, in this example, the developer would pay 3.75 x agreed land value per unit. Land value would be based on a DV Independent valuation.

The commuted sum is expected to be paid upon signing the Section 75 legal agreement thereby delivering more affordable housing more quickly than if on the principal site..

SECTION 5 - Five considerations associated with on-site affordable housing:

1) “Tenure blind” requirement: In the interests of delivering mixed, sustainable communities the AHP units will be expected to be identical in appearance to the market housing units, an approach often described as “tenure blind”.

2) Availability of subsidy: Availability of subsidy will be a key determining factor around the eventual tenure mix. Given that subsidy arrangements are considered annually, but a planning consent is typically between 2 and 5 years, the Council prefers to set at planning stage and within Section 75 agreements that 25% of the residential units in the application will be of approved affordable housing tenures, with the precise tenure mix to be determined at the delivery stage. This is acceptable in policy terms and allows for viability, financial and deliverability considerations to be fully taken into account. There are a range of unsubsidised tenures which have been developed in Edinburgh in the event that public subsidy is not available.

There has been a long-held aspiration that, where sufficient public subsidy is available, there will be a majority of social rented units within the AHP contribution, and where possible an aspirational mix of 70:30 should be achieved between social rented units and other approved affordable housing tenures

Developers should note that the provision of subsidy is not guaranteed, and where subsidy is not available, the policy’s requirement to deliver affordable housing remains.

3) Viability considerations: There are two types of viability consideration taken into account when discussing on-site affordable housing contributions.

- i) Viability for the Council / RSL – The developer and RSL may calculate the construction price equivalent (excluding land) for a tenure blind 2 bed property if delivered on-site using the same materials & construction techniques as the market housing units proposed.
 - ii) If the construction cost calculated is a sum more than 3.5 times average income levels (which is sometimes the case in conservation areas where external materials are more costly), then by definition such on-site units could not be described as affordable which acts as a justification to explore one of the three other flexible approaches to AHP: off-site land, a commuted sum payment, or development of unsubsidised affordable housing.
 - iii) Viability for the developer / open book – If a developer wishes to demonstrate that their development contains exceptional costs which make the affordable housing contribution non-viable on-site, then a full assessment of costs will be required based on an “open book” approach i.e. the developer will be expected to make all of the relevant cost information available to the Council and/or relevant partner housing association. This is most often applied where there is a renovation of an existing listed building or where there are demonstrable exceptional site preparation and decontamination costs which the developer will incur.
- 4) Valuing AHP land By convention nil value as codified in a number of Section 75 agreements. Valuing AHP land differs from valuing sites for affordable housing, which valuations tend to carry a positive but lower than market value
 - 5) Major developments, Planning Permission in Principle (PPP) applications and phased developments

When such applications go before the Planning Committee, Services for Communities will seek as a minimum commitment that the applicant is committed to providing 25% of the residential units as approved affordable housing tenures. The Department’s preference is that these should be delivered on-site, though Section 4 covers other approved flexible affordable housing solutions. Where the development is to be phased, the department seeks a commitment that the specific affordable housing plots are identified at the time of application (and that these locations are acceptable to the Council), or alternatively that each phase of the development will contain 25% affordable housing. This is to ensure the development does not either overly concentrate or “back-load” the affordable housing contribution.

At the point where Committee consider the application the department is content to seek a commitment that 25% of the units will be approved affordable housing tenures. This reflects recent experience in Edinburgh where, on occasion, an RSL has experienced difficulty in delivering a specifically-defined tenure (explicitly contained within the planning consent) when other approved affordable tenures would have been more viable. By keeping the specific tenure mix open at the point of planning consent, the Council is able to secure the affordable housing as approved forms of affordable tenure, while allowing flexibility of tenure for the RSL or other delivery agent.

SECTION 6 - Definition of Priority clients

Priority clients for affordable housing tenures in Edinburgh are people in housing need who cannot afford to access accommodation through the regular functioning of the housing market, whether for rental or home ownership tenures. **Housing need** refers to households lacking their own housing or living in housing which is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance and who earn less than the MEAN average household income (£39,067).

SECTION 7 - Contact details:

If you would like to discuss any of the content of this practice note please contact:

The City of Edinburgh Council, Services for Communities, Investment Team,
Waverley Court, Business Centre 1.4
4 East Market Street, Edinburgh, EH8 8BG
Email: housinginvestment@edinburgh.gov.uk
Telephone: 0131 529 2253

Planning Committee

10am, Thursday, 6 August 2015

Edinburgh Planning Guidance: Student Housing – Revised for consultation

Item number	6.2
Report number	
Executive/routine	Executive
Wards	ALL

Executive summary

Purpose-built student accommodation is required to support the city's higher educational establishments. Both the Edinburgh City Local Plan (ECLP) and the emerging Local Development Plan (LDP) include a policy to guide its location. To assist with the implementation of this policy, non-statutory planning guidance has been in use since 2010.

An Issues Paper on Student Housing was approved for consultation at the 4 December Planning Committee. The purpose of this report is to set out the findings of the consultation exercise and seek Committee approval to consult on the revised non-statutory planning guidance. The comments received during the consultation have been taken into account when preparing the revised guidance. The findings of the consultation on the revised non-statutory planning guidance will be reported back to Committee prior to a finalised guideline being approved.

Links

Coalition pledges	P15
Council outcomes	CO7 , CO8 , CO19 , CO21
Single Outcome Agreement	SO1 , SO4

Edinburgh Planning Guidance - Student Housing – Revised for consultation

Recommendations

- 1.1 It is recommended that the Committee notes the findings of the consultation on the Student Housing – Issues Paper and approves the Revised Student Housing Planning Guidance for consultation.

Background

- 2.1 In February 2014, Planning Committee noted the annual programme for the review of planning guidance. It stated that a review of the guidance for assessing applications for purpose-built student accommodation was to take place in late 2014.
- 2.2 Following a review of the existing guidance and publication of the 2011 census data, Planning Committee approved an Issues Paper for consultation in December 2014.
- 2.3 This report sets out the findings of the consultation exercise on the Issues Paper. The comments received during the consultation have been taken into account when preparing the revised guidance.
- 2.4 This report also presents a revised student housing planning guidance for consultation. Its purpose is to continue to assist in the interpretation of Policy Hou 10 Student Housing in the Edinburgh City Local Plan (ECLP) and Policy Hou 8 in the emerging Local Development Plan (LDP).

Main report

Context

- 3.1 Edinburgh's universities and colleges play a major part in the economy and life of the city. One of the core aims of the ECLP is to 'support the growth of the city as a centre of learning and higher education'. Likewise, Aim 3 of the emerging LDP recognises higher education as one of the key sectors in contributing to the strength of Edinburgh's economy.

Report on Consultation

- 3.2 Public consultation was carried out on the Issues Paper between 16 March 2015 and 24 April 2015. A total of 185 responses were submitted electronically through the Council's Consultation Hub. An additional nine written submissions were received. A full report of all representations is contained in Appendix 2.

- 3.3 Representations were received from Marco Biagi MSP, Sarah Boyak MSP, Sheila Gilmore (former MP), Grange/Prestonfield Community Council, Old Town Community Council, Cockburn Association, Blasket Association, Grassmarket Residents Association, NHS, University of Edinburgh, Edinburgh Napier University, Unite, National Association of Landlords, Castle Rock Edinvar Housing Association, Edinburgh University Students' Association, Homes for Scotland, and a number of individuals.
- 3.4 The consultation asked eight questions relating to issues associated with student housing, such as, the need for student housing, the continued need for locational guidance and the use of the concentration thresholds. In addition there was an opportunity to submit any other comments.
- 3.5 The representations contained a wide range of comments which are summarised in Appendix 1: Report of Consultation on Student Housing – Issues Paper along with the Council's responses. In summary the responses reflected:
- A continued support for higher education and its role in Edinburgh's economic and social activity;
 - A qualified support for additional purpose built student accommodation;
 - Support for the identification of specific sites for student accommodation;
 - A preference for locating students in purpose built accommodation;
 - A feeling that student accommodation rents are expensive;
 - Support for continued use of a 30% concentration threshold or lower;
 - Need for more general and affordable housing over students; and
 - Support for requiring housing as part of mix of uses on larger sites.
- 3.6 An engagement meeting was held on 26 March with Community Councils and representative community organisations. The communities were represented by:
- Joan Carter- South Side Association;
 - Stephen Carter- South Side Association;
 - Richard Price- New Town and Broughton Community Council;
 - M. Clyde- Merchiston Community Council;
 - Iain Black- Tollcross Community Council;
 - Michael Listar- Tollcross Community Council;
 - Tony Harris- Gracemount/Prestonfield Community Council ;
 - Adrian Graham- Leith Central Community Council;
 - Ann Wigglesworth- Tollcross Community Council; and
 - Roger Colkett- Tollcross Community Council.
- 3.7 An engagement meeting was held by Edinburgh University and the South Side Association. A Planning officer attended this event. Further meetings have taken place with representatives of the universities to better understand student and universities accommodation requirements. During the forthcoming

consultation period, Council officers will continue to liaise with the universities to gather additional information on the location of students, and their accommodation patterns, during their time in education, and potentially beyond.

- 3.8 The full responses to the representations are contained in Appendix 2. These comments have been considered and have influenced the revision of the guidance.

Revised Guidance

- 3.9 The revised guidance is proposed in light of research, monitoring work and the comments received, during the consultation period for the Issues Paper. The proposed guidance takes into account issues arising from the appeal decisions at Bernard Terrace/Lutton Court (PPA-230-2122) and St Leonard Street (PPA-230-2146). In these cases the implementation of the developments will result in student concentrations of 60% and 62% respectively. The reporter found that the development “would not result in too high a concentration of student accommodation in the area” (St Leonard Street (PPA-230-2146)).

The existing guidance contains a concentration figure of 30% across the city. As a result of these appeals this figure is no longer considered appropriate for all communities and the proposed guidance addresses this. While the reporter’s findings are noted, it is not accepted that communities with 60% and 62% student concentrations would constitute sustainable balanced communities. Circular 2/2012 Houses in Multiple Occupation identifies “a high number of transient residents leading to less community cohesion”. While it is acknowledged that the length of time which students reside in a place varies they are considered a temporary component of the community. The potential impact on community cohesion clearly justifies guiding development to an appropriate place to support maintaining a balance within a community. Therefore, the revised guidance sets out a range of location specific concentrations which seek to guide new student accommodation in response to the wider needs of the communities. The revised guidance is attached at Appendix 3.

- 3.10 The intention is to provide greater clarity and ensure that regard is had to the character of each site’s particular context, whilst continuing to promote or safeguard mixed, sustainable communities. This issue is inter-related to the need for general and affordable housing, and the revised guideline, seeks to encourage the provision of housing in sustainable locations, to address the issue of housing need and maintaining balanced communities.

Accommodating Student Growth

- 3.11 The limited provision of purpose-built student accommodation combined with the increase in student population has resulted in a noticeable increase in student concentration in and around the city centre, as well as expansion into Leith and along arterial routes in the west of the city. The most densely concentrated areas are located within easy walking distance of the University of Edinburgh’s George

Square campus. Future student numbers and the demand for purpose built accommodation will continue to evolve and therefore it is important to continue to monitor the demand for purpose built accommodation through engagement with the universities.

- 3.12 Despite the increasing proportion of purpose built student accommodation in recent years there is no evidence to suggest the number of students living in general housing or HMOs has reduced (Map 2). Therefore there is a need for more purpose built student housing in order to free up general housing stock through an increased offer and increased competition. It is preferable that student needs are met as far as possible in well managed and regulated schemes. The demand for accommodation continues to be directed primarily at campus sites and the city centre and the revised guidance continues to support these locations while ensuring that their impact is balanced with other objectives, including community needs.

Impact of Students

- 3.13 A high student population in one location can bring benefits, for example in supporting local services. Purpose-built accommodation can reduce potential antisocial aspects of locating significant numbers of students within the community. However, the quantity of students can place pressures on the land uses and social infrastructure of an area and change the area's character. The concentration of students, as a proportion of the transient population, can undermine the social and land uses which contribute to a community and place.
- 3.14 It is acknowledged that students only represent one component of the transient population and that there is a range of types of accommodation which they can access, including mainstream residential properties and HMOs. While it is beyond the scope of the Planning Authority, and the council, to control the specific occupancy of all types of accommodation the guidance will influence a development form which can have a significant impact on communities and infrastructure.

Balanced Sustainable Communities

- 3.15 A significant element of Edinburgh's character is the balanced sustainable communities which make up the whole city including the city centre. These communities are made up of groups of people with common interests which are located in one place. Balanced sustainable communities require the dominant residential component to be permanent and not transient. The student population, (where not living at home), can be a significant element of the transient population. While students make many positive contributions to society, in excessive concentrations they can significantly change an area's character and potentially undermine a community. Where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. This may result in a poor quality of place, a diminished sense of community and make an area less attractive to all sections of the population.

3.16 Edinburgh's communities are varied in character and the mix of residents contributes to these different characters. It is therefore appropriate to consider a range of different thresholds in different locations to safeguard the individual character of the place and the community.

3.17 Purpose-built student accommodation can have a significant impact on the physical environment and the overall quality of a place. Creating Places - A policy statement on architecture and place for Scotland sets out the six qualities of successful places which all development should consider, these are;

- distinctive;
- safe and pleasant;
- easy to move around;
- welcoming;
- adaptable; and
- resource efficient.

It is particularly important that the design of purpose-built student accommodation should create safe and pleasant places for residents and the wider community. The aim is to create a mix of uses avoiding a single land use and ensure adaptability.

3.18 Edinburgh has a housing requirement set out in the Local Development Plan (LDP). It is the role of the LDP to determine how the housing requirement up to 2024 will be met, taking account of the contribution made from existing sites and other allowances such as completions from windfall sites and demolitions. The windfall assumption is set out in the Housing Land Study (June 2014). Meeting this windfall assumption relies on brownfield sites identified as having a high development potential to be delivered for general housing. It is appropriate to apply specific guidance to these sites to encourage the delivery of much needed housing and help mitigate the impact of purpose built student on communities.

3.19 Large mono-use development has significant potential to harm the character of an area. Locational and design guidance criterion f) seeks to guide the mix within larger proposals to ensure a balance between the need for student accommodation and housing, while mitigating the impact upon the character of an area. Development in accordance with this criterion could achieve a neutral impact on student density within a community.

Assessment Methodology

3.20 In assessing the degree of student concentration, factors to be taken into account are the nature of the locality in terms of mix of housing types, and the existing and proposed number of students in the locality. Approvals will continue to be dependent on it being demonstrated that, individually or cumulatively, such developments would not undermine the achievement of mixed, sustainable communities in that locality of the city.

- 3.21 It is considered that the numerical method be amended to better reflect the issue of transient population. The proposed method is to remove students who are living as part of a family household from the student component. These students may be at higher or further education and are likely to contribute to the community as they are permanent residents. This will result in data which more accurately reflects the issue of the transient element of a population.

Revised Locational Guidance

- 3.22 Once approved, a finalised version of the guidance will continue to inform the use of ECLP Policy Hou 10 Student Housing and LDP Policy Hou 8. These policies state:

Planning permission will be granted for purpose-built student accommodation where:

- a) the location is appropriate in terms of access to public transport and university and college facilities; and*
 - b) the proposal will not result in an excessive concentration of student accommodation in any one locality.*
- 3.23 The revised guidance continues to propose an approach which focuses new student housing developments in or bounding main university campuses. The word 'adjacent', however, has been replaced with sites 'sharing a boundary with' to improve clarity of interpretation. These locations have concentrations of academic facilities and for that reason offer sustainable locations for further development. Only those considered to be the main campuses have been identified in the revised guideline (Appendix 3 Map 1).
- 3.24 The revised guidance balances the needs of communities and gives due consideration to the decisions of the reporter, outlined in para 3.9. In supporting purpose-built accommodation in locations which are close to the university campuses, the revised guidance also proposes that locations within 800m (10 minutes) walking distance of an identified campus will generally be acceptable provided that they do not result in a student population of over 50% or more in the locality (using data zones). Giving due consideration to Planning Advice Note 75: Planning for Transport, the observed locational choices made by students and the sustainable transport options available, a walking distance of 800m is considered appropriate to guide this higher concentration level. From previous consultations with community groups it is recognised that the increase from 30% to 50% will be controversial. However, the reasoning for the 50% concentration is set out in paragraph 3.15. On larger sites additional requirements have been added to mitigate the impact of student concentrations on character of the area and to promote good placemaking.
- 3.25 In recognising the economic benefits students bring to the city and their contribution and support to local services, the revised guidance proposes that those locations within a 400m (5 minutes) walking distance of a defined town centre (Appendix 3 Map 3) will generally be acceptable provided that they do not result in a student population of over 40%. The increase from 30% to 40%

concentration reflects the move to supporting town centres as more sustainable locations for student accommodation. This approach is supported by the Town Centre First principle set out in Scottish Planning Policy. The 400m distance is consistent with Scottish Planning Policy, Planning Advice Note 75 and Designing Streets in relation to walkable neighbourhoods and access to public transport.

- 3.26 Outwith the main campuses, where access to public transport facilities is good, purpose-built accommodation will generally be acceptable, provided that the proposal will not result in a student population of over 30%. The hierarchy of locational guidance and use of a range of concentration thresholds is designed to direct development to locations which are best suited to meet student's needs. The concentration range will also guide the level of change in character of an area, ensuring the retention of balanced sustainable communities and avoiding the dominance of a single land use within any area.
- 3.27 Elsewhere, purpose-built student housing in locations that do not meet the criteria set out in ECLP Policy Hou 10 (and LDP Policy Hou 8) will generally not be permitted.
- 3.28 The percentage thresholds provide useful guidance for the public and other stakeholders and inform the retention or creation of sustainable communities. The percentage thresholds reflect the roles and character of different areas, and are a useful measure by which to assess the impact of development upon each particular community. The Council continues to explore alternative sources of more accurate data with the universities. The percentage bands are chosen to avoid a majority of students in any one locality, based on their location in relation to University campuses, town centres and public transport accessibility.
- 3.29 An additional requirement to provide general housing as part of a mix on sites greater than 0.25ha will rebalance the mix of land uses and help meet the concentration thresholds stated above. While student accommodation will not be prohibited, this requirement will ensure larger developments contribute to the essential delivery of housing. Development which accords with this requirement will have a minimal impact on the student concentration in any area.
- 3.30 The guidance reflects a strategy for meeting the continued need for student accommodation in suitable sustainable locations whilst delivering this in conjunction with much needed market and affordable housing.

Next steps

- 3.31 The revised guidance will be the subject of public consultation. The comments received during the consultation process will be taken into account in the finalisation of the guidance.
- 3.32 The finalised guidance will be reported to Committee for approval in December.

Measures of success

- 4.1 The development of student housing in locations supported by the guidance and the maintenance of mixed sustainable communities.

Financial impact

- 5.1 There are no direct financial impacts arising from this report.

Risk, policy, compliance and governance impact

- 6.1 There are no perceived risks associated with this report. The preparation of non-statutory planning guidance is supported by circular 6/2013: Development Planning.

Equalities impact

- 7.1 The impacts of this report in relation to the Public Sector Equalities Duty and the ten key areas of rights have been considered. The revised guideline has no negative impacts on the three equality duties with regard to the eight protected characteristics. In terms of the ten key areas of rights, the revised guideline enhances the right to health by encouraging students to travel short distances or use public transport to access university facilities. In addition the revised guideline also encourages the provision of housing in sustainable locations. Standards of living will be enhanced by ensuring the right mix of land use. The revised guideline will have no negative impacts on the ten key areas of rights.

Sustainability impact

- 8.1 The proposals in this report will:
- reduce carbon emissions because it supports purpose-built student accommodation within walking distance of main university campuses, town centres and public transport services;
 - help achieve a balance of land uses, including the provision of housing, to support sustainable communities; and
 - help achieve a healthy and resilient economy in support of town centres where a wide variety of local businesses choose to locate.

Consultation and engagement

- 9.1 Pre-revision engagement has taken place with internal stakeholders only.
- 9.2 The Second Proposed Plan was published for a statutory period of representations from 22 August to 3 October 2014.
- 9.3 It is proposed that consultation on the revised guidance will involve:
- Internal focus groups with Development Management teams;
 - Meetings with the main Universities (University of Edinburgh, Napier University, Heriot Watt University and Queen Margaret University);

- Workshop with the main private student housing providers;
- Use of the consultation hub to obtain views of all interested parties.

