

# Planning Committee

10am, Thursday, 3 December 2015

## Developer Contributions and Affordable Housing Guidance – finalised version

Item number	6.1
Report number	
Executive/routine	
Wards	All

### Executive summary

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Following the approval of an update to the Second Proposed Action Programme (May 2015) which accompanies the 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 finalised guidance on Developer Contributions and Affordable Housing (Appendix 1) for use in determining planning applications.

### Links

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Coalition pledges	<a href="#">P2</a> , <a href="#">P4</a> , <a href="#">P8</a> , <a href="#">P15</a> , <a href="#">P17</a> , <a href="#">P18</a>
Council outcomes	<a href="#">CO7</a> , <a href="#">CO8</a> , <a href="#">CO16</a> , <a href="#">CO18</a> , <a href="#">CO19</a> , <a href="#">CO22</a> , <a href="#">CO23</a>
Single Outcome Agreement	<a href="#">SO1</a> , <a href="#">SO2</a> , <a href="#">SO3</a> , <a href="#">SO4</a>

## Developer Contributions and Affordable Housing Guidance – finalised version

### Recommendations

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

### Background

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- 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 Del 1 (Developer Contributions) and Del 2 (Retrospective Developer Contributions) require developer contributions from any development if:
- it will have a net impact on infrastructure capacity; and
  - 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 and delivery date 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 feasibility and early design work.

- 2.5 Following the approval of the update to the Second Proposed Action Programme revised draft guidance on Developer Contributions and Affordable Housing was approved by Committee, in August 2015, for consultation purposes.
- 2.6 The second Proposed LDP was approved by Planning Committee in May 2015 and submitted to the Directorate of Planning and Environmental Appeals (DPEA) for examination in June 2015. The examination is now underway and expected to conclude in February 2016. An update to the Second Proposed Action Programme was approved the Planning Committee in May 2015 and submitted to the DPEA in support of the Plan.
- 2.7 A financial appraisal of the LDP and accompanying Action Programme was reported to Finance & Resources Committee on 29 October 2015. The report sets out the estimated costs associated with the delivery of the LDP with specific regard to transport and education infrastructure requirements and provides an initial estimate of the amount of developer contributions achievable. The report sets out the Council's options for funding infrastructure associated with the LDP.

## Main report

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### **Revised guidance on Developer Contributions and Affordable Housing**

- 3.1 Following the approval of an update to the Second Proposed Action Programme (May 2015) which accompanies the Proposed Local Development Plan (LDP June 2014), the Council's approach to developer contributions and affordable housing has been revised. Draft revised guidance on Developer Contributions and affordable housing was approved by Committee for consultation in August 2015.

### **Summary of consultation responses**

- 3.2 The consultation ran for 6 weeks between 10 August and 25 September 2015. 33 responses were received to the consultation and are summarised in Appendix 2. A summary of the responses is provided below with the Council's response and proposed changes, if required.

### **General Developer Contributions Approach**

- 3.3 With regards to the general approach to developer contributions (as set out on Page 3 of the guidance in Appendix 1), responses were received on the following topics:
  - use of the policy in advance of the adoption of the LDP;
  - that the guidance should be approved as statutory Supplementary Planning Guidance;
  - the cumulative approach;
  - how infrastructure is funded; and,

- the use of a standard development charge (citywide pot or tariff).

#### *Use of the policy in advance of the adoption of the LDP*

- 3.4 The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. The finalised guidance has been prepared to support the revised policy context for funding infrastructure provision set out in the Local Development Plan (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners by the Council. It is therefore appropriate for the Council to provide detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the Development Management Sub-Committee. No change is proposed to the finalised guidance.

#### *Supplementary Planning Guidance*

- 3.5 The draft guidance was approved for consultation purposes as non-statutory planning guidance, and consulted upon accordingly. As part of its response to representations on the Second Proposed Local Development Plan, the Council has signalled that it sees merit that, following the adoption of the LDP and approval of the Action Programme, that the Developer Contributions and Affordable Housing Guidance be prepared as Supplementary Guidance. If this is accepted by the Reporter, the guidance will be formally prepared and consulted upon at this stage.

#### *Cumulative approach*

- 3.6 Cumulative assessment is supported by Scottish Planning Policy, Circular 3/2012 Planning Obligations and the adopted Strategic Development Plan. The finalised guidance sets out how costs relate to developments. No change is proposed to the finalised guidance.

#### *Funding of Infrastructure*

- 3.7 A financial appraisal of the LDP and accompanying Action Programme was reported to the Finance & Resources Committee on the 26<sup>th</sup> October 2015. The report sets out the estimated costs associated with the delivery of the LDP with specific regard to transport and education infrastructure requirements and the likely amount of developer contributions achievable.
- 3.8 The report also sets out the Council's options for funding infrastructure associated with the LDP, which include those identified by consultees, with the addition of borrowing costs. The Committee agreed the possible funding solutions that may be considered to deliver the infrastructure identified within the Action Programme, and agreed that the Council will engage with the Scottish Government in moving forward with alternative funding sources.

### *Standard development charge (city wide pot or tariff)*

- 3.9 Current legislation in Scotland does not allow for Planning authorities to implement a standard development charge (or a development tariff) to feed in to a citywide pot for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to national policy and legislation is currently being considered.
- 3.10 The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh. No change is proposed to the finalised guidance.