Background reading/external references

[Annual Review of Guidance report](#) to Planning Committee (27 February 2014)

[Edinburgh Planning Guidance](#) – Student Housing (August 2010)

[Student Housing – Issues Paper report](#) to Planning Committee (4 December 2014)

[Student Housing – Issues Paper](#) – Consultation Hub (16 March to 24 April 2015)

Full record of consultation responses to Student Housing Issues Paper.

John Bury

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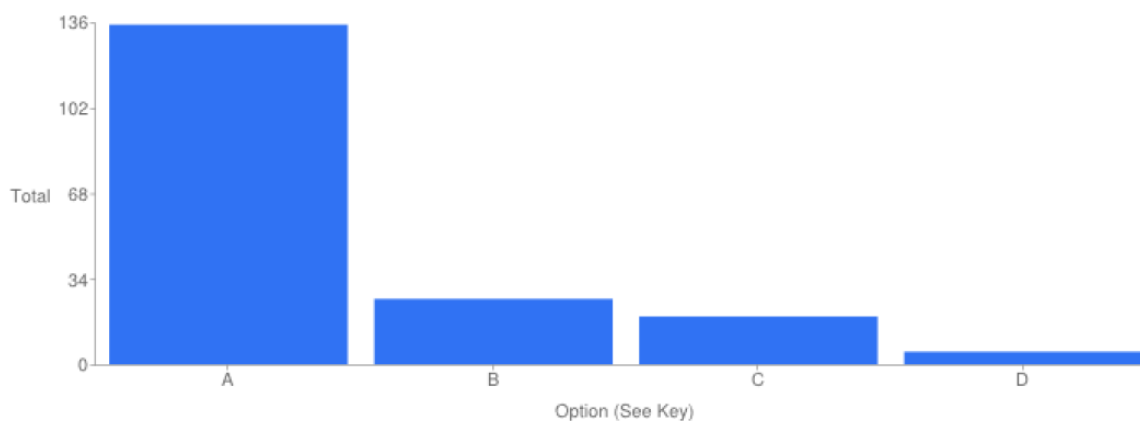
Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO7 Edinburgh draws in new investment in development and regeneration CO8 Edinburgh's economy creates and sustains job opportunities CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm CO21 Safe – Residents, visitors and businesses feel that Edinburgh is a safe city.
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all SO4 Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1: Report of Consultation on Student Housing Issues Paper Appendix 2: Revised Student Housing Guidance

Appendix 1: REPORT OF CONSULTATION - STUDENT HOUSING ISSUES PAPER

The tables contained in this document reflect the 185 consultation responses submitted through the Council's Consultation Hub. The content of all representations, including the 9 not submitted through the Hub, are contained in the summary of responses.

QUESTION 1: Do you feel that the Council should continue to support the growth of further and higher education in Edinburgh?



Key	Option	Total	Percent of All
A	Yes	135	73.37%
B	No	26	14.13%
C	Don't know	19	10.33%
D	Not Answered	5	2.717%

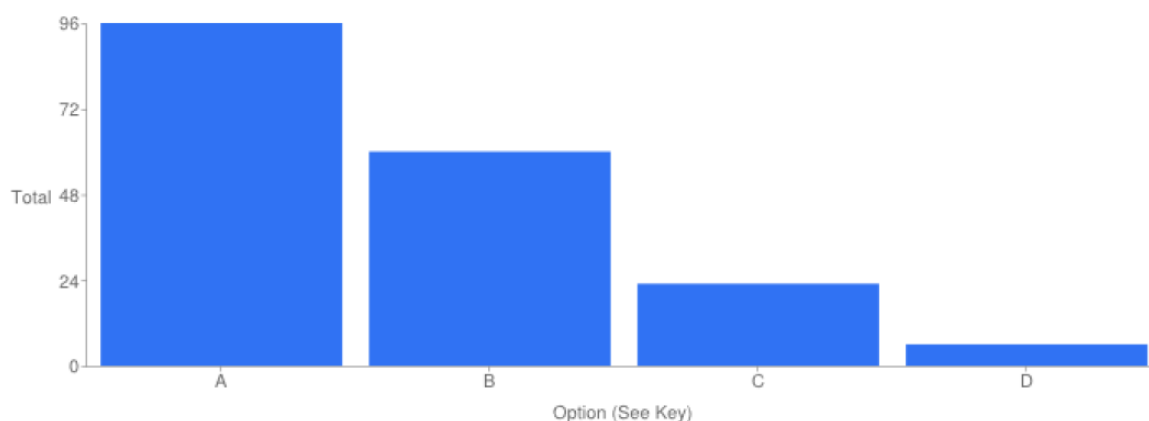
Summary of all responses

- It is stated by many of the respondents that education and Universities are a key part of Edinburgh and a key generator of economic and social activity in the city. Reference was made to National Planning Framework 3 para 2.2 which states that universities are one of Scotland's key sectors. Likewise, SPP para 94 supports the delivery of education and recognises universities as a key sector with particular opportunities for growth. Likewise, SESplan identifies the sector as being one of a number of sectors that will be of strategic importance to the economy of the area. However, it is stated by some respondents that support for higher education does not have to mean growth.
- For some of the community councils', whilst supportive of education, they feel strongly that the Council should instead spend more of it's limited resource to support the residents of the city. The retention of balanced sustainable communities is discussed as being of paramount importance.

The Council's response

The Council recognises the important contribution that higher education makes to the city. Aim 3 of the emerging LDP recognises higher education as one of the key sectors in contributing to the strength of Edinburgh's economy. The revised draft guidance will continue to support this.

QUESTION 2: Do you feel that the Council should continue to support the development of purpose-built student housing?



Key	Option	Total	Percent of All
A	Yes	96	52.17%
B	No	60	32.61%
C	Don't know	23	12.50%
D	Not Answered	6	3.261%

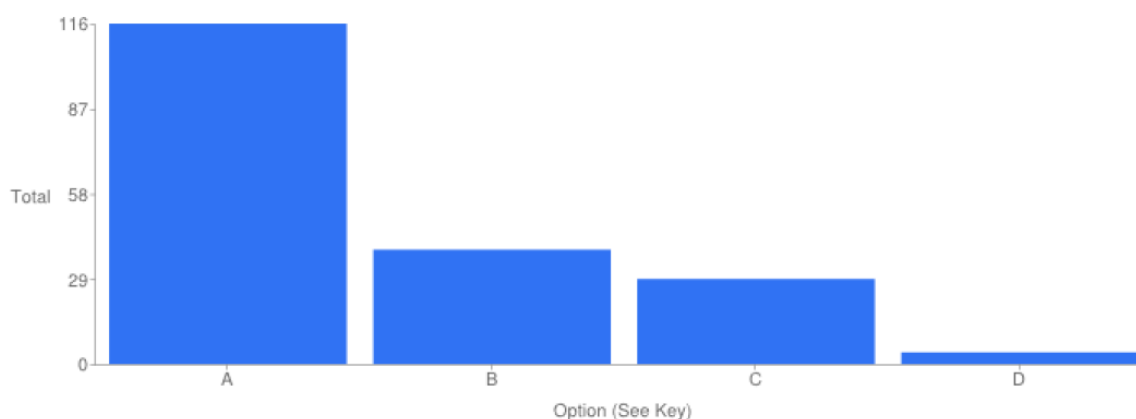
Summary of all responses

- The majority agree that the Council should continue to support the development of purpose-built student housing as it reduces the pressure on traditional tenemental accommodation.
- However, some people still express concerns, for example, that steps are needed to ensure that it does not result in an excessive concentration.
- There is a large proportion who do not agree that the Council should continue to support the development of purpose-built student housing, for reasons such as;
 - there is more than enough
 - students should be integrated with the community
- Some concern raised over the qualities of many of the purpose-built student accommodation blocks, whilst others have raised the issues surrounding the lack of quality within some HMO properties.
- Some responses disagree that students should be segregated in large gated enclaves.

The Council's response

The revised draft guidance will continue to support purpose-built student accommodation in the right locations. These include in and close to University Campuses.

QUESTION 3: Should the revised guidance identify preferred sites for purpose-built student accommodation?



Key	Option	Total	Percent of All
A	Yes	116	63.04%
B	No	39	21.20%
C	Don't know	29	15.76%
D	Not Answered	4	2.174%

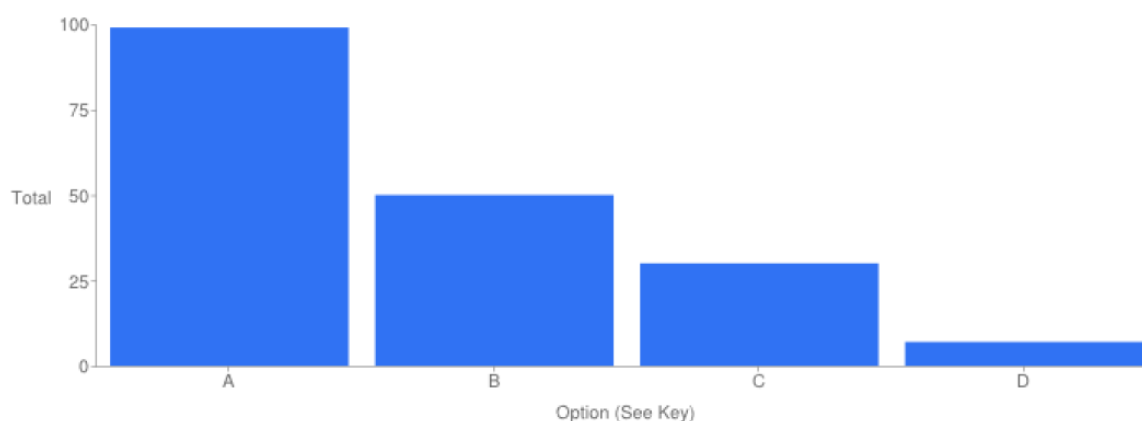
Summary of all responses

- Preferable for the Council not to be prescriptive but to take a flexible approach to assessing applications which come forward on their own merits having regard to their proximity to the universities and colleges, their scale, accessibility and other planning considerations.
- Preference for the Council to identify sites either on the periphery, for example Granton, Pilton, Nidrie, or in areas where the students study such as Queen Margaret's, Heriot Watt University, Napier Sighthill and Craiglockhart and Kings Buildings. Preference from a few that students should be located away from the central area, including the southside.
- The revised guidance should identify preferred locations rather than specific sites, on the base that the market will determine what sites become available for student accommodation.
- The sites should be located in areas of controlled parking as the Council has policies not to issue residents parking permits to residents in purpose built student housing.
- Student housing should be considered as an asset and a positive advantage to any local community and encouraged (rather than restricted to specific areas), in the same way that social/affordable housing is considered a necessary component of any proposed housing development.

The Council's all response

It is considered appropriate to identify preferred sites for purpose built student accommodation, but instead continue to provide guidance on preferred localities based on proximity to the University Campuses and mix of uses. The University campuses are identified and should continue to be identified as the preferred sites for further purpose-built student accommodation.

QUESTION 4: Should student 'needs' be met as far as possible in well managed, purpose-built student accommodation?



Key	Option	Total	Percent of All
A	Yes	99	53.80%
B	No	50	27.17%
C	Don't know	30	16.30%
D	Not Answered	7	3.804%

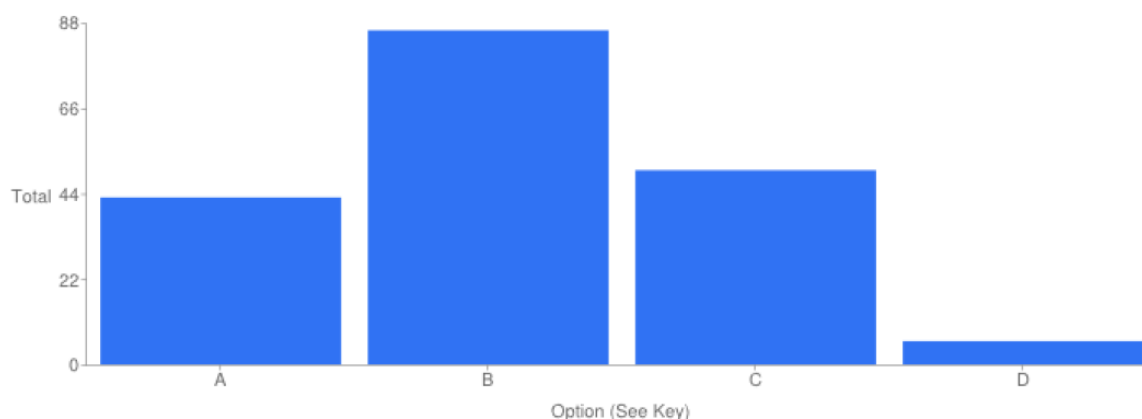
Summary of all responses

- Students will decide what type of property experience they want, private, halls, student accommodation etc.
- The needs of first-year students straight from school may well be met best in well managed, purpose-built student accommodation but once they have "found their feet" many of them will benefit from experiencing a more independent lifestyle.
- Purpose-built student accommodation will alleviate the pressure on the private-renting housing stock, allowing for a greater mixture of tenant types.

The Council's response

It is unknown whether purpose-built student accommodation will alleviate the pressure on the private-renting housing stock. Purpose built accommodation can reduce potential antisocial aspects of locating significant numbers of students within the community. However, it is the quantity of students that can place pressures on the physical and social infrastructure of an area and change the area's character. The concentration of students, whether in purpose built or HMOs, as a proportion of the transient population, can undermine the social and physical fabric which defines a community and place.

QUESTION 5: Do you believe that purpose-built student accommodation is affordable for students and/or helps address the overall need for places for students to live?



Key	Option	Total	Percent of All
A	Yes	43	23.37%
B	No	86	46.74%
C	Don't know	50	27.17%
D	Not Answered	6	3.261%

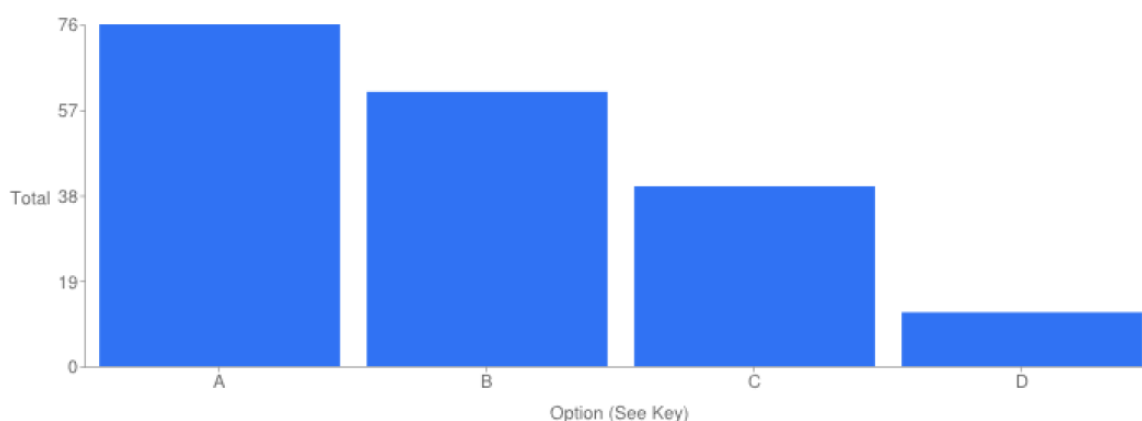
Summary of all responses

- The rents are far too high with a lack of provision pushing up prices in both purpose built and HMOs. The student equivalent of affordable accommodation/social housing should be provided included not-for-profit accommodation.
- Accommodation is varied in type and scale of rent and meets the needs and demands of the market to provide accommodation for students. Encouraging increased competition will deliver best value.
- Not the Council's job to regulate the affordability of student accommodation, educational institutions should deal with the issue.
- University run and managed halls are generally affordable.
- Does not address the bigger problem of affordable accommodation for all. Sites should be used for housing and 'affordable' housing for its residents.
- Consider placing them on bus routes further from the city centre where land prices are lower.
- The quality of design and amenity is poor and represents poor value.

The Council's response

The guidance seeks to address the established need for student accommodation whilst balancing this with other council objectives. The relatively recent increase in the provision of purpose built accommodation, in addition to the established student halls, has not resulted in a reduction in the number of students within general housing or HMOs. Planning's intervention with regards to affordability issues is limited to the level of support for new purpose built development. Recent development has been focused centrally and therefore commands the highest land values and commands relatively high rentals. The guideline seeks to encourage a more dispersed sustainable provision of new accommodation which may result in the provision of additional lower priced accommodation.

QUESTION 6: Should we continue to use a 30% threshold or introduce different thresholds to reflect the roles of different areas?



Key	Option	Total	Percent of All
A	Yes	76	41.30%
B	No	61	33.15%
C	Don't know	40	21.74%
D	Not Answered	12	6.522%

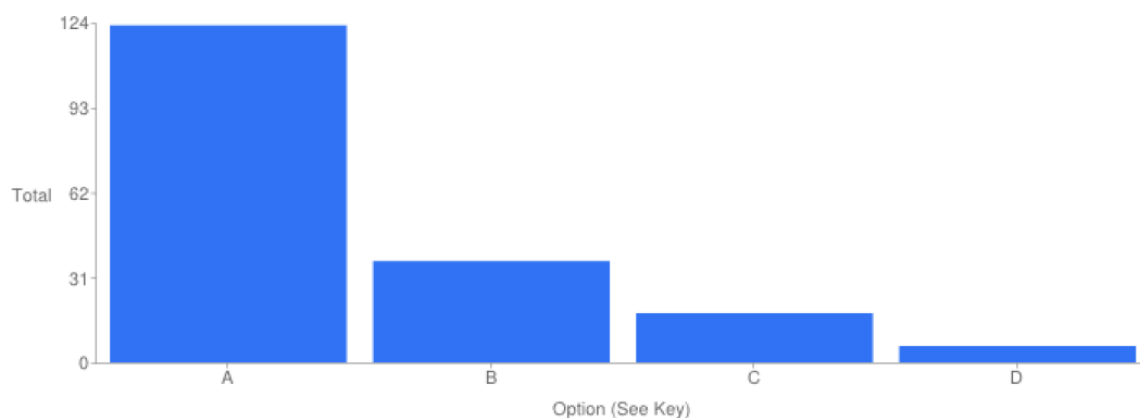
Summary of all responses

- Council should apply different thresholds and these should be different in each area.
- The 30% concentration is appropriate as a balance between transient and long term residents to create balanced mixed communities.
- The census data zones are too small.
- More flexible thresholds would be difficult to apply and abused by developers.
- The threshold is too generous and should encourage more dispersed development.
- The threshold is too restrictive and has no basis. It will not deliver adequate developments.
- Guidance should be based on criteria for preserving amenity.
- The threshold is already exceeded in many areas which makes it worthless.
- The threshold only relates to students and not all single people.
- Highest densities should be around university campus.
- The definition of campus needs careful consideration and “adjacency” should be removed.
- Definition of excessive needs to be clearly set out and justified.

The Council’s response

It is accepted that students are only one section of a potentially transient community and that communities continue to evolve. The impact of this type of development can have a significant detrimental impact on a community if not balanced with other land uses. The local plan seeks to encourage a balanced delivery of appropriate accommodation to meet the needs of all sections of the community. The preference for students to locate centrally and the greater sensitivity of communities with lower student concentrations to additional students requires the use of varying locational guidance. The general continued support for student accommodation in a variety of locations will allow the further provision for students. The definition of excessive is clearly set out and the term “adjacency” is removed from the guidance. The use of concentrations based on census data zones is the most reliable data on student concentrations.

QUESTION 7: On larger sites, should the Council be requiring a proportion of general housing as part of the proposed development?



Key	Option	Total	Percent of All
A	Yes	123	66.85%
B	No	37	20.11%
C	Don't know	18	9.783%
D	Not Answered	6	3.261%

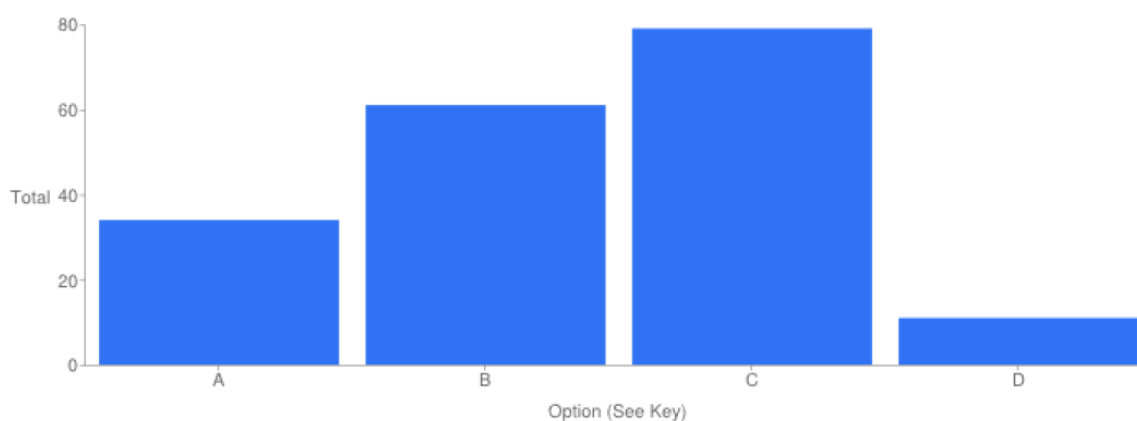
Summary of all responses

- Is essential for the existing community, creating mixed communities and avoiding student “ghettos”. A 50/50 development split is suggested.
- It should all be general housing including different housing types.
- Mixed development would create a better environment and encourage students to become community members.
- Students have different needs and should be seperated.
- This would help to deliver much needed housing. Should be used for affordable housing.
- Developers would not build mixed developments and people would not want to live in them.
- Not appropriate. We should maximise land of student accommodation in best locations.
- Centrally located housing development should be required to incorporate student accommodation.
- Windfall sites should be for general housing or affordable housing.
- Commercial uses may also be appropriate.
- Guidance should not seek to address other housing issues.

The Council’s response

The guideline sets out how general housing will be required on larger sites and on windfall sites, with a high probability of being developed for residential use. Other uses may be appropriate as part of mixed use developments. The guideline balances the need for student accommodation with the need for affordable housing and housing for sale. The continued integration of appropriate student numbers within Edinburgh communities is encouraged. It is not accepted that mixed use development will not be viable or attractive to end users. Student housing is directly related to the provision of other housing needs and the guideline acknowledges this. Encouraging student housing in a range of sustainable locations is considered preferable to requiring their provision centrally.

QUESTION 8: Do you agree with the numerical methodology currently being used to calculate student concentration?



Key	Option	Total	Percent of All
A	Yes	34	18.48%
B	No	61	33.15%
C	Don't know	79	42.93%
D	Not Answered	11	5.978%

Summary of all responses

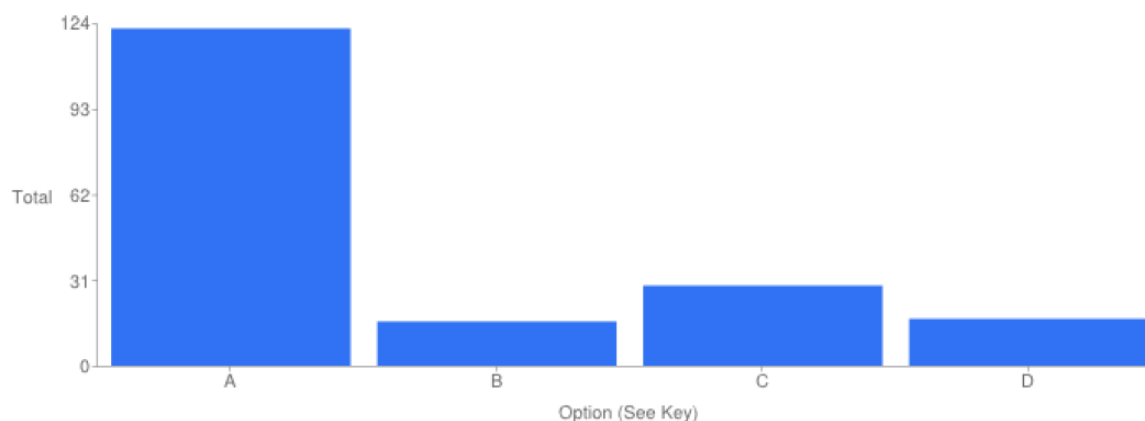
- It is unsystematic, should be based on more up to date figures.
- Calculations should use student tax exemptions.
- Data zones are the smallest and most accurate data to base calculations.
- There is insufficient information on calculations and cannot see what data zone you are in.
- Should be calculated on area basis not just a single data zone.
- Calculation should be available on the council website.
- It is flawed, as this will include all 16 and 17 year old school students living at home with their families.
- Other factors such as services and crime should be added to the methodology.

The Council's response

Council tax exemption data does not capture all students and is therefore unreliable. Obtaining data from the Universities, with regards to all term time addresses, will be explored further during the consultation period. The calculations now seek to remove students living at home. The locational guidance, including the walking distances, seeks to encourage development in locations which meet the needs of students. Data zones are groups of Census output areas having populations of between 500 and 1,000 residents. As far as possible they respect physical boundaries and natural communities containing households with similar social characteristics, and provide readily available population data. They are considered an appropriate size to measure impact on community. More than one data zone may be considered dependant upon the size and location of the proposal. The public accessibility of the calculation through our website will be explored.

QUESTION 9: Are there other issues, which revised planning guidance should address?

Table of "Other issues"



Key	Option	Total	Percent of All
A	Yes	122	66.30%
B	No	16	8.696%
C	Don't know	29	15.76%
D	Not Answered	17	9.239%

Summary of all responses

- Take into account buy-to-lets, short term letting, aparthotels and other accommodation for transient population. Students in HMOs to be accounted for and HMOs revoked.
- Differentiate between under and post graduate accommodation if guidance targetting specific need.
- The development should consider socio-economic make up of areas and respect the character of the area in terms of aesthetics, build quality and green space.
- Retail commercial space may be required.
- Guidance should be linked to the consideration of HMO concentrations and sensitive areas.
- Support co-operative accommodation and not-for-profit providers.
- Edinburgh south side should not be an extended student campus and should have a reasonable mix of residents.
- Management of facilities and impact on car parking need detailed consideration.
- The guidance may impact on housing need.
- Retrofit to housing.

The Council's response

It is acknowledged that students are one section of the population who are potentially transient. The policies contained within the LDP, in respect of HMO and Student Accommodation, and their related guidance both seek to balance the varied needs of the population for additional accommodation with the need to ensure a balanced sustainable community. Residents of communal establishments are removed from the HoNDA calculations and therefore the issue is directly related.

The make up of residents in HMOs is outwith the control of the Planning Authority and similarly it is not possible to stipulate whether accommodation is for under or post graduate student. LDP policies and the guidance acknowledge the need for additional land uses and sustainability issues.

Appendix 2

REVISED DRAFT STUDENT HOUSING GUIDANCE

Introduction

This constitutes non-statutory planning guidance that supports the application of Edinburgh City Local Plan Policy Hou 10 and the emerging Edinburgh Local Development Plan (LDP) Policy Hou 8, which both state:

Planning permission will be granted for purpose-built student accommodation where:

- a) The location is appropriate in terms of access to public transport and university and college facilities; and*
- b) The proposal will not result in an excessive concentration of student accommodation in any one locality*

The guidance sets out how the Council will encourage the further provision of purpose-built student accommodation in locations which balance the needs of the existing community and the need for general housing. This guidance applies to new buildings and changes of use for student accommodation.

Context

The Council recognises the important contribution that higher education makes to the city. Aim 3 of the emerging LDP recognises higher education as one of the key sectors in contributing to the strength of Edinburgh's economy.

Analysis of 2011 census data shows that full-time students comprise over 12% of Edinburgh's population. The most visible impact of students is in the accommodation sector. This comes in a number of forms including university-provided halls of residence, private purpose-built student accommodation, or shared properties in the private rented sector, often in the form of licensed Houses in Multiple Occupation (HMOs).

Student accommodation is defined as managed communal accommodation which forms student's primary residence. This form of development shall be considered to fall outwith a specified use class and is defined as Sui Generis. Planning permission is therefore required for a change of use to or from student accommodation including other Sui Generis uses such as flats.

Student population and concentration

Data from the Higher Education Statistics Agency (HESA) shows a 26.6% increase in the number of full time students at the three universities in the Council's area (University of Edinburgh, Edinburgh Napier University and Heriot-Watt University) between 2001 and 2012. The HESA data also shows that the number of full time students since 2011/12 has remained almost constant at just under 44,000.

The total number of students does not automatically translate into demand for purpose-built student accommodation, as a large number of students choose to stay at home or live in privately rented accommodation. Where students have to rent accommodation they have gravitated towards privately rented housing stock. This, and the relative lack of purpose-built student accommodation, continues to fuel the demand for HMOs.

The limited provision of purpose-built student accommodation combined with the increase in student population has resulted in a noticeable increase in student concentration in and around the city centre, as well as expansion into Leith and along arterial routes in the west of the city. The most densely concentrated areas are located within easy walking distance of the University of Edinburgh's George Square campus, as identified on Map 1. Map 2 uses the 2011 census data to show full time students (ages 16+) as a percentage of the total population. These are split into data zones which are fixed small areas, created from census output areas.

Impact of student accommodation

A high student population in these central areas can bring benefits, for example in supporting local services. Purpose-built accommodation can reduce potential antisocial aspects of locating significant numbers of students within the community. However, the quantity of students can place pressures on the physical and social infrastructure of an area and change the area's character. The concentration of students, as a proportion of the transient population, can undermine the social and physical fabric which defines a community and place.

Historically the increasing number of licensed HMOs has led to the loss of larger flats, which might otherwise have been occupied by families with children. This has resulted in:

- a rapid turnover of population;
- less stable communities; and
- properties left vacant for extended periods in the summer.

Despite the increasing proportion of purpose built student accommodation there is no evidence to suggest the number of students living in general housing or HMOs has reduced (Map 2). Therefore there is a need for more purpose built student housing in order to free up general housing stock through an increased offer and increased competition. It is preferable that student needs are met as far as possible in well managed and regulated schemes.

A significant element of Edinburgh's character is the balanced sustainable communities which make up the whole city including the city centre. These communities are made up of groups of people with common interests which are located in one place. Balanced sustainable communities require the dominant residential component to be permanent and not transient. The student population, (where not living at home), can be a significant element of the transient population. While students make many positive contributions to society, in excessive concentrations they can significantly change an area's character and potentially undermine a community. Where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. This may result in a poor quality of place, a diminished sense of community and make an area less attractive to all sections of the population.

The existing level of students living centrally, is a result of a number of historic factors including, the attraction of city centre living, the availability of suitable accommodation and the location of further education buildings. It is logical to locate purpose-built student accommodation close to campuses, however, this must be balanced with the needs of the existing communities and the suitability of sites for housing to meet the need identified in the LDP. These considerations are reflected in locational and design guidance criteria a) and b), including the support for development within campus and the application of a 50% threshold within 800m walking distance.

In recognition of the services required by students and the economic benefits students bring to the city including their contribution to supporting local services, and in line with the Town Centre First principle set out in Scottish Planning Policy, an intermediate threshold of 40% is set out in relation to town centres.

Locations outwith main campuses and defined Town Centres are less suitable in meeting the needs of students locally and sustainably and this is reflected in the lower concentration level of 30%. Where access to public transport facilities is good, purpose-built accommodation will generally be acceptable up to 30%. Good access to university and

college facilities by public transport is defined as being within 400m walking distance of a public transport stop/halt which provides direct access to a main campus at a minimum frequency of four services per hour at peak times.

Purpose-built student accommodation can have a significant impact on the physical environment and the overall quality of a place. Creating Places - A policy statement on architecture and place for Scotland sets out the six qualities of successful places which all development should consider. It is particularly important that the design of purpose-built student accommodation should create safe and pleasant places for residents and the wider community, create a mix of uses avoiding a single land use and ensure adaptability.

Edinburgh has a housing requirement set out in the Local Development Plan (LDP). It is the role of the LDP to determine how the housing requirement up to 2024 will be met, taking account of the contribution made from existing sites and other allowances such as completions from windfall sites and demolitions. The windfall assumption is set out in the Housing Land Study (June 2014). Meeting this windfall assumption relies on brownfield sites identified as having a high development potential to be delivered for general housing. It is appropriate to apply specific guidance upon these sites to encourage the delivery of much needed housing and help mitigate the impact of purpose built student on communities.

Large mono-use development has significant potential to harm the character of an area. Locational and design guidance criterion f) seeks to guide the mix within larger proposals to ensure a balance between the need for student accommodation and housing, while mitigating the impact upon the character of an area.

Locational and design guidance

The criteria in ECLP Policy Hou 10 and LDP Policy Hou 8 will be applied to proposals for student housing using the locational and design guidance set out below:

- a) In locations within or sharing a boundary with (or separated only by a road) a main university or college campus, as identified in Map 1, student housing will be generally be acceptable.
- b) Outwith locations identified in a) and within 800m walking distance from a university or college campus boundary, as identified in Maps 5-13, student housing will generally be acceptable provided it will not result in a student population of **over 50%** in the locality (data zone).*
- c) Outwith locations identified in a) and b) and within a 400m walking distance from a defined town centre boundary, as identified in Maps 14-21, student housing will

generally be acceptable provided it will not result in a student population of **over 40%** in the locality (data zone).*

- d) Outwith locations identified in a), b) and c), where there is good access to university and college facilities by public transport, walking and cycling, student housing will generally be acceptable provided it will not result in a student population of **over 30%** in the locality (data zone).
- e) Elsewhere student housing will generally not be permitted.

Notwithstanding the aforementioned guidance the following points should be observed:

- f) Outwith locations identified in a) sites identified as a high probability of delivering housing within Map 4 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential net floor area shall represent a minimum of 50% of the total gross new build housing and student accommodation floor area. Additional alternative uses may be required in addition to student accommodation and housing.
- g) Development should be designed to positively contribute to place through the location of alternative ground floor uses where this is characteristic of the street or area.

*The 2011 census data showing 16+ full-time students as a percentage of the total population should be used as a starting point in the assessment. As 17 year olds comprised 10.7% or 1,150 of the new intake for all Edinburgh universities in 2012, data for 16-24 years old is used in the assessment calculation. Students living in the same residence as their parents are likely to be permanent members of the community and therefore it is reasonable to remove these students from the overall student proportion of the data as they are not judged to be transient.

The guidance will not be applied in isolation and consideration must be given to other matters addressed in the LDP and planning guidelines including The Edinburgh Design Guidance. Development should be of an appropriate design to positively contribute to the areas character or appearance. Development should accord with the Developer Contributions and Affordable Housing Guidance.

Student accommodation is a primary place of residence and therefore it is critical that design is of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles. The Edinburgh Design Guidance 2013 applies to all development, and of particular relevance to amenity is section 2.9 Daylight, sunlight, privacy and outlook. Where development cannot reasonably accord with the associated technical guidance, which sets out the minimum standards required, development will not be supported.

For the purpose of the application of locational and design guidance criterion f) set out above, developable area is the application site area less any areas of existing highway retained within the boundary.

List of Figures

Map 1 identifies the main university and college campuses where it is deemed that further student housing would be acceptable in principle.

Map 2 illustrates student concentrations based on the 2001 and 2011 census.

Map 3 identifies the town centre boundaries, as defined in the Edinburgh City Local Plan and emerging LDP.

Map 4 identifies sites in the LDP Housing Land Study (March 2014)

Maps 5 – 13 illustrate the 800m/10 minute walk from each main campus

Maps 14 – 21 illustrate the 400m/5 minute walk from each defined town centre

Table 1 illustrates the methodology table used to calculate student concentration

Assessment methodology

Proposals should be accompanied by a planning statement justifying the suitability of the location for purpose-built student housing. This applies to all proposals except those within or sharing a boundary with a main university campus.

The protection and formation of balanced communities with adequate amenity is a concern in areas where the transient population is concentrated. For this reason, applications should be accompanied by information on existing student housing provision and the impact of the proposal upon the population demographics. Excessive concentration of students is defined

differently for different situations to encourage student accommodation in suitable locations and while achieving balanced sustainable communities;

- Over 50% within a 800m/10 min walking of a university or college campus
- Over 40% within a 400m/5 min walking of a town centre
- Over 30% elsewhere

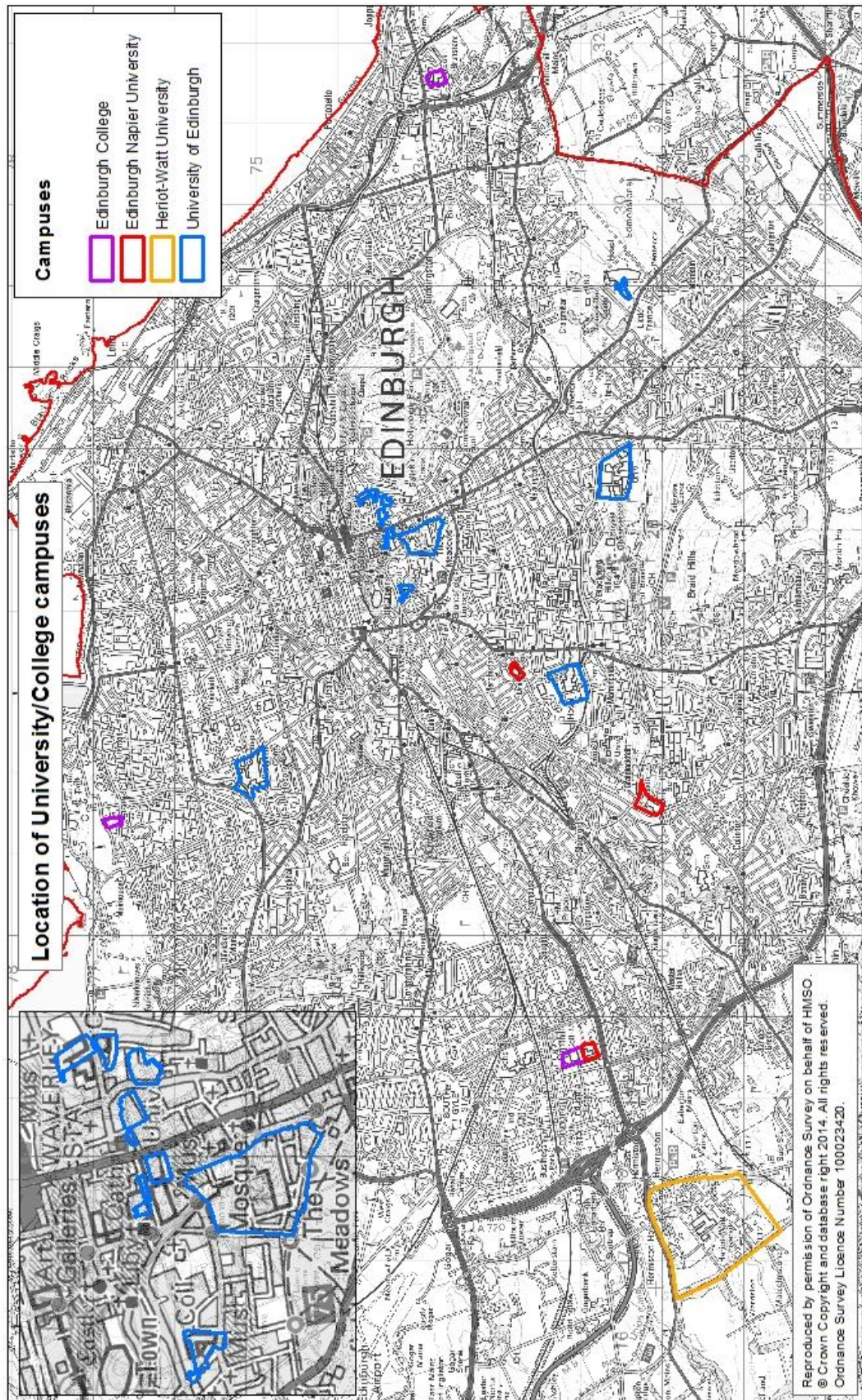
These levels are intended to address the issues, as identified in the 'Impact of student accommodation' section above.