### **Education Contributions**

- 3.11 With regards to guidance on education contributions, responses were received on the following topics and are summarised in Appendix 2, pages 2-16.
- the use of contribution zones and the two-tier system applying to windfall development;
  - the use of illustrative maps of the contribution zone boundaries;
  - contributions thresholds and exemptions;
  - how housing site capacities are determined;
  - that standard cost of school infrastructure are not set out in the guidance, the inclusion of inflation and contingency, and that a delivery timetable is not provided;
  - that the land costs are too high and the mechanisms for land transfer are not set out by the guidance; and,
  - the principle of unacceptable impact.
- 3.12 The method set out within the guidance for calculating education infrastructure has been amended in response to this consultation. This is now set out pages 4-5 and page 21-26 of the finalised guidance in Appendix 1. The main changes to the guidance are summarised below:

### *Contribution zones*

- 3.13 The contribution zones set out in the draft guidance were developed to deliver the education infrastructure associated with LDP sites and did not assess the impact of all housing land capacity (i.e. windfall development) within the zones. The approach set out within the finalised guidance now takes cognisance of all potential for housing development, assesses the cumulative impact on education infrastructure, using established pupil generation factors, and identifies actions and related costs to mitigate the impact. This approach is city-wide.

- 3.14 The method used to determine the potential for housing development within each contribution zone is set out on pages 21-26 of the guidance in Appendix 1.

*Contribution zone boundaries*

- 3.15 To ensure that actions are directly linked with the development which requires them, contribution zones are to be based on high school catchment areas associated with areas of cumulative predicted housing development. This meets the test set out in Circular 3/2012 which requires contributions to be related to the development being proposed. A map of the contribution zones is provided on page 21 of the guidance in Appendix 1.

*Development thresholds and exemptions*

- 3.16 The finalised guidance has been updated (pages 3-5) to reflect that all development which is considered to have (a) a net impact on infrastructure, and (b) where this impact requires to be mitigated will be required to contribute to education infrastructure. The exemptions are purpose built student housing, housing specifically for older people (where occupancy is controlled by a legal agreement) and/or where a proposal will result in less than one new pupil. The reasons for these exemptions are set out in paragraph 3.34 below.

*Housing site capacities*

- 3.17 The draft guidance assessed the impact of the housing development based on the upper capacities of housing sites set out in the LDP, as per the Education Appraisal (updated September 2014) which accompanies the Local Development Plan. The finalised guidance has been updated to use the housing capacities as set out in the 2015 Housing Land Audit, including the split of houses to flats which has an impact on pupil generation from development. This meets the test set out in Circular 3/2012 which requires contributions to be related in scale and kind to the proposed development.

*Inflation, contingency and standard costs of infrastructure*

- 3.18 The base capital costs of education infrastructure set out in the draft guidance were uplifted to include estimated inflation up to the point when delivery of the new infrastructure is estimated to be required. This allows the capital cost of education infrastructure to be understood across the lifetime of the project. However it does not take into account the point at which contributions were received.
- 3.19 The finalised guidance has been amended to remove inflation from modelling and to require contributions to be index linked (BCIS). Inflation will continue to be used to model the costs to the Council to deliver education infrastructure to support the LDP. Costs of school infrastructure include contingency set at 7.5%. This provision enables the Council to manage the risk of the developer contributions received not meeting construction costs due to inflation uplift. Revised capital costs of infrastructure are set out on page 24 of the guidance in Appendix 1.

### *Land Costs*

- 3.20 Within Contribution Zones, land costs are included to ensure that the cost of the required land for schools is distributed proportionally across housing sites. Where developers and landowners are required to work together to bring forward development in step with the delivery of school infrastructure, the Council will help facilitate these discussions. Details of land costs are set out on page 24 of the guidance in Appendix 1.

### *Unacceptable impact of development*

- 3.21 Policy Del 1 - Developer Contributions of the LDP outlines that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure. Development that has a net impact, and cannot be mitigated would have an unacceptable impact on infrastructure and therefore would be contrary to policy Del 1 of the LDP. No change is proposed to the guidance.

### **Transport and Tram**

- 3.22 With regards to guidance on transport contributions, responses were received on the following topics. These responses are summarised in Appendix 2, pages 17-22.

- how the tariff based approach is calculated,
- the extent of the tram contribution zone, and,
- contributions towards major development outwith the Tram Contribution Zone.

- 3.23 In response, the guidance has been amended to take account of consultation comments. This is now set out on pages 7-14 and pages 27-28 of the finalised guidance in Appendix 1. The main changes are summarised below:

#### *Calculating the tariff based approach*

- 3.24 The guidance has been updated to specify, in detail, how the tariff-based approach to calculating developer contributions for transport infrastructure improvements identified within the Action Programme has been applied. Page 28 of the guidance in Appendix 1 sets out the costs of the transport actions and how these have been apportioned between development sites.

#### *Tram Contribution Zone*

- 3.25 Guidance on tram contributions applies to all new developments requiring planning permission within the defined proximity of the proposed and completed tram lines. A Tram Contribution Zone Map is provided on page 13 of the guidance. In response to consultation comments querying the extent of the contribution zone, the map has been updated to remove sections of tram where the policy currently does not apply, as agreed at Planning Committee 16 May

2013. This removes tram lines to Kirkliston and Granton Square. This will be kept under review.

*Major development outwith the tram contribution zone*

- 3.26 Major developments, as defined as within scale factor 15 (Table 1 on page 14 of the Guidance) on land outwith the defined zone 3 will 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 the tram will help to meet or offset this impact, developments may be required to make a contribution to the tram system.

**Public Realm**

- 3.27 Consultees