Locality is defined by census data zones. These are introduced across the whole of Scotland by Scottish Neighbourhood Statistics. They each represent the key small area statistical geography in Scotland and are common, stable and consistent. Data zones are groups of census output areas and as such, provide readily accessible population data. Where the proposed site straddles or lies along the boundary of two or more data zones, the data should be combined to provide a more realistic representation of the locality in which the site is located.

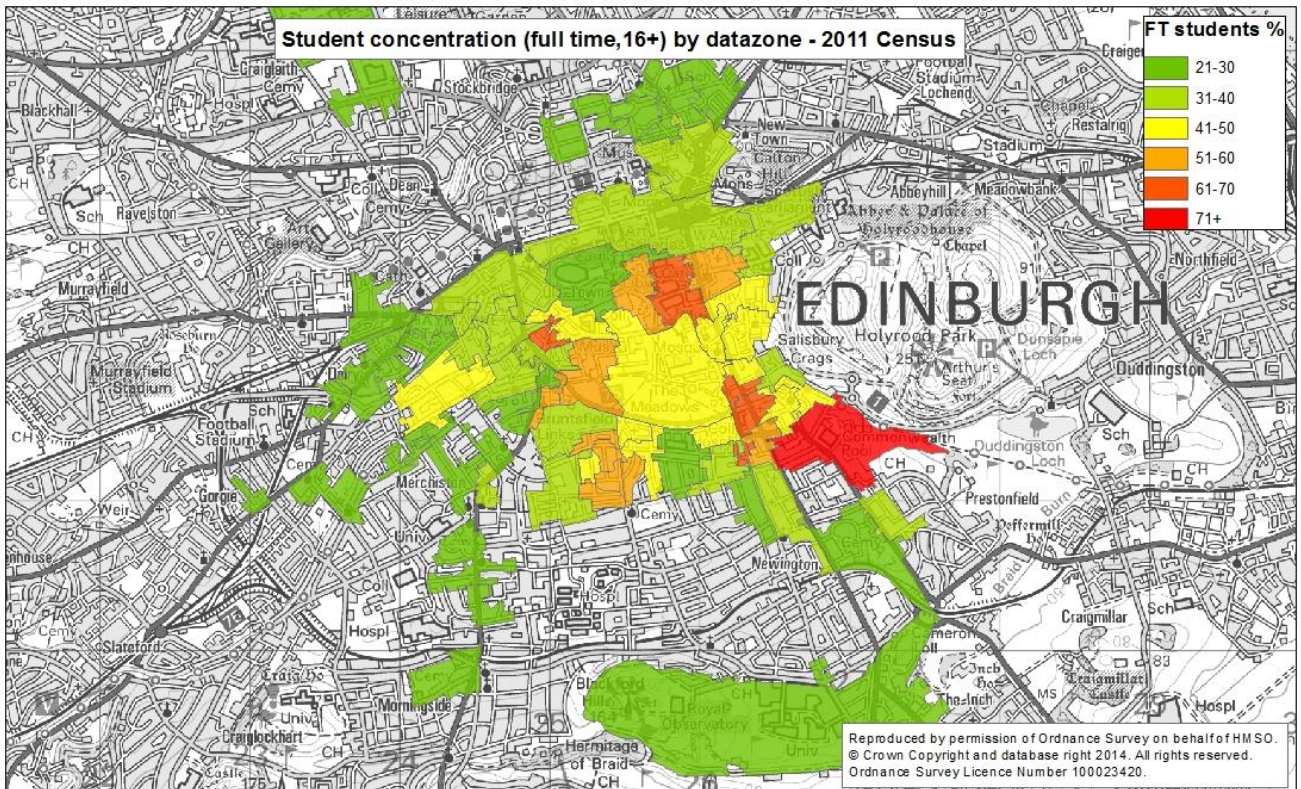
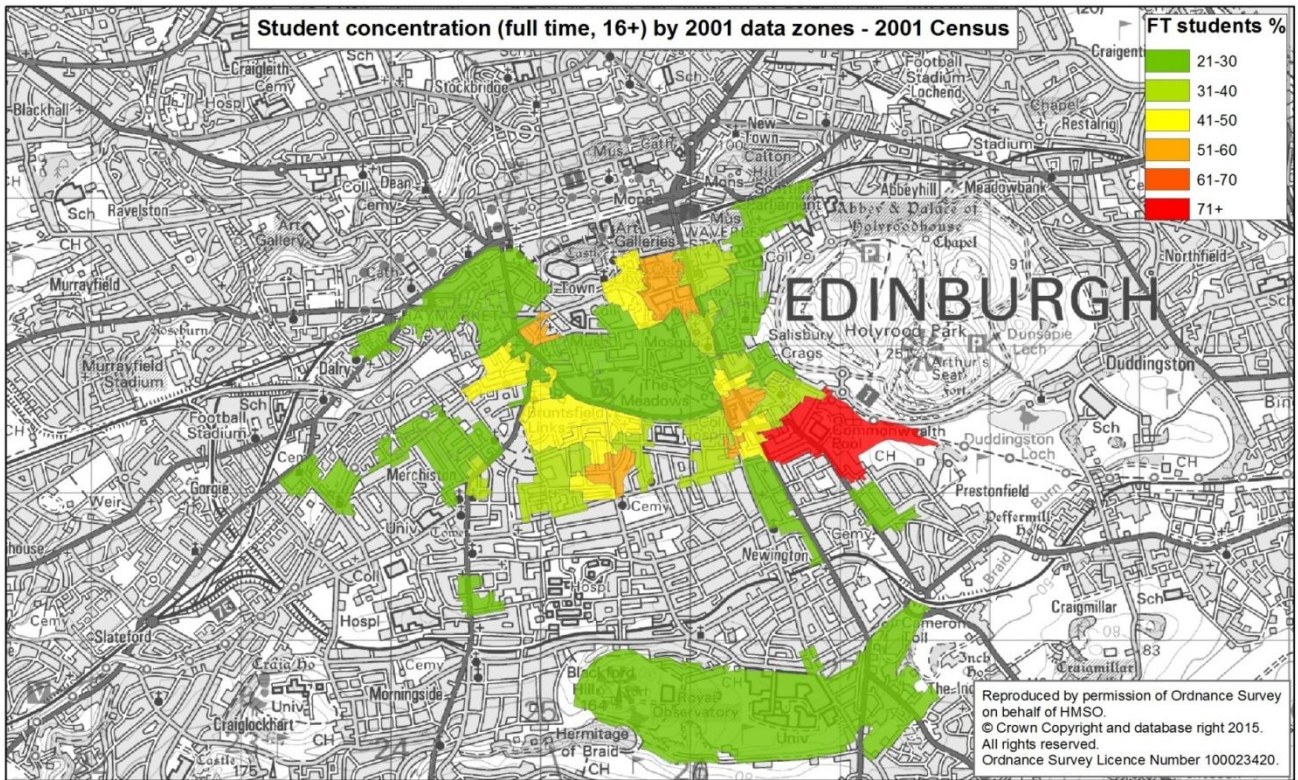
Supporting statements are required to use the Council's concentration calculation table (Table 1). The information relating to student and general housing figures can be obtained from the Council. The Council holds the following information:

- Population figures for each data zone
- A schedule of planning applications for student accommodation and general housing development. This includes information on their status (i.e. proposal of application notice, pending consideration, granted, minded to grant) and if permission has been implemented.
- Housing Land Audit - includes housing sites under construction and completed and sites in the adopted local plans.
- LDP Housing Land Study (June 2014)

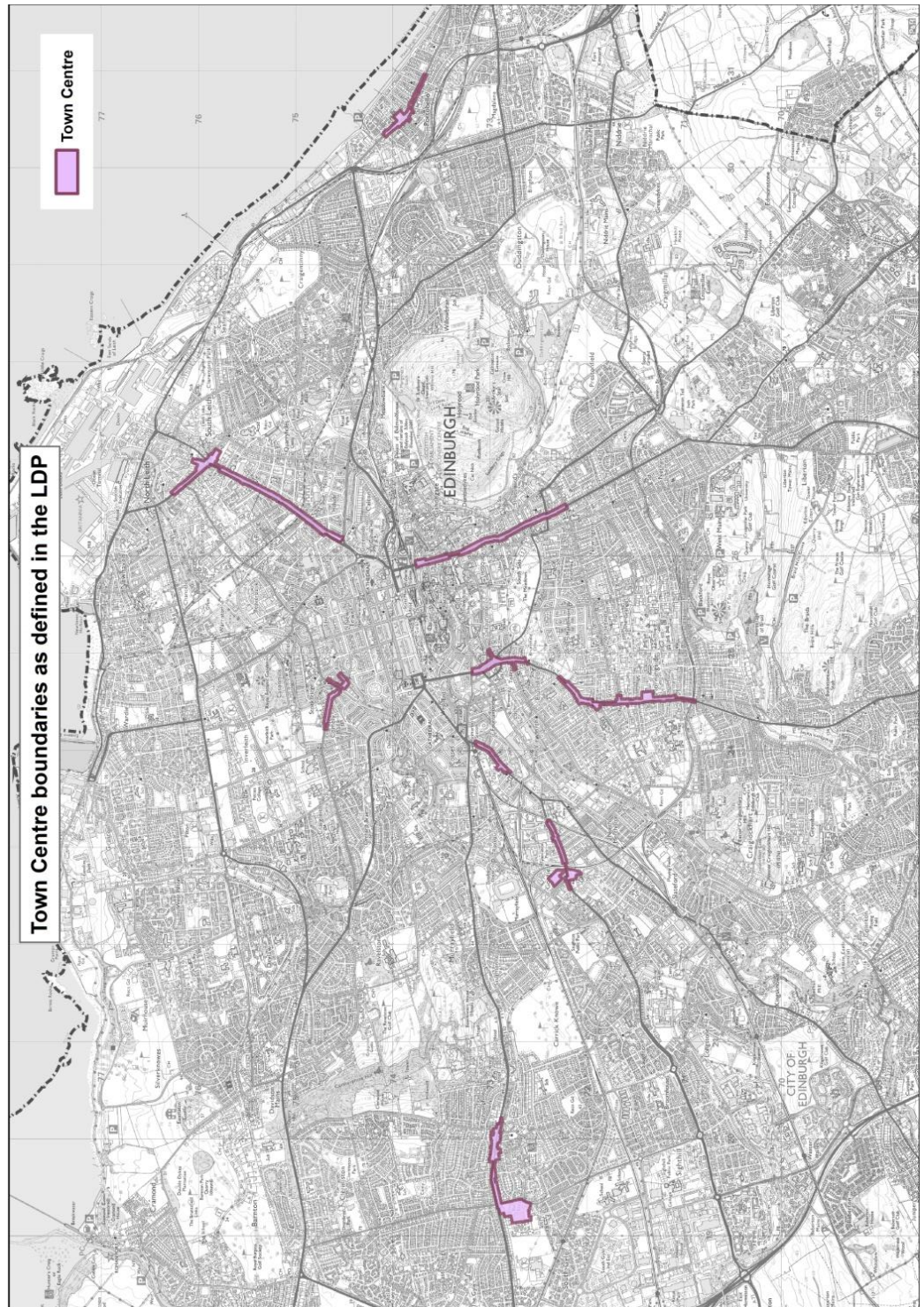
Map 1: Locations of university and college campuses



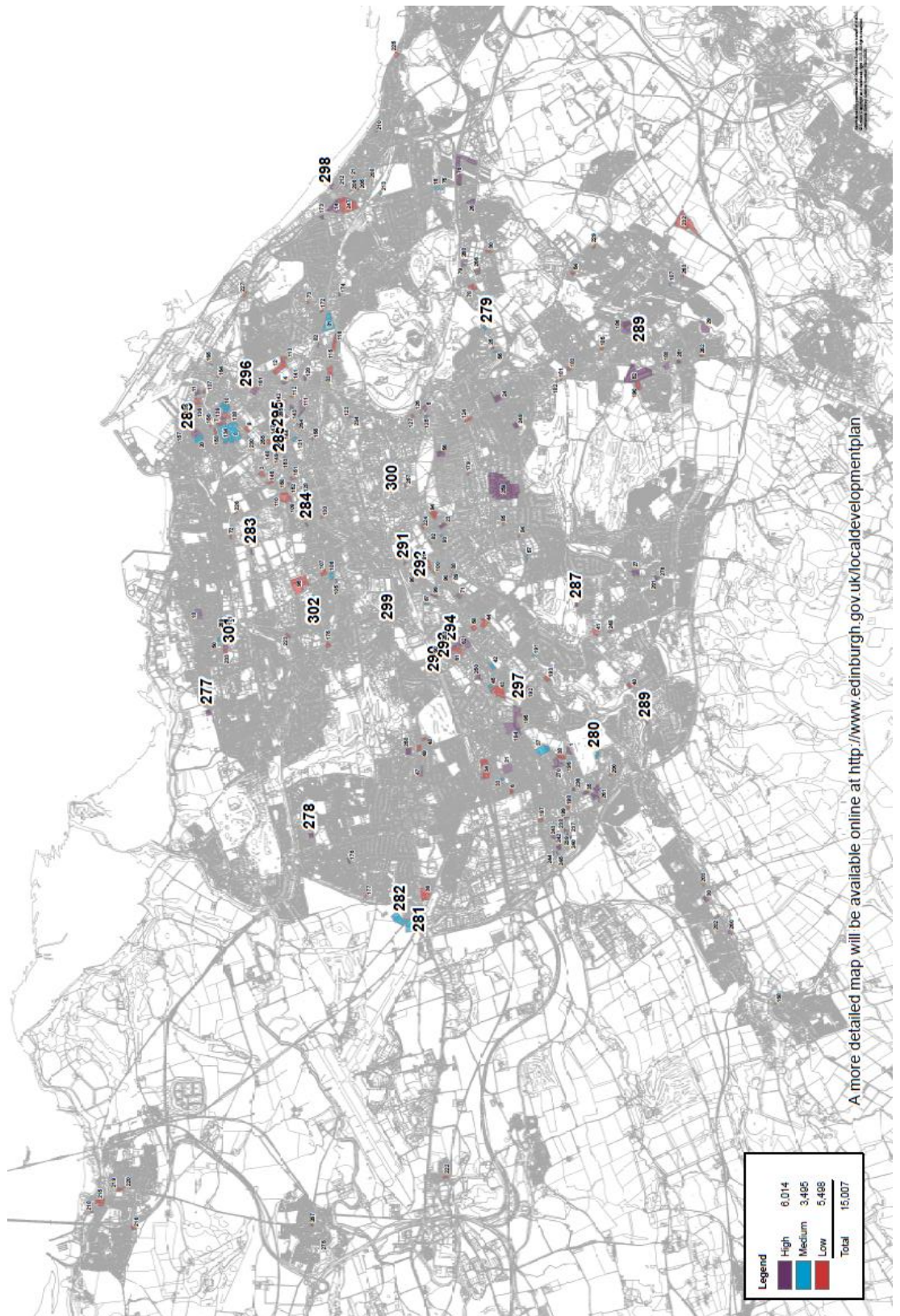
Map 2: 2001 and 2011 census data on student population



Map 3: Town Centres as defined in the adopted Local Plan and emerging LDP

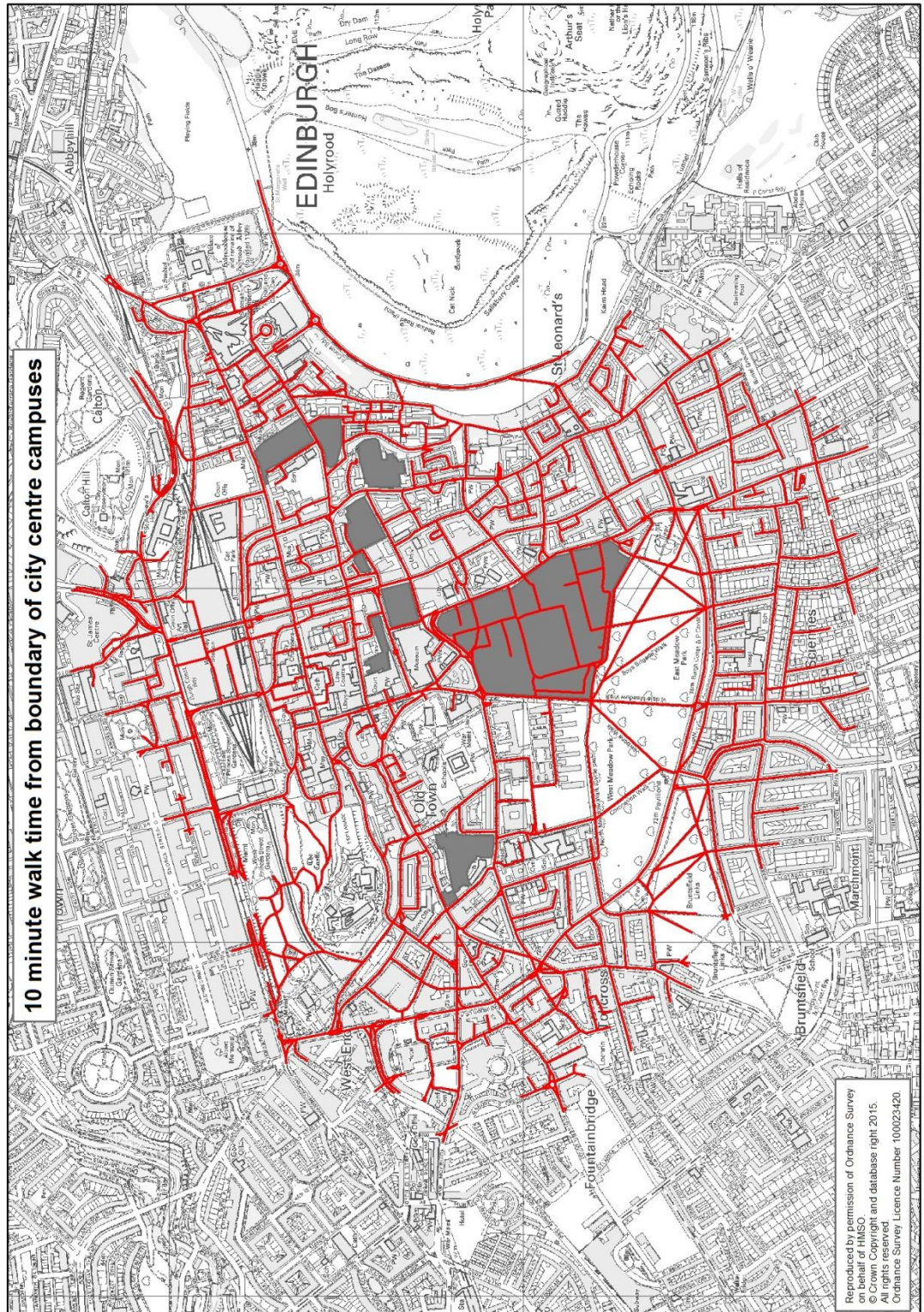


Map 4: LDP Housing Land Study – potential sites for housing (June 2014)

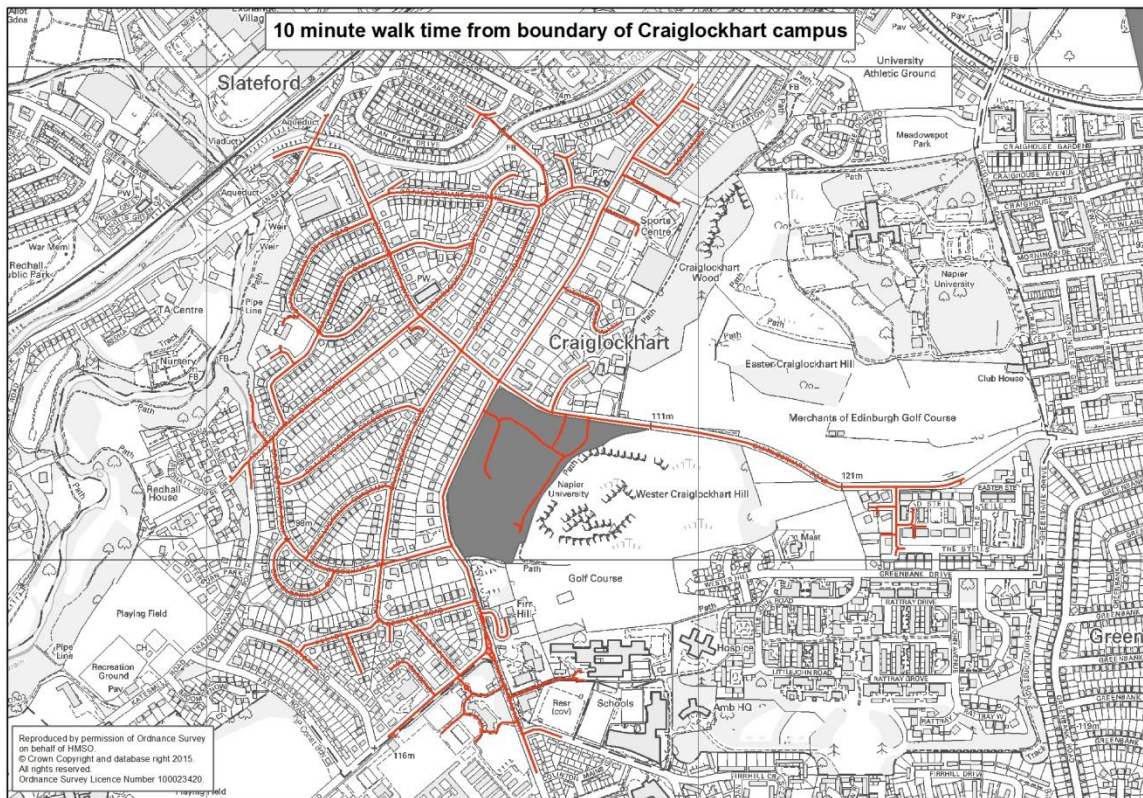


This information is available online as part of the Edinburgh Local Development Plan Second Proposed Plan interactive map.

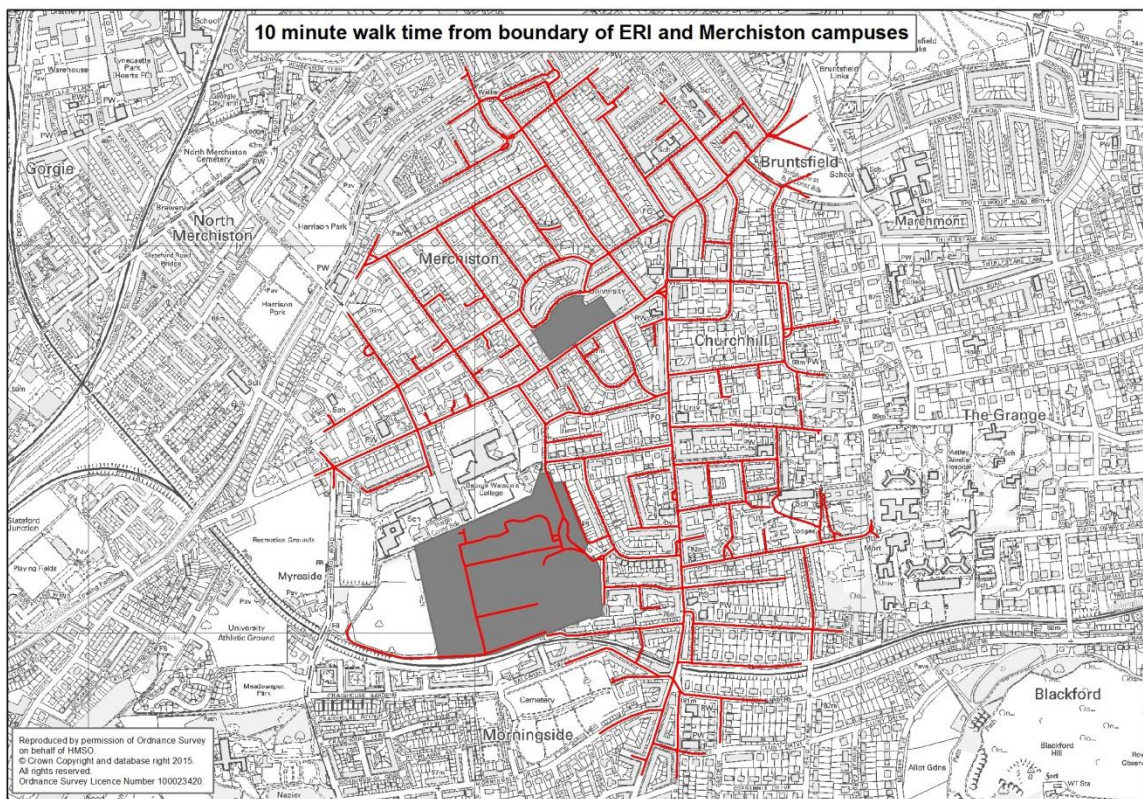
Map 5: City centre campuses 10 min walk time



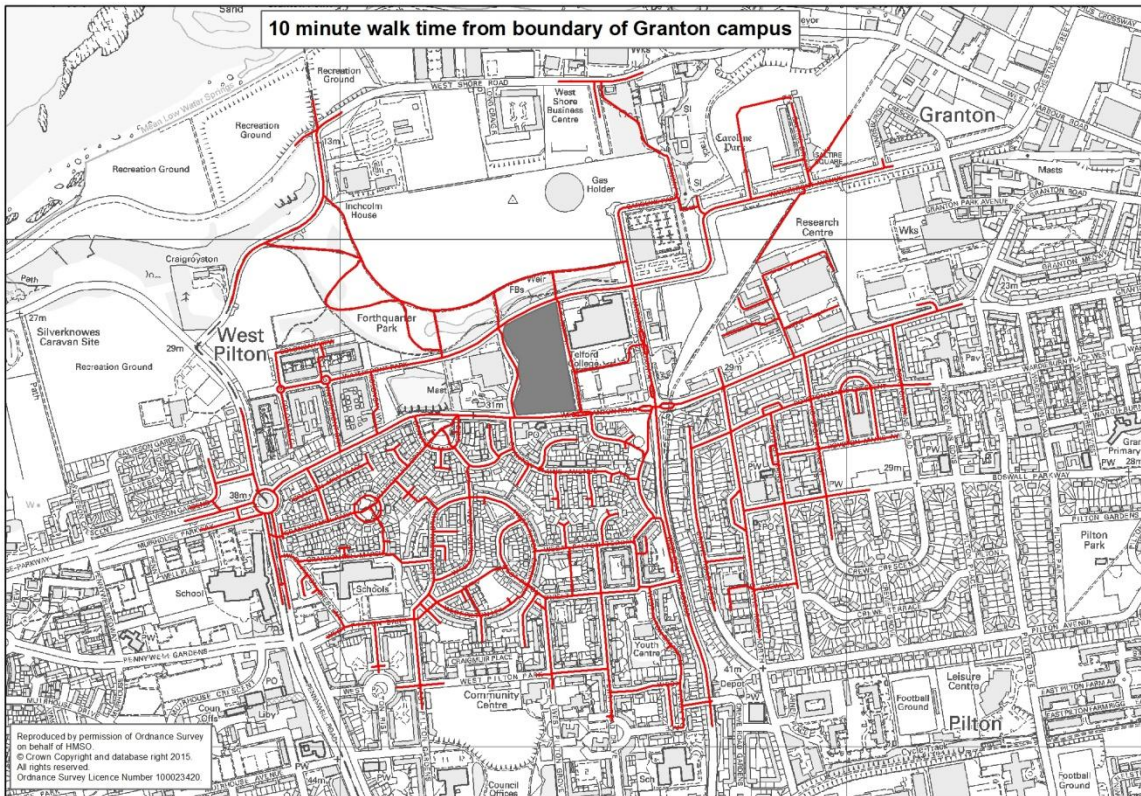
Map 6: Craiglockhart campuses 10 min walk time



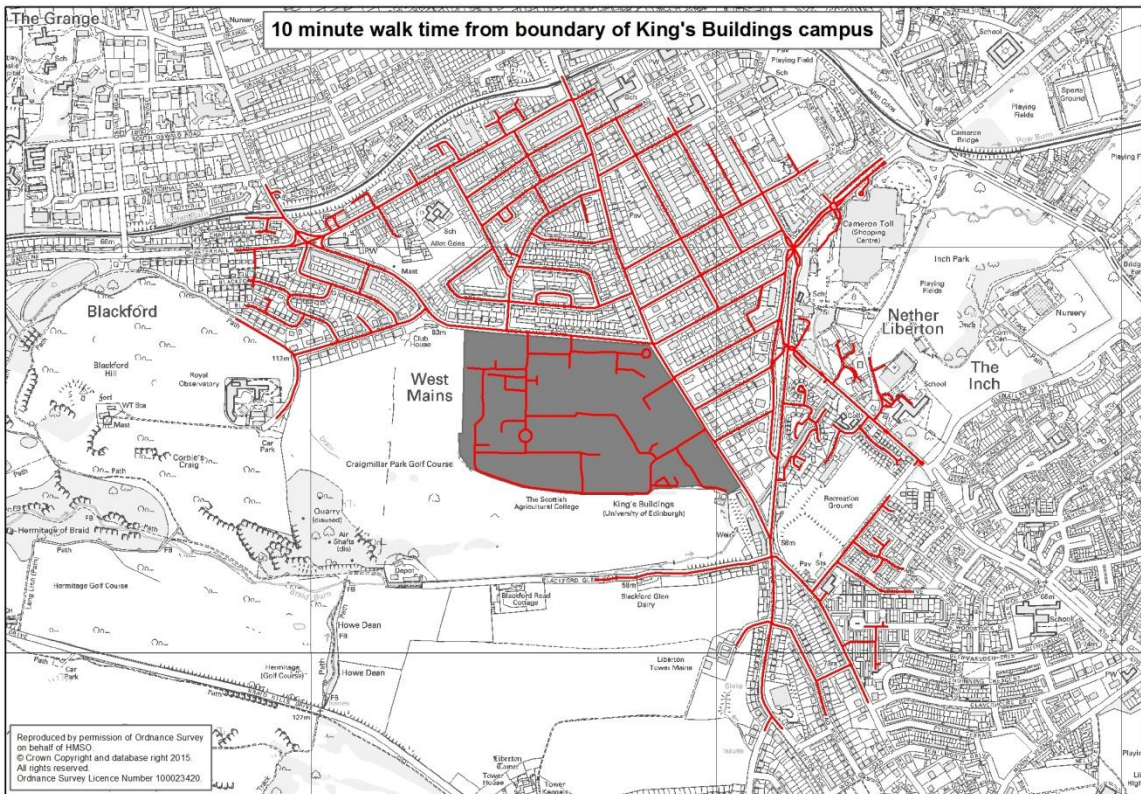
Map 7: ERI and Merchiston campuses 10 min walk time



Map 8: Granton campus 10 min walk time



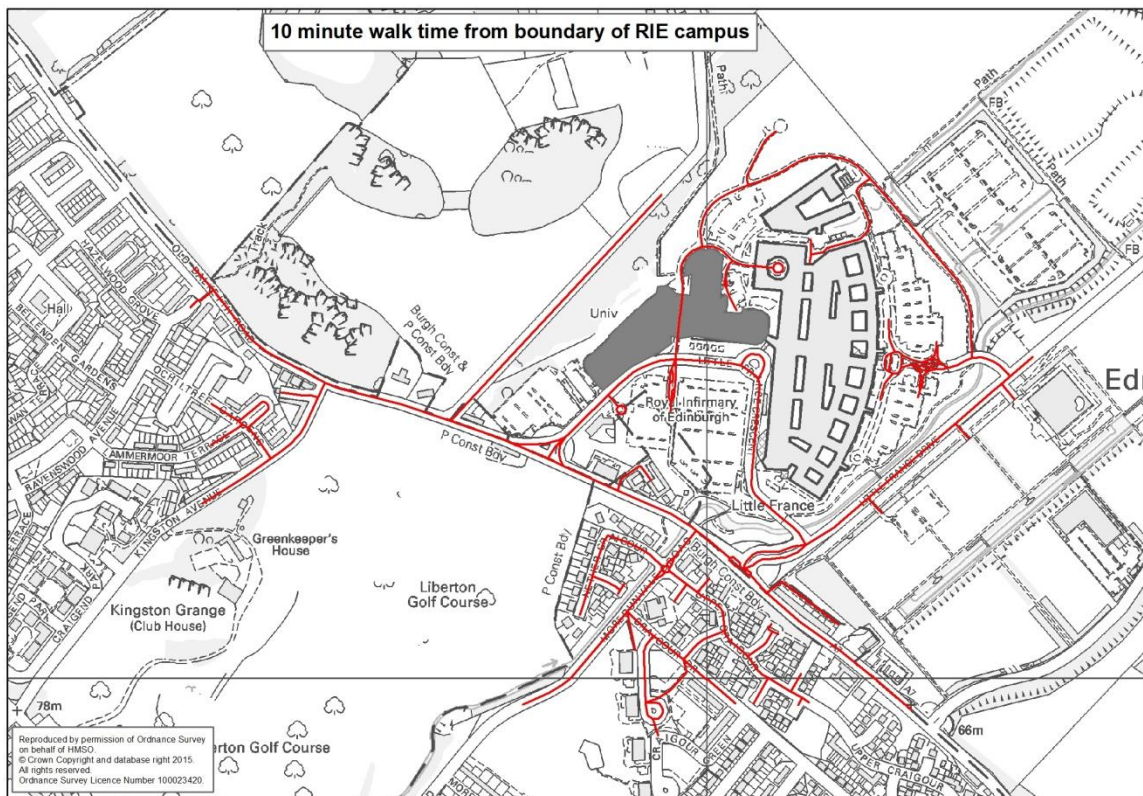
Map 9: Kings Buildings campus 10 min walk time



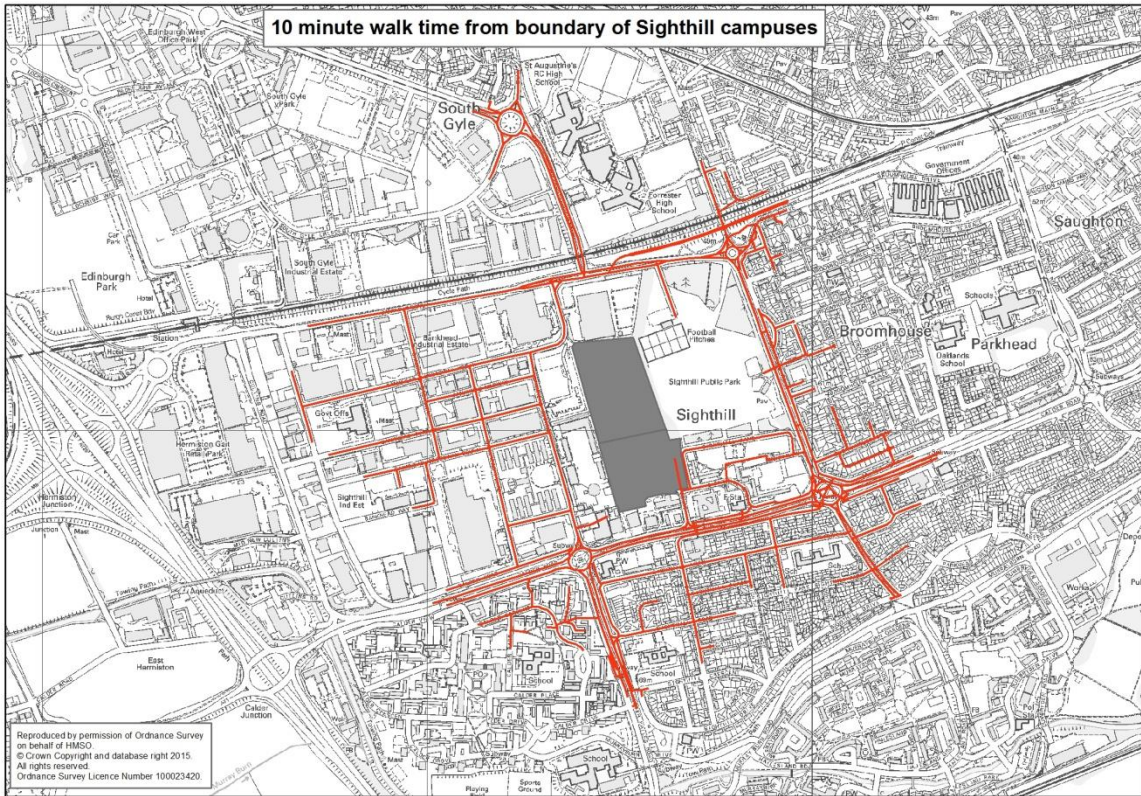
Map 10: Milton Road campus 10 min walk time



Map 11: RIE campus 10 min walk time



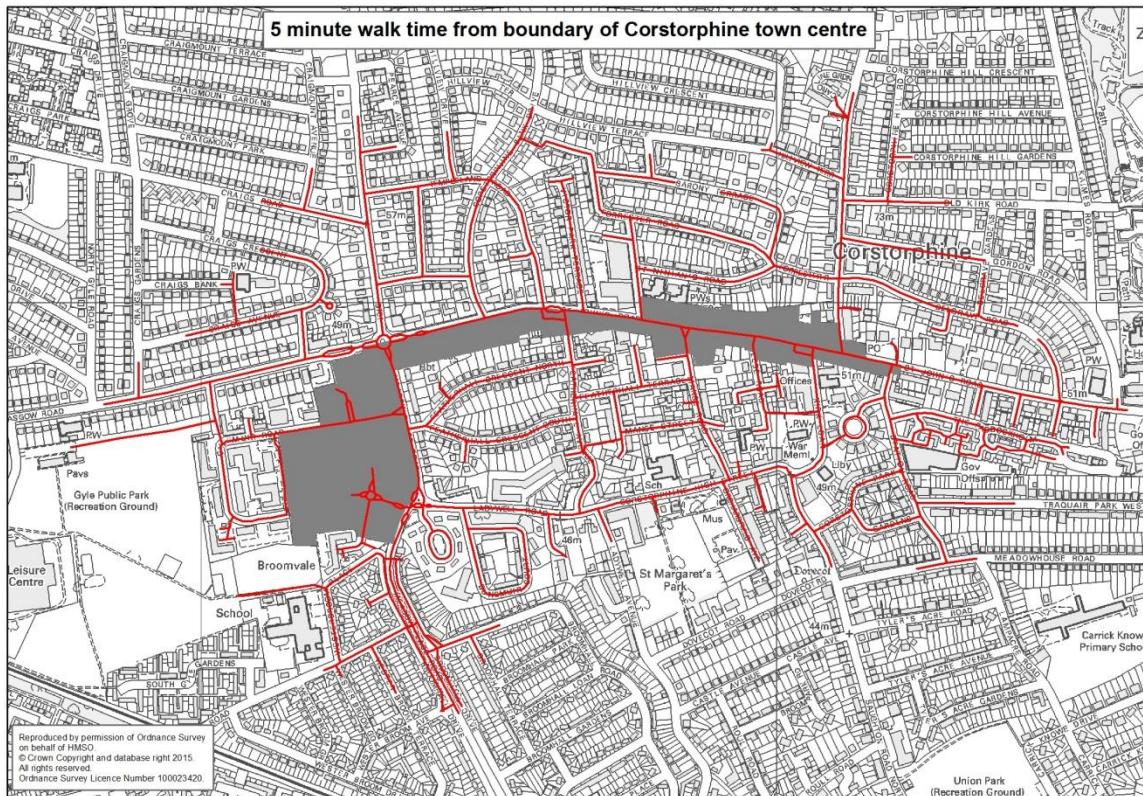
Map 12: Sighthill campuses 10 min walk time



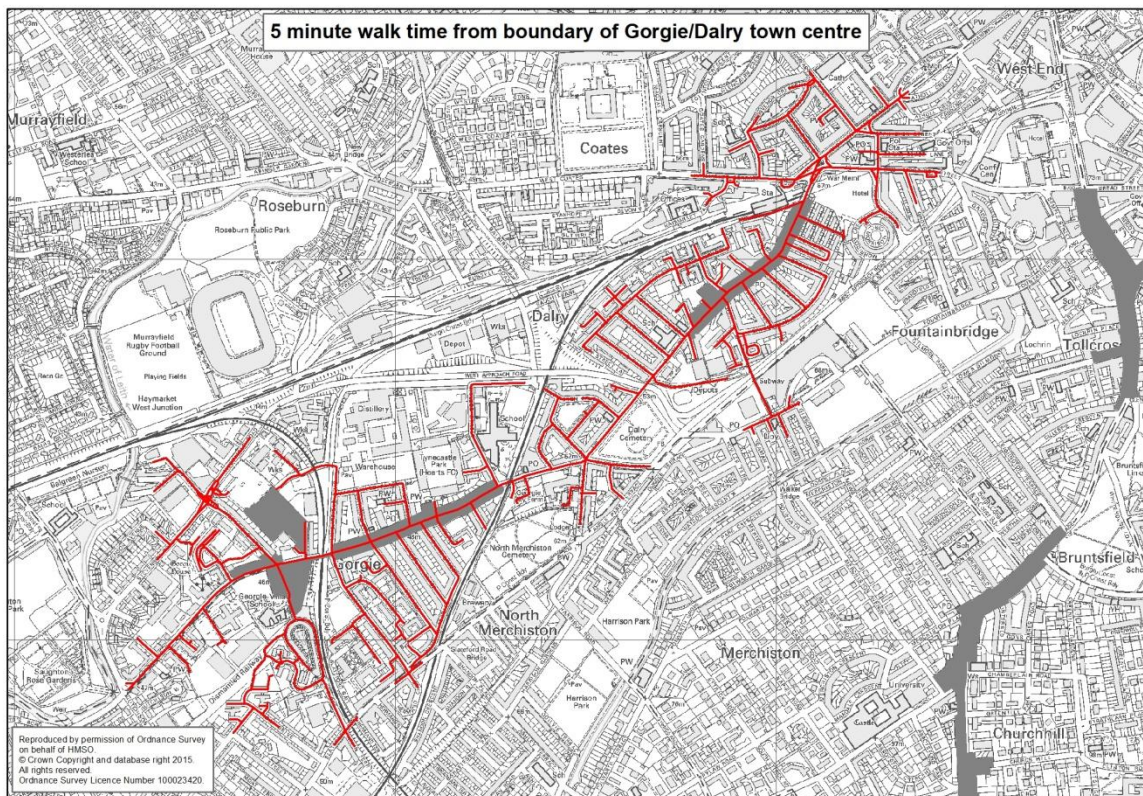
Map 13: Western General Hospital campus 10 min walk time



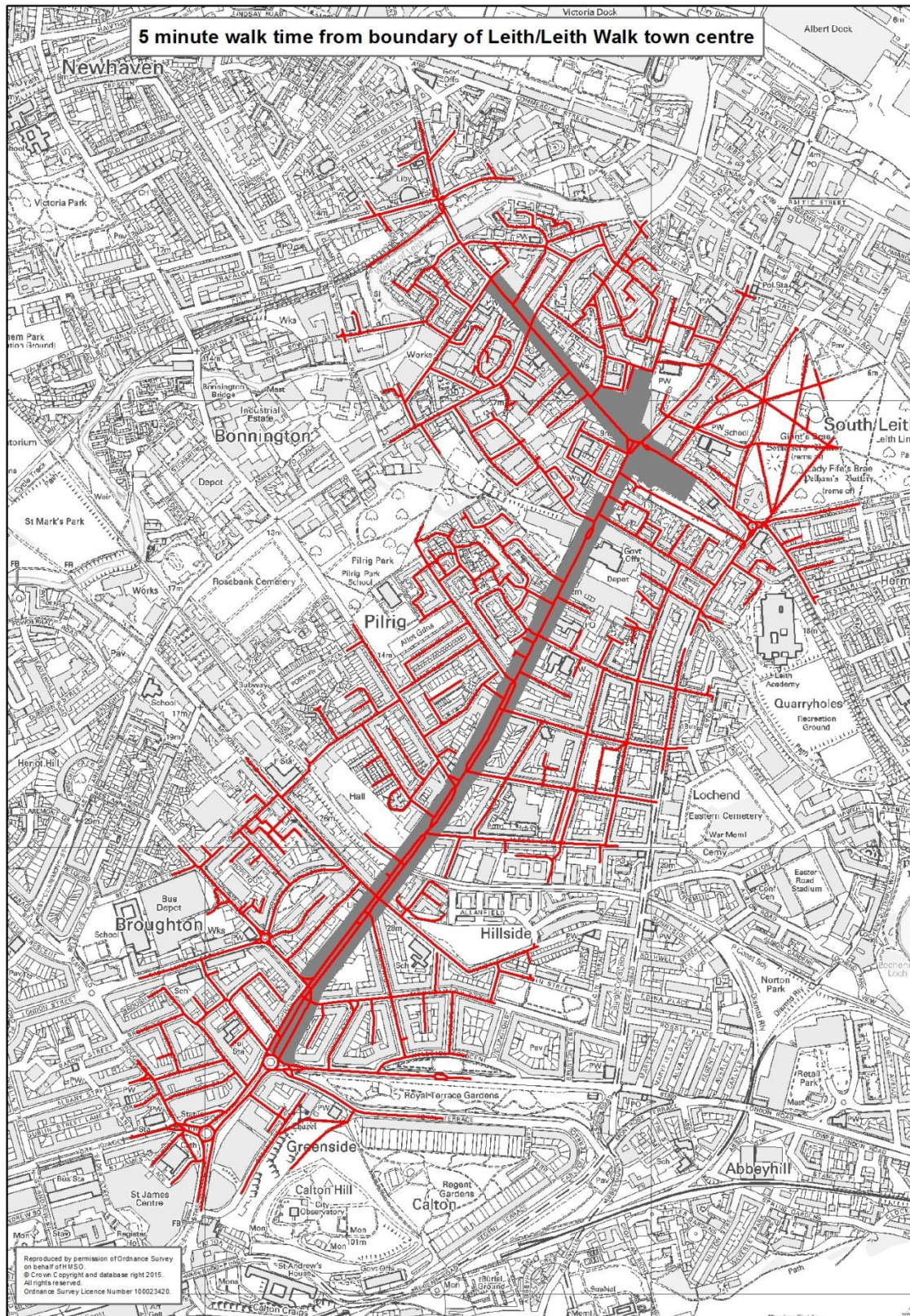
Map 14: Corstorphine town centre 5 min walk time



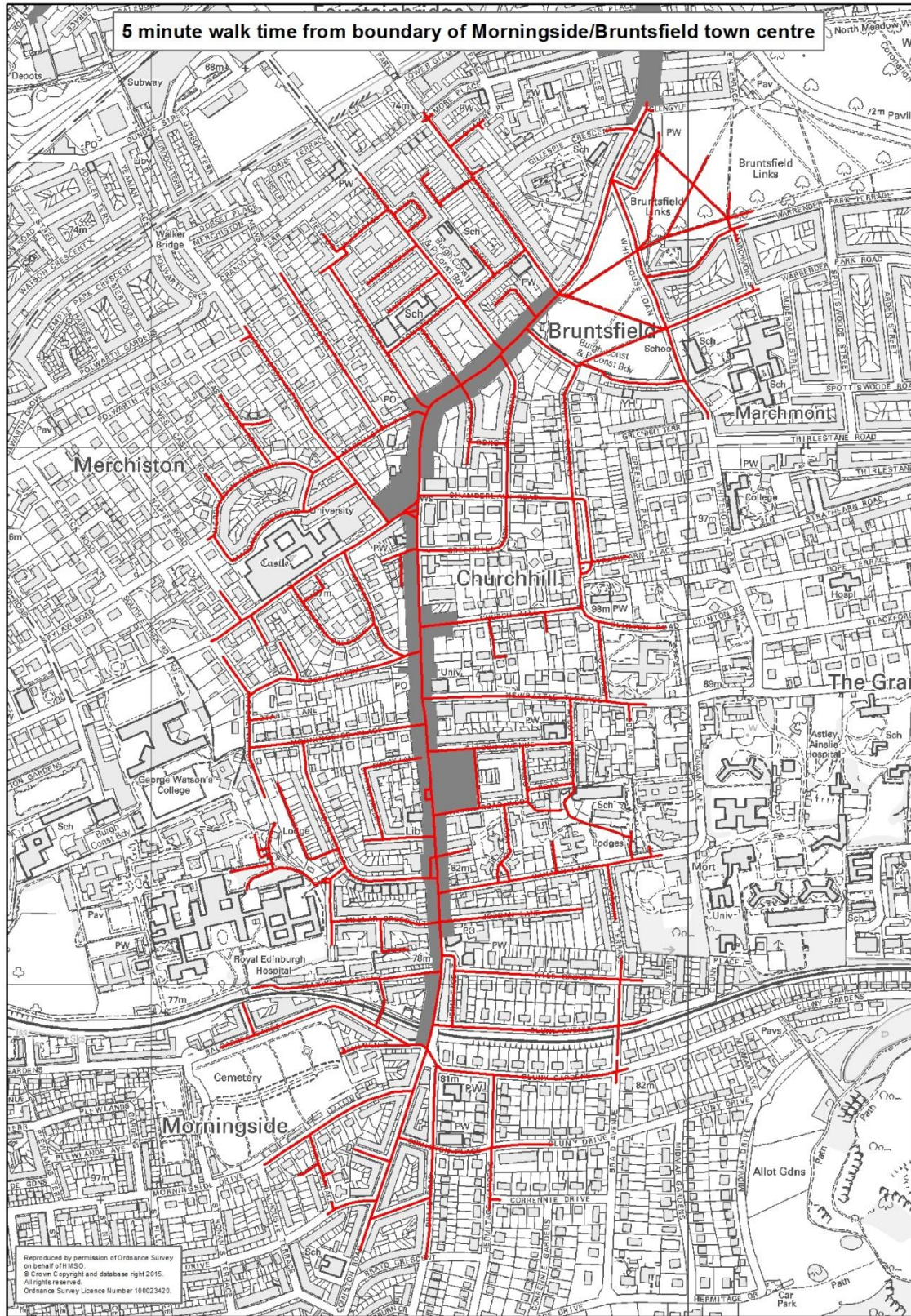
Map 15: Gorgie/Dalry town centre 5 min walk time



Map 16: Leith/Leith Walk town centre 5 min walk time



Map 17: Morningside/Bruntsfield town centre 5 min walk time



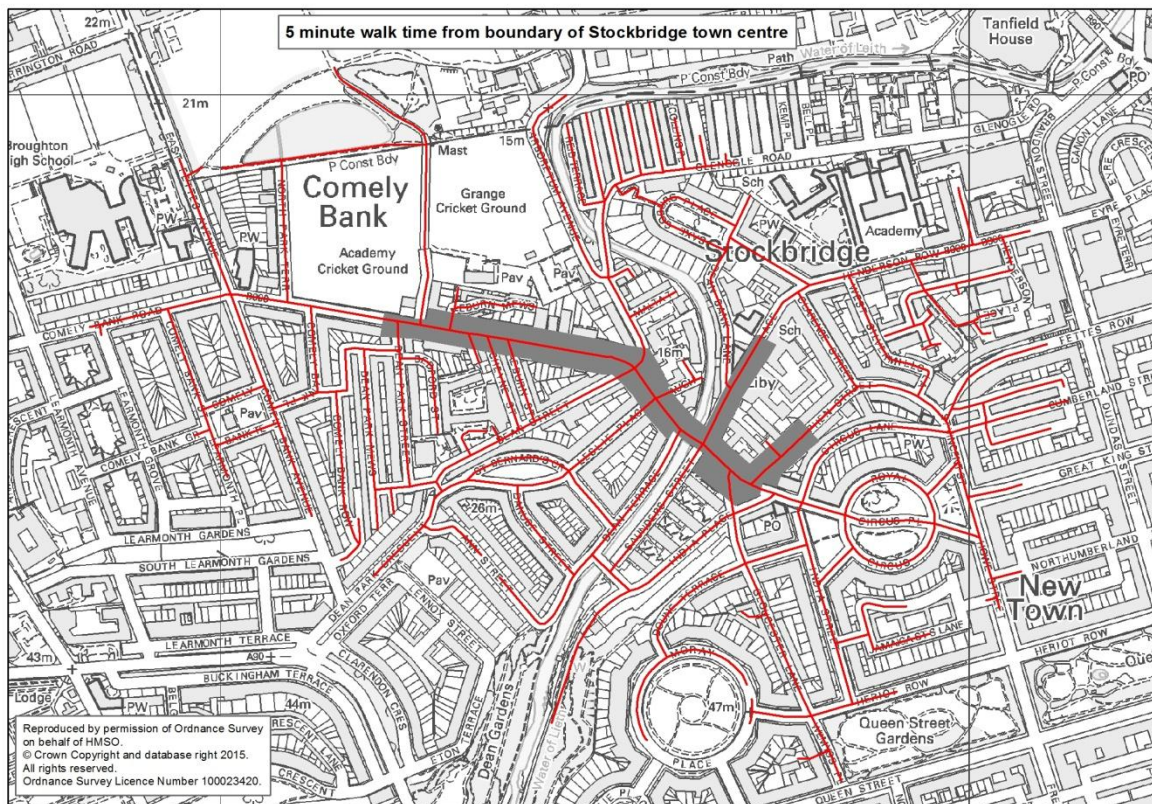
Map 18: Nicolson Street/Clerk Street town centre 5 min walk time



Map 19: Portobello town centre 5 min walk time



Map 20: Stockbridge town centre 5 min walk time



Map 21: Tollcross town centre 5 min walk time

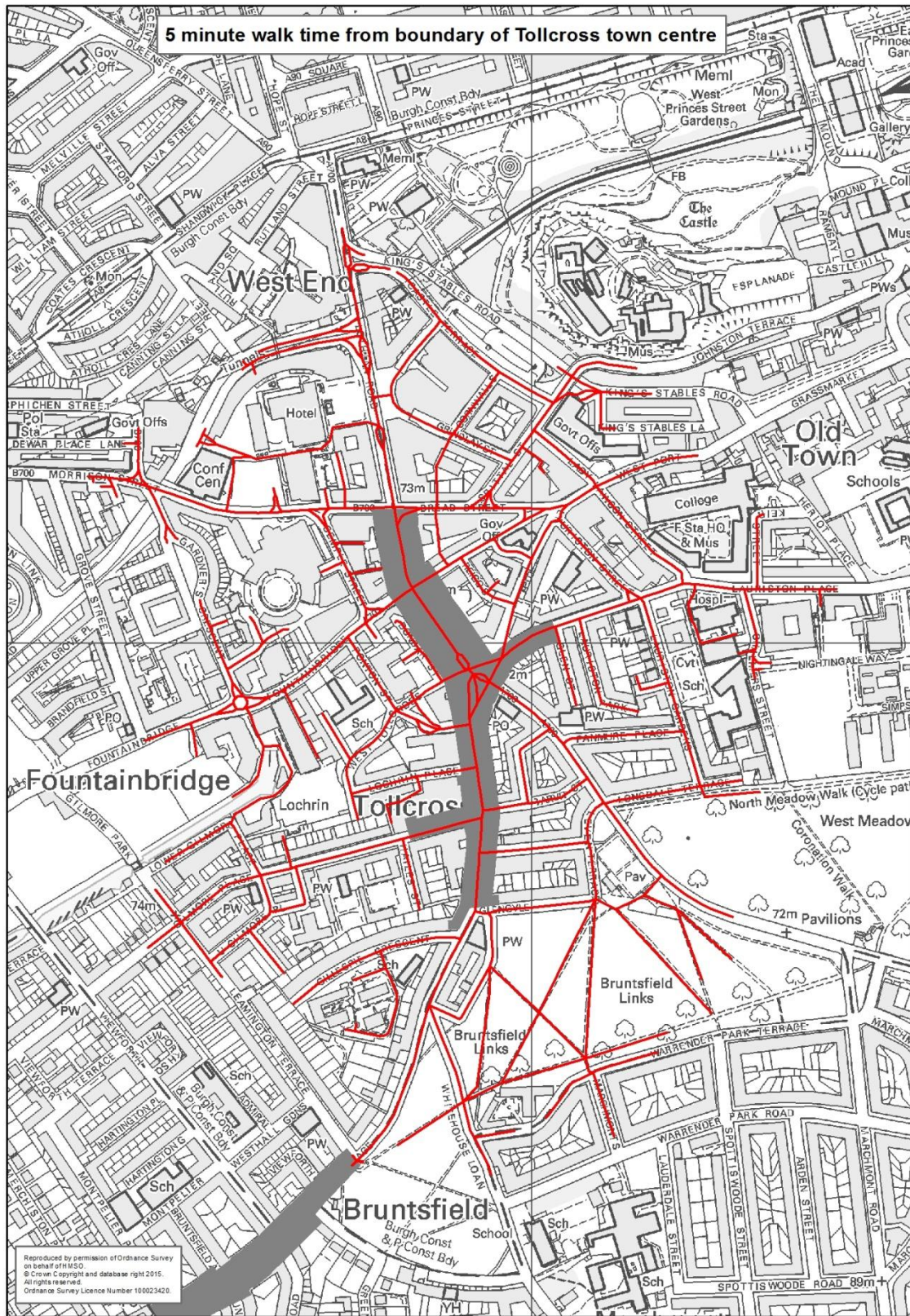


Table 1: Concentration calculation table**Student Housing Concentration**

	Data zone
2011 total Census population for the Data Zone*	
2011 student Census population for the Data Zone*	
2011 Student Census population as a percentage of total population (%) less students living with parent/s	
Number of additional student bed spaces completed after 2011**	0.00
Number of additional student bed spaces in the pipeline after 2011***	0.00
Number of additional general housing units completed after 2011**	0.00
Number of additional general housing units in the pipeline after 2011***	0.00
Local household size for each Data Zone*	
Total number of additional projected general housing occupants	0.00
Total number of additional general housing occupants after 2001	0.00
Total number of additional student bed spaces in the Data Zone after 2001	0.00
Proposed number of student bed spaces****	
Overall total student population in the Data Zone since 2001 plus proposed number	0.00
Overall total student and general housing population since 2001	0.00
Total proposed student population as a percentage of the overall total population (student and general housing) (%)	

* Information obtained from Table 1

** Figure calculated from development which has now been completed since 2011

*** Figure calculated from development which is still under construction, pending determination or in the pre-application process since 2011 and includes Local Plan Allocations for Housing

**** Number of student bed spaces being proposed by the applicant

Formulas inserted into the cells

Planning Committee

10.00am, Thursday, 6 August 2015

Appeals and Ombudsman Decisions 2014-15

Item number	7.1
Report number	
Executive/routine	Executive
Wards	All

Executive summary

The purpose of this report is to inform the Committee of the outcomes of decisions made by the Directorate for Planning and Environmental Appeals and the Scottish Public Services Ombudsman on planning matters over the previous financial year. The scrutiny of the planning authority's decisions and procedures by external bodies is an important learning opportunity and helps to set planning policy and guidance and review working procedures to embed a culture of continuous improvement.

The report sets out the number of appeal decisions on planning cases received by the Council from 1 April 2014 to 31 March 2015. These are statistically analysed and sorted into relevant categories. The analysis of the appeal decisions informs reviews of policy and guidance.

The report then sets out the number and details of Ombudsman decisions on complaints, which are also analysed statistically. This assists consideration of what service improvements are required.

Links

Coalition pledges	P27
Council outcomes	CO24, CO25, CO26,
Single Outcome Agreement	SO1

Report

Appeal and Ombusman Decisions 2014-15

Recommendations

- 1.1 It is recommended that the Committee notes the outcomes of the decisions highlighted in this report.

Background

- 2.1 The Directorate of Planning and Environmental Appeals (DPEA) is the body responsible for determining appeals against the refusal of all planning application types other than local developments determined under delegated powers. In 2014-15, this planning authority received 52 appeal decisions.
- 2.2 The Scottish Public Services Ombudsman (SPSO) is the body responsible for the final stage of complaints. The SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure. In 2014-15, eight planning related decisions were received from the SPSO.

Main report

Appeals

- 3.1 In 2014-15 there were 52 appeal decisions issued by the DPEA, which represents a small proportion of planning decisions made by the City of Edinburgh Council each year. There were 3832 determinations of applications made by the Council in the same period. Appeals decisions represent approximately 1.5% of overall decisions made by the Council. Appendix 1 contains a table displaying these decisions.
- 3.2 Of the 52 appeals, 32 were dismissed, 18 were allowed and two were partially allowed. This represents a success rate of 62% for the City of Edinburgh Council.
- 3.3 The decisions are discussed in terms of the different types of appeal and whether there are any implications for policy or procedure in the following sections.

Listed Building Consent

- 3.4 There were 17 appeals relating to applications for listed building consent. Of those decisions nine appeals were allowed, two were partially allowed and six were dismissed.

- 3.5 Nine of the cases where the appeals were allowed or partially allowed related to internal alterations including slappings between principal rooms and kitchens in principal rooms.
- 3.6 The reporters dealing with these appeals noted that in some cases there were conservation gains associated with some of the alterations and in other cases that the benefits to occupants would help the longer term prospects of the listed building.
- 3.7 In a significant proportion of cases, the reporter has overturned the Council decision. As a result, the guidance and approach the Council is taking will be reviewed. This will be added to the work programme and will be taken forward at the earliest opportunity.

Planning Permission

- 3.8 In relation to appeals against the refusal of planning permission, four appeals were allowed and six were dismissed.
- 3.9 Of the four that were allowed two related to housing on greenfield sites. One was for a small housing development at Ratho and the other dealt with the principle of housing on a site at Old Dalkeith Road.
- 3.10 The principle and spatial distribution of housing development forms part of the Local Development Plan and will be addressed as part of that process.
- 3.11 The other two planning applications that were allowed at appeal related to changes of use. One of those involved changing a residential house to a House in Multiple Occupancy (HMO). The other related to a change of use from a printing works to a cash and carry warehouse. There is no discernible trend or identifiable issue with policy or guidance. There is not considered to be any need for a further review.

Enforcement Notices

- 3.12 In relation to appeals against enforcement notices, two appeals were allowed and fourteen were dismissed. Of the two allowed one related to a digital advert and one to a fence.
- 3.13 There are no concerning trends here and the approach being taken towards the use of enforcement powers is clearly proportionate. There were 764 cases investigated over this period and 50 enforcement notices were served. The majority of cases are resolved without formal action being required. The comparable figures from other authorities are not yet available for this period, although this level of enforcement activity is considered normal.

Advertisement Consent

- 3.14 There were six appeals relating to advertisement consent. Two appeals were allowed and four were dismissed. The two appeals allowed related to digital

advertisements although in one case a condition was added stating that the advert must be static.

- 3.15 Digital advertising is a relatively new format and the criteria used for assessment of proposals was agreed by Planning Committee on 27 February 2014. These appeal decisions provide an input to the existing monitoring of issues arising from proposals.

Planning Obligations

- 3.16 There were three cases relating to applications to revise planning obligations (legal agreements) put in place in connection with planning permissions. One was allowed and two were dismissed.
- 3.17 The appeal which was allowed, related to the Council's Developer Contribution and Affordable Housing Guidance and, in particular, contributions to public realm improvements. A revision to the guidance is proposed in the report, 'Developer Contributions and Affordable Housing Guidance – update for consultation', on the agenda of this meeting of the Planning Committee. It recommends that financial contributions to public realm improvements are not pursued as a planning requirement at the current time. However, developers are still required to provide public realm improvements as part of their development proposals.

Ombudsman Decisions

- 3.18 In 2014-15, there have been eight Ombudsman decisions issued by SPSO. Of the eight decisions, four did not uphold the complaint, a success rate of 50%. There were four decisions that were partially upheld. No decisions were fully upheld.

Decisions not Upheld

- 3.19 These related to the following subjects:
- Failed to take reasonable account of the character and appearance of the conservation area in determining a planning application;
 - The Council did not act reasonably in relation to their powers of enforcement;
 - The Council did not reasonably handle complaints;
 - The Council did not fully explain the requirements of works requiring a Certificate of Lawfulness;
 - Failure to deal reasonably with a planning application for a new driveway and dropped kerb access;
 - Officer's failure to take relevant planning considerations and guidelines into account in deciding the application;
 - Information on planning documents was inaccurate or provided after representation period;

- Inappropriate relations between the Council and developers.

Partially Upheld Decisions

3.20 Four decisions that were partially upheld related to procedural oversight. These were as follows:

- Failing to respond to questions raised in representations and, despite the Council acknowledging the error, there was no apology issued or recommendations on how we would improve as a result of this.
- Failing to make clear the interpretation and justification for not applying Scottish Government Guidance in the head of service's report to the Development Management Sub-Committee.
- Inaccurate and misleading information in Committee reports.
- Documents not made available as required by legislation.

SPSO Recommendations

3.21 The SPSO normally makes recommendations when complaints are upheld. In the cases above, the following recommendations were made:

- The head of service's reports to Committee should contain the relevant application and justification of Scottish Government guidance to ensure that the transparency of the decision-making of the case officer and committee is clear.
- Case officers should be made aware that any questions of fact or requests for further information relating to an application raised in representations should be provided with a response to ensure the customer is fully aware of the determining issues of the application.
- A standard apology letter should be issued to the complainant where a decision has identified failings of the Council.
- Officers involved in a complaint are briefed on the outcome of the decision if a failing is identified to avoid future errors.
- Staff should be reminded that all relevant parts of the planning register should be available to the public as required in legislation.
- The Council's website is amended to ensure that the complaints procedure for planning complaints is accurate.
- Finally, further report training for Planning staff was recommended.

Learning from Complaints

3.22 As a result of the recommendations by the Ombudsman highlighted above, a number of actions have been undertaken:

- Every case where a complaint is upheld and a recommendation made is reported in a team briefing so all staff can learn about the outcomes of these;
- Yearly training on complaints is held for all staff so they can learn about the main issues to be aware of;
- The Council website has been updated to reflect changes in the planning complaints process;
- Where the internal investigation response upholds a complaint, an apology is always offered: standard letters have been made available;
- The records management system is currently being reviewed and this will make it clear which documents are available for public view and for how long;
- The complaints system has been reviewed and improved recording of outcomes, recommendations and associated actions has been introduced; and
- Further training on report writing is being arranged.

The Measures of success

- 4.1 A reduction in the number of complaints and appeals registered with external planning bodies.
- 4.2 A reduction in the number of ombudsman reviews and appeal decisions upheld and allowed.

Financial impact

- 5.1 There is no direct financial impact arising from this report.

Risk, policy, compliance and governance impact

- 6.1 The report is focused on reviewing our performance to identify potential areas of improvement, which will reduce the number of appeal decisions and complaints raised to the SPSO. There are no perceived risks associated with this report.

Equalities impact

- 7.1 This report has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

8.1 The impact of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties has been considered, and the outcome is summarised below.

- The proposals in this report will not increase carbon emissions because it focuses on impact of planning decisions made by external bodies.
- The need to build resilience to climate change impacts is not relevant to the proposals in this report because it is focused on informing committee members of the current statistics relating to planning appeal and ombudsman decisions.
- The proposals in this report will help achieve a sustainable Edinburgh in terms of Social justice because it will influence a review of current policies and practices by the City of Edinburgh Council, which will increase customer satisfaction and raise performance levels. Economic wellbeing and Environmental good stewardship are not considered to impact on the proposals in this report because the report will not have any impact on economic or environmental policies as its purpose is to learn from current appeal and ombudsman decisions.

Consultation and engagement

9.1 This report is a summary of decisions by external bodies. There has been no consultation or engagement on these.

Background reading/external references

John Bury

Acting Director of Services for Communities

Contact: Rebecca Taylor, Strategic Planning Policy

E-mail: rebecca.taylor@edinburgh.gov.uk | Tel: 0131 469 3598

Links

Coalition pledges P27 - Seek to work in full partnership with Council staff and their representatives

Council outcomes	CO24 – The Council communicates effectively internally and externally and has an excellent reputation for customer care CO25 – The Council has efficient and effective services that deliver objectives CO26 – The Council engages with stakeholders and works in partnership to improve services and deliver agreed objectives
Single Outcome Agreement	Edinburgh’s economy delivers increased investment, jobs and opportunities for all
Appendices	None

*

Planning Committee

10am Thursday, 6 August 2014

Short Stay Commercial Leisure Apartments – Monitoring Report

Item number	7.2
Report number	Routine
Executive/routine	
Wards	All

Executive summary

In 2013, the Planning Committee agreed to make changes to its non-statutory 'Guidance for Businesses', in order to make specific reference to the issue of short stay commercial leisure apartments – so called 'party flats'. This report provides an update on the Council's current position, following the last report submitted in August 2014. It is recommended that the next report is made in one year's time.

Links

Coalition pledges	P28
Council outcomes	CO8 CO16 CO19
Single Outcome Agreement	SO1 SO4

Short Stay Commercial Leisure Apartments – Six Monthly Update

Recommendations

- 1.1 It is recommended that the Committee notes the current position in respect of action by the planning enforcement service relating to short stay commercial leisure lets and that a further report on progress will be made in a year's time, and refers the report to Health, Social Care and Housing Committee for information.

Background

- 2.1 Since the Guidance for Businesses was approved in December 2012, the Planning Committee has considered whether short stay commercial leisure apartments or 'party flats' can constitute a material change of use in planning terms. The Planning Committee considered that in certain cases they could. Accordingly, the published version of the non-statutory Guidance for Businesses was amended to incorporate the relevant criteria for assessing whether a residential property had undergone a change of use to a short stay commercial leisure apartment, (SSCLA).
- 2.2 At its meeting on 7 August 2014, the Planning Committee considered a progress report and noted the current position in respect of action by the planning enforcement service relating to short stay commercial leisure lets. It also noted that a further review will be carried out and reported on in six months time. This report fulfils that remit. The reason a report was not submitted sooner is that there had been relatively little activity over that six month period to report on.

Main report

- 3.1 Since the previous update, the planning authority has registered four new enquiries into the alleged use of flatted properties as SSCLA.
- 3.2 Two of these enquiries relate to the two flatted properties on Grove Street, (16/4 & 31/2), (refs 14/00692/ECOU & 14/00693/ECOU), which had previously been served with a management control order by Community Safety, and were managed directly by the Council between October 2013 and October 2014. These properties were returned to their owner in October 2014. Subsequent

concerns were raised that the properties were being used as either HMO, or possibly SSCLA.

- 3.3 Planning officers undertook site inspections of the properties in response to these enquiries. However, no one was in residence at the time of the inspections. In addition, Community Safety officers conducted several site inspections to assess the use of the properties. However, they were unable to find any evidence of the properties being used as HMO or SSCLA. The current investigations into these properties are still ongoing.
- 3.4 One enquiry regarding the use of the premises at 3F1 22 Learmonth Terrace was received in April 2015, (ref 15/00199/ECOU). An enforcement notice was served on the premises on 5 June 2015, requiring the cessation of the use of the property as an SSCLA. The date the notice took effect was 8 July 2015. It is due for compliance two months after this date. The owner had until 8 July to submit an appeal against the notice to the Directorate for Planning and Environmental Appeals. No appeal has been received.
- 3.5 One enquiry regarding the use of the premises at 83 Dundas Street was received in June 2015. A site inspection of this property to assess the alleged use is being arranged. However, Community Safety is also in the process of investigating these premises. Initial discussions have already taken place between representatives of both services, and planning officers will continue to work with Community Safety throughout the course of the investigation into this premises.
- 3.6 To date, the planning service has not received an appeal against any of the enforcement notices served. Consequently, there is still no external measure of the robustness of the policy approach being taken. Until appeal decisions are available, it is not possible to reach any definitive conclusion on whether the non- statutory guidance has resulted in an improvement to the situation in regards to such uses.
- 3.7 Council officials met with the Procurator Fiscal in November 2014 to discuss the evidence requirements and the level of fine that can be applied if there is a successful prosecution.
- 3.8 The Procurator Fiscal advised that evidence can be taken from anyone who has witnessed a crime being committed. In the case of a failure to comply with a planning enforcement notice, neighbours who are experiencing noise and disturbance could provide useful evidence. However, they would be required to give evidence in court. The Procurator Fiscal would also expect Planning officers to appear as lead witnesses and to be able to provide comprehensive evidence of criminal activity.

- 3.9 In terms of the level of fine that could be applied, the Procurator Fiscal advised that this was limited by the relevant legislation and that the Sheriff would determine whether or not to apply the maximum (up to £20,000) or a lower level fine based on the circumstances of an individual case.

Measures of success

- 4.1 That the Council's performance in dealing with cases of short stay commercial leisure lets results in a decline in the particular problems associated with such uses, in a decline in the number of complaints about such activity, and in successful outcomes for the Council in any appeal or court proceedings.

Financial impact

- 5.1 There are no financial implications arising from this report.

Risk, policy, compliance and governance impact

- 6.1 There is no impact on risk, policy, compliance and governance impact arising from this report.

Equalities impact

- 7.1 There is no relationship between the matters described in this report and the public sector general equality duty. There is no direct equalities impact arising from this report.

Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. Relevant Council sustainable development policies have been taken into account. This review of the operation of revised non statutory guidance will have no adverse impacts on carbon emissions, the city's resilience to climate change impacts, achieving a sustainable Edinburgh in respect of social justice, economic wellbeing or good environmental stewardship.

Consultation and engagement

- 9.1 Consultation and community engagement have not been carried out in respect of this review of the operation within the guidelines. However, there is regular contact and communication with community groups and other interested parties through the work of the task group.

Background reading/external references

Annual Review of Guidance, report to Planning Committee, 28 February 2013

Minutes of Planning Committee, 28 February 2013, item 3

Minutes of Planning Committee, 5 December 2013. Item 5.1

Minutes of Development Management Sub Committee, 14 May 2014, Item 4.2

Minutes of Planning Committee, 7 August 2014

John Bury

Acting Director of Services for Communities

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Links

Coalition pledges	P28 Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city
Council outcomes	CO8 Edinburgh's economy creates and sustains job opportunities CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well managed neighbourhood CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm
Single Outcome	SO1 Edinburgh's economy delivers increased investment, jobs,

Agreement

and opportunities for all
SO4 Edinburgh's communities are safer and have improved
physical and social fabric.

Appendices

None

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Planning Committee

Thursday, 6 August 2015

Planning Committee Workshop and Awareness Raising Programme

Item number	8.1
Report number	
Executive/routine	
Wards	

Executive summary

The Planning Committee members are supported by a workshop and awareness raising programme designed to build on existing knowledge and assist members in making decisions on development plans and proposals for the city. The purpose of this report is to set out the arrangements for continuing the programme up to July 2016.

Links

Coalition pledges	P8, P17, P40
Council outcomes	CO7, CO8, CO16, CO19
Single Outcome Agreement	SO1, SO2, SO3, SO4

Planning Committee Workshop and Awareness Raising Programme

Recommendations

- 1.1 It is recommended that the Committee approves the workshop and awareness raising programme up to July 2016, as set out in this report.

Background

- 2.1 For over 10 years the Planning Committee has had an awareness raising and workshop programme. This has helped to build awareness and understanding of planning issues, and has improved relations with partner organisations and key stakeholders, including government agencies, local partners and the development sector.
- 2.2 The programme is an important part of supporting Committee members in their promotion of key economic development, social and environmental objectives through plan making and decisions on planning proposals.
- 2.3 In the last year, five workshops have been held for Committee members. These have focused on the Local Development Plan issues and representations, student housing, Housing Need and Demand Assessment (HNDA), and the planning service performance and priorities. Additionally, four shorter awareness raising sessions have been held which have covered adverts, density and parking standards, the Local Review Body and committee procedures. Representatives of JC Decaux also participated in the advertisement session.
- 2.4 The annual Planning Committee tour for 2015 was postponed from June until September 2015 due to diary commitments. The tour will visit recently completed developments mainly agreed by this committee and there will be a focus on the placemaking agenda.

Main report

- 3.1 The next workshop and awareness raising programme is proposed to run from August 2015 to July 2016. The programme aims to build on existing knowledge and develop members' understanding of priority issues.

- 3.2 The programme will continue to be based around two hour workshops during months when there is no Planning Committee meeting and shorter awareness raising sessions immediately before some Development Management Sub-Committee meetings. Full day Planning Committee tours are expected to be held in September 2015 and June 2016.
- 3.3 Members have indicated that interactive sessions with time for questioning and general discussion of issues are a suitable format and some themes for future sessions are identified below. However, it is important that the programme is flexible so that priority issues can be addressed when appropriate.
- 3.4 It is expected that future sessions will be required to address matters such as infrastructure, air quality and effective housing land supply. In addition, members have suggested future sessions could cover the review of the Conservation Area Character Appraisals and community engagement.
- 3.5 Where appropriate, representatives from external organisations will be invited to contribute to the sessions.
- 3.6 The dates for the next series of events are listed in the appendix to this report. Members will be advised closer to the date of the session as to what specific topic will be covered.

Measures of success

- 4.1 Committee members feel confident and informed to make decisions relating to development planning and development proposals.

Financial impact

- 5.1 There are no new financial implications arising from the recommendations of this report. Provision for elected member training is contained in the Planning Service's Revenue Budget.

Risk, policy, compliance and governance impact

- 6.1 There are no perceived risks associated with this report.

Equalities impact

- 7.1 There are no direct equalities impacts, but the proposed workshop and awareness raising programme provides an opportunity for elected members to explore equalities issues likely affected by planning decisions.

Sustainability impact

8.1 This report has no adverse sustainability issues.

Consultation and engagement

9.1 Themes for workshops and awareness raising sessions that have been suggested by members have been incorporated in to the programme.

Background reading/external references

None.

John Bury

Acting Director of Services for Communities

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Links

Coalition pledges	<p>P8 Make sure the city's people are well-housed, including encouraging developers to built residential communities, starting with brownfield sites</p> <p>P17 Continue efforts to develop the city's gap sites and encourage regeneration</p> <p>P40 Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage</p>
Council outcomes	<p>CO7 Edinburgh draws in new investment in development and regeneration</p> <p>CO8 Edinburgh's economy creates and sustains job opportunities</p> <p>CO16 Well-housed – People live in a good quality home that is affordable and meets their needs in a well-managed neighbourhood</p> <p>CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm</p>
Single Outcome Agreement	<p>SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all</p>

Appendices

SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

SO4 Edinburgh's communities are safer and have improved physical and social fabric

Appendix 1: Proposed dates for the Planning Committee workshop and awareness raising programme.

Appendix 1

Proposed Dates For The Planning Committee Workshop And Awareness Raising Programme

August 2015 – July 2016

Committee Awareness Raising – 1 Hour:

- 07 October 2015 - Air Quality
- 02 December 2015 - Effective Housing Land Supply
- 10 February 2016 -CACAs
- 09 March 2016 - Community Engagement
- 25 May 2016 - tbc

Committee Workshops – 2 Hours:

- 03 September 2015 – to be used for committee tour
- 05 November 2015 - Infrastructure
- 21 January 2016 - tbc
- 14 April 2016 - tbc
- 16 June 2016 – to be used for committee tour

Committee Tours:

- 3 September 2015 – Recently Completed Developments and Placemaking
- 16 June 2016

Planning Committee

10.00am Thursday 6 August 2015

Extraction of Unconventional Gas, Fracking and Coal Gasification - referral from the Corporate Policy and Strategy Committee

Item number	9.1
Report number	
Wards	All

Executive summary

The Corporate Policy and Strategy Committee on 9 June 2015 considered a report on various forms of mineral extraction in the wider context of regional and local planning including provisions on sustainability and climate change targets. The report has been referred to the Planning Committee to consider the designation of the City of Edinburgh Council area in the forthcoming Strategic Development Plan 2 in this regard and to consider making representations to SESPlan Joint Committee.

Links

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report
Appendices	See attached report

Terms of Referral

Extraction of Unconventional Gas, Fracking and Coal Gasification

Terms of referral

- 1.1 In response to a motion by Councillor Booth, the Council had agreed to receive a report reviewing the emerging Edinburgh Local Development Plan in relation to health concerns over unconventional gas, fracking and coal gasification and in relation to sustainability policies and climate change targets.
- 1.2 On 9 June 2015, the Corporate Policy and Strategy Committee considered a report providing details on the wider context of these forms of mineral extraction together with a summary of the regional and local planning context including appropriate provisions on sustainability and climate change targets.
- 1.3 The Corporate Policy and Strategy Committee agreed:
 - 1) To note that the policies of the emerging Edinburgh Local Development Plan provided no support for the extraction of unconventional gas or oil in the Council's area, and that the emerging Strategic Development Plan 2 presented an opportunity to review the policy context for unconventional gas and oil extraction.
 - 2) To refer the report to the Planning Committee to consider whether the entire Edinburgh Council area should be an area that was not supported for unconventional gas and oil development (including shale gas, coalbed methane and underground coal gasification) in the forthcoming Strategic Development Plan 2, and to consider making representations to the SESPlan Joint Committee in this regard.

For Decision/Action

- 2.1 The Planning Committee is asked to consider the recommendations of the Corporate Policy and Strategy Committee.

Background reading / external references

[City of Edinburgh Council 5 February 2015](#)

[Corporate Policy and Strategy Committee 9 June 2015](#)

Carol Campbell

Head of Legal, Risk and Compliance

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Links

Coalition pledges	See attached report
Council outcomes	See attached report
Single Outcome Agreement	See attached report
Appendices	See attached report

Corporate Policy and Strategy Committee

10:00am, Tuesday, 9 June 2015

Extraction of Unconventional Gas, Fracking and Coal Gasification – Response to Motion

Item number

Report number

Executive/routine

Wards

Executive summary

The purpose of this report is to respond to a motion approved by the Council at its meeting on 5 February 2015. The motion included a request for a report reviewing the emerging Edinburgh Local Development Plan in relation to health concerns over unconventional gas, fracking and coal gasification and in relation to sustainability policies and climate change targets. The motion also requested that this report set out options for the Council to implement an immediate ban on these forms of mineral extraction.

This report outlines some of the wider context to these forms of mineral extraction. It summarises the regional and local planning policy context. This includes appropriate provisions on sustainability and climate change targets.

The emerging Local Development Plan includes policies which protect environment and health, and provide no reference to or support for any unconventional gas or oil extraction in the Council area. There is no need for change to the Local Development Plan. There is an opportunity in the emerging new Strategic Development Plan to review the policy context for these forms of mineral extraction.

Links

Coalition pledges P50

Council outcomes CO18

Single Outcome Agreement SO1

Extraction of Unconventional Gas, Fracking and Coal Gasification – Response to Motion

Recommendations

- 1.1 It is recommended that the Committee notes that the policies of the emerging Edinburgh Local Development Plan provide no support for the extraction of unconventional gas or oil in the Council's area, and that the emerging Strategic Development Plan 2 presents an opportunity to review the policy context for unconventional gas and oil extraction.

Background

- 2.1 This report has been prepared in response to a motion by Councillor Booth approved by the full Council at its meeting of 5 February 2015. Part 4) of the motion states that the Council:

Calls for a report within three cycles to review the minerals policies in the Local Development Plan in light of new health concerns over unconventional gas, fracking and coal gasification, and to ensure that the LDP is consistent with the Council's sustainability policies and climate change targets.

- 2.2 Part 5) states that the Council:

Agrees that this report should also set out options for the council to implement an immediate ban on unconventional gas, fracking and coal gasification.

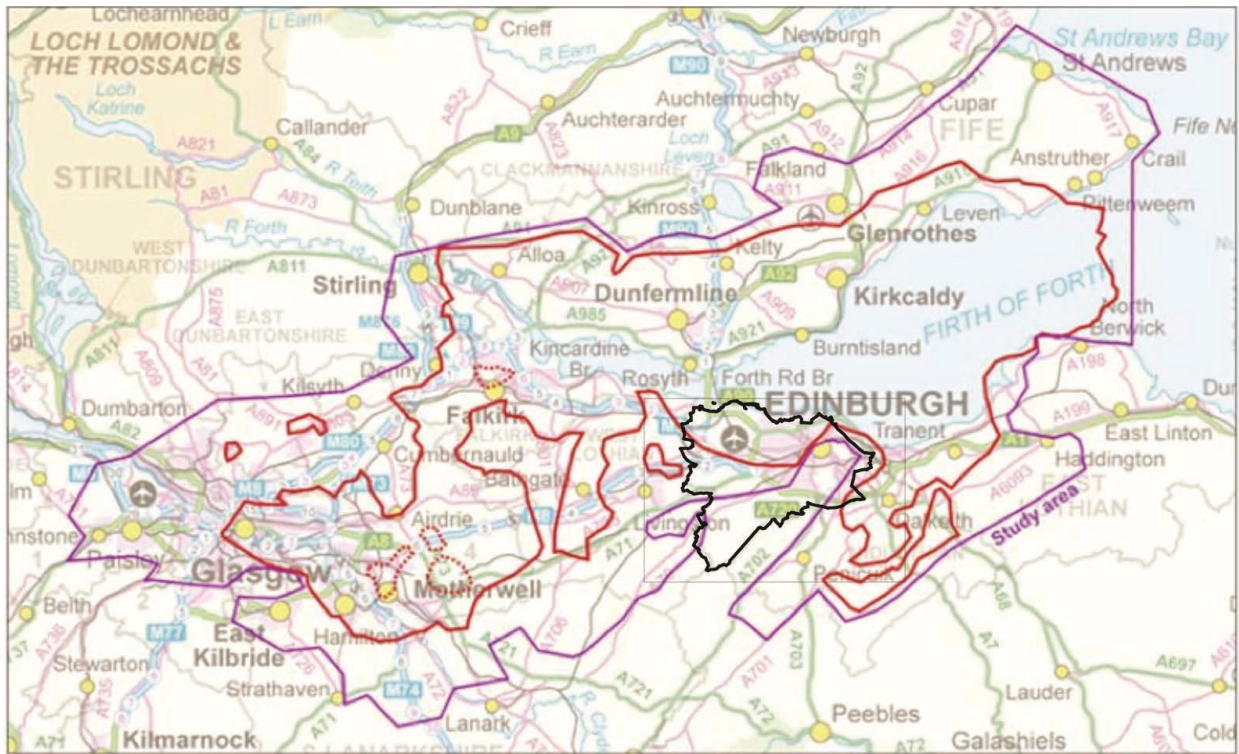
- 2.3 The other parts of the motion are the subject of a separate report.

Main report

Context to unconventional gas and oil extraction

- 3.1 The term unconventional gas refers to the different types of natural gas held in reservoirs but that are not traditionally exploited for gas. This includes coalbed methane and shale gas. Different techniques can be applied to extract these resources, including hydraulic fracturing (fracking). Scottish Planning Policy uses the term 'unconventional gas and oil extraction' to cover a wide range of development types, including those identified in the motion.
- 3.2 Figure 1 is an extract from a report by the British Geological Survey for the UK Department of Energy and Climate Change, which highlights the study areas for

shale gas extraction in the Central Belt area. It indicates that parts of the Council's area (black line) have geological potential for shale gas extraction (red line).



Area considered prospective for gas-mature Carboniferous shale (in red, holes within the extent are dashed), Midland Valley of Scotland in relation to the urban areas of central Scotland. Contains Ordnance Survey data ©Crown copyright 2014.

Figure 1 Shale Gas Extraction Potential in Central Belt (Source: British Geological Survey 2014)

3.3 Figure 2 shows recent areas of interest in shale gas extraction where there are licenses in place to allow extraction (yellow shaded area). These are centred on the Falkirk area and do not extend to the Council area (black line).

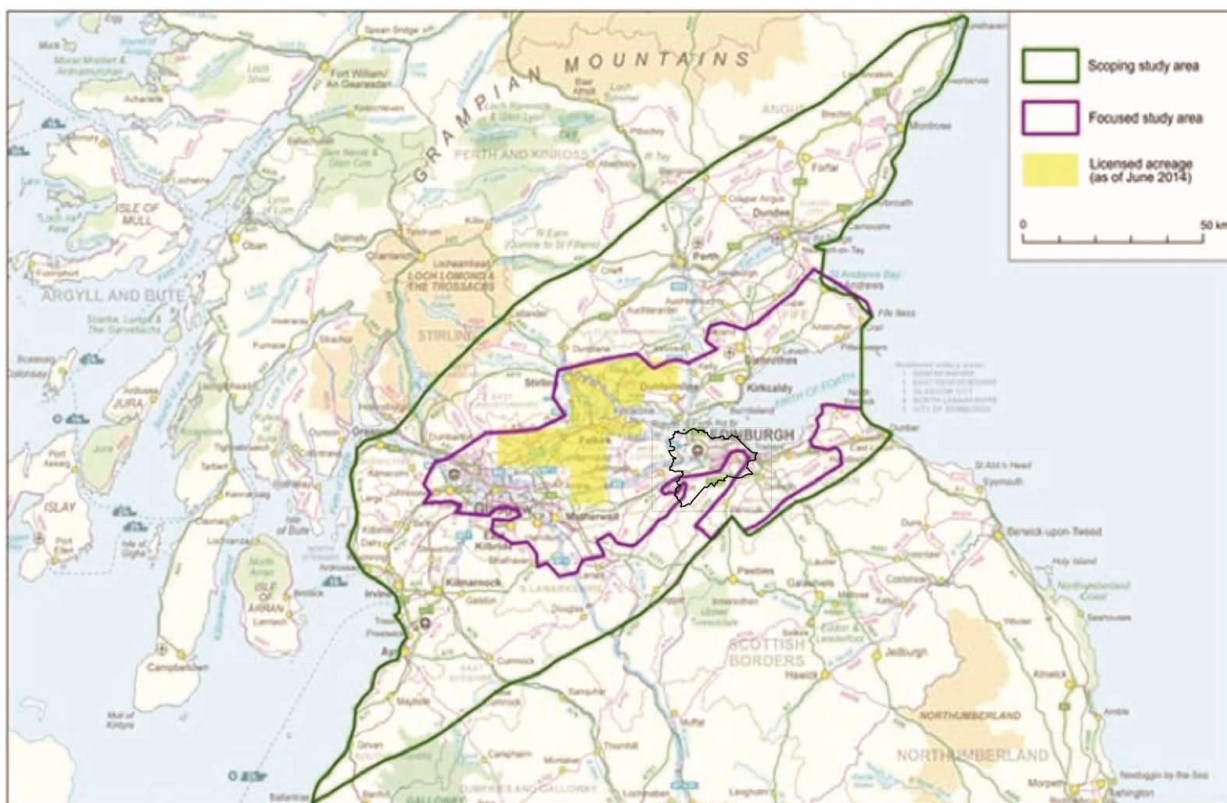


Figure 2 Unconventional Gas Extraction Licenses in Central Belt (Source: British Geological Survey, 2014)

3.4 There are currently no Petroleum Exploration and Development Licenses within the Council area. However there is potential for this to change in further rounds of licensing. The results of the most recent round of bids have yet to be announced by the Department of Energy and Climate Change. It is not known if they include any areas which overlap with the Council's area.

National Planning Policy

3.5 National Planning Framework 3 and Scottish Planning Policy state that Scotland should be transitioning to a low carbon economy and developing and implementing renewable energy technologies.

3.6 [National Planning Framework 3](#) states that Scotland is estimated to account for nearly 60% of total EU oil and gas reserves. It states that oil and gas reserves form Scotland's largest industrial sector. Paragraph 4.26 states that reserves of coal bed methane in the Central Belt could contribute to secure energy supplies in the medium term but will require careful planning to avoid negative environmental and community impacts from extraction activities.

3.7 [Scottish Planning Policy](#) paragraphs 245 – 246 set out policy on assessing and mitigating environmental, health or amenity impacts from unconventional oil and gas extraction.

3.8 In January 2015, the Scottish Government implemented a national moratorium on unconventional oil and gas developments. This includes new notification requirements so that the Scottish Ministers are notified of any new planning application within seven days of its validation.

- 3.9 In addition, planning authorities are also restricted from granting planning permission without first notifying the application to Scottish Ministers. This requirement applies to both new planning applications and any that are currently being considered.
- 3.10 In summary, the national planning policy context provides qualified support for unconventional gas and oil extraction. Accordingly, it constrains but does not rule out the introduction of a presumption against these developments in a development plan, where justified.

Strategic Development Plan

- 3.11 The [Strategic Development Plan for South East Scotland](#) is prepared by SESplan, a partnership of the relevant local authorities, including the Council. It requires local development plans to safeguard commercially viable mineral resources from sterilisation, subject to technical, environmental and social considerations (Policy 4). It also states that local development plans should identify areas of search, or specific sites if appropriate, for aggregate minerals and coal, set out criteria for assessing individual sites and support and encourage the use of secondary and recycled aggregates.
- 3.12 The Strategic Development Plan in paragraph 104 states that the SESplan area contains reserves of onshore gas including coal bed methane and that local development plans should support extraction subject to local planning considerations.

Local Development Plan

- 3.13 The Council is preparing a local development plan, its first. The process began in 2011 and the Plan is due to be adopted in its final form in 2016. The Corporate Policy and Strategy Committee received a report on the emerging Local Development Plan's strategic aims on 4 December 2012. The current version is the Second Proposed Plan (June 2014). The Local Development Plan must, by law, conform to the relevant Strategic Development Plan.
- 3.14 One of the five aims of the Second Proposed Local Development Plan is to '*look after and improve our environment for future generations in a changing climate*'. It sets out the relevant national and city sustainability and climate change targets in its Strategy section.
- 3.15 The Local Development Plan recognises and supports the extraction of hard rock within the three safeguarded quarries. These are identified in Policy RS 5: Minerals and on the Plan's Proposals Map. Paragraph 285 makes reference to known conventional coal deposits in the west and south east of the Council's area. It does not safeguard these but states that any proposals for their extraction will be assessed for their environmental impact using other policies in this Plan. There is no reference to or support for any unconventional gas or oil extraction in the Local Development Plan.

- 3.16 Policy Env 22: Pollution and Air, Water and Soil Quality sets out policy to prevent development which would have significant adverse effects for health, the environment and amenity.

Options to Ban Unconventional Gas, Fracking and Coal Gasification

- 3.17 The Second Proposed Local Development Plan provides no support for unconventional gas extraction and sets out climate change and sustainability targets and general policy which could be used to refuse such proposals where justified on climate change, health and environmental pollution grounds.
- 3.18 There is therefore not a need to change the content of Local Development Plan in this regard.
- 3.19 Procedurally, the Edinburgh Local Development Plan has been published in 'proposed plan' form twice and at this stage change can only come about through the submission of statutory representations. During the statutory representations process in 2014 there were no representations received seeking changes to provisions relating to unconventional gas and oil extraction. There is therefore no procedural opportunity for the Local Development Plan to be changed. Neither is there scope to introduce supplementary guidance on unconventional gas and oil extraction, because such guidance must be based on a specific statement in the Local Development Plan itself.
- 3.20 The Strategic Development Plan provides a measure of support for coal bed methane extraction. Its replacement, Strategic Development Plan 2, is currently entering its consultation stage. Its Main Issues Report, which sets out options, is due to be published in Summer 2015 for consultation. This will lead to its proposed plan stage, currently due to be late 2015/early 2016. The opportunity exists to review its position on unconventional gas extraction at strategic level, in the Council's area at least.

Conclusion

- 3.21 Parts of the Council's area have been identified as having geological potential for unconventional gas and oil extraction. The current locational focus for this is elsewhere in the Central Belt, where there are licenses in place.
- 3.22 The introduction of the national moratorium by the Scottish Government in January requires notification of all current and future planning applications for onshore unconventional gas and oil development to be submitted before a decision can be made.
- 3.23 The emerging Local Development Plan provides no support for unconventional gas extraction within the Council area. The Local Development Plan is consistent with national and city targets on sustainability and climate change. There is not a need to change it in this regard, and procedurally the opportunity does not exist. There is an opportunity to review its provision relating to unconventional gas and oil development in the forthcoming Strategic Development Plan 2.

Measures of success

- 4.1 The Council achieves its sustainability and climate change targets. Environmental quality and human health is protected.

Financial impact

- 5.1 There is no direct financial impact arising from this report.

Risk, policy, compliance and governance impact

- 6.1 There are no perceived risks associated with this report. The report has no impact on any policies of the Council.

Equalities impact

- 7.1 This report has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below.
- The proposals in this report will reduce carbon emissions because the policies within the emerging LDP strongly support carbon emissions reduction targets and investment in green infrastructure.
 - The proposals in this report will increase the city's resilience to climate change impacts because the emerging LDP policy supports the transition to a low carbon economy and does not support fossil fuel extraction in Edinburgh.
 - The proposals in this report will help achieve a sustainable Edinburgh because it is clear that the policy in the emerging LDP favours renewable energy, particularly small scale, community renewable energy projects.

Consultation and engagement

- 9.1 This report is a summary of the policies and provisions within the emerging Edinburgh Local Development Plan regarding unconventional gas and oil extraction. There has been no specific consultation or engagement undertaken

to inform this report. However, the development plan and national planning documents referred to here have each had their own engagement processes.

Background reading/external references

[National Planning Framework 3](#), June 2014

[Scottish Planning Policy](#), June 2013

[Second Proposed Edinburgh Local Development Plan](#), June 2014

LDP – Aims and Delivery, Report to Corporate Policy and Strategy Committee ([4 December 2012](#))

[Strategic Development Plan for South East Scotland](#), June 2013

[The Carboniferous shales of the Midland Valley of Scotland: geology and resource estimation](#), report by British Geological Survey for UK Department of Energy and Climate Change, 2014

[The Town and Country Planning \(Notification of Applications\)\(Unconventional Oil and Gas\)\(Scotland\) Direction 2015](#), January 2015

John Bury

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Links

Coalition pledges	P50
Council outcomes	SO18
Single Outcome Agreement	SO4
Appendices	None

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Planning Committee

10.00am Thursday, 6 August 2015

Attendance at Conference on Scottish Planning Policy and the New National Framework 3: Communities, Economic Growth and a Sustainable, Low Carbon Future

Item number	10.1
Report number	
Executive/routine	Executive
Wards	All

Executive summary

The purpose of the report is to advise the Planning Committee of the attendance of Councillor Dixon at a one day a one-day planning conference on Scottish Planning Policy and the New National Framework 3 to support him in the role of Vice Convener on 10 June 2015.

Links

Coalition pledges	P15
Council outcomes	CO19
Single Outcome Agreement	

Attendance at Conference on Scottish Planning Policy and the New National Framework 3: Communities, Economic Growth and a Sustainable, Low Carbon Future

Recommendations

- 1.1** To note the action by the Acting Director of Services for Communities in consultation with the Convener of the Planning Committee to authorise the attendance of Councillor Dixon at the Scottish Planning Policy and the New National Framework 3: Communities, Economic Growth and a Sustainable, Low Carbon Future conference on 10th June 2015, under the urgency provisions set out at paragraph 3.1 of the Committee Terms of Reference.

Background

- 2.1** The National Planning Framework (NPF) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole. Scotland's third National Planning Framework 3 was laid in the Scottish Parliament on June 23, 2014.
- 2.2** The training event, Scottish Planning Policy and the New National Framework 3: Communities, Economic Growth and a Sustainable, Low Carbon Future, run by Mackay Hannah, explored both opportunities ahead and progress made in the year since the framework was laid before Parliament. As well as examining the framework's role in supporting communities and contributing to economic growth, healthy living and carbon reduction whilst also looking at 'National Developments' in Scotland.

Main report

- 3.1** Cllr Dixon was formally appointed Vice-Convener of the Planning Committee in May 2015.
- 3.2** The Acting Director of Services for Communities in consultation with the Convener of the Planning Committee agreed Cllr Dixon's attendance at the event held on 10 June 2015 with the Head of Planning and Building Standards as it provided an overarching view of Scottish Planning Policy and a networking opportunity for the Vice-Convener.

Measures of success

- 4.1 Learn from others' good practice.
- 4.2 Share Edinburgh's experience of the local government planning system.

Financial impact

- 5.1 The cost of the conference is £282 and was contained within budget.

Risk, policy, compliance and governance impact

- 6.1 Not applicable.

Equalities impact

- 7.1 No negative impacts have been identified.

Sustainability impact

- 8.1 Travel arrangements have been made in accordance with the Council's Sustainable Travel Plan.

Consultation and engagement

- 9.1 Not applicable.

Background reading/external references

None.

John Bury

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Links

Coalition pledges	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm
Single Outcome Agreement	

Appendices

n/a

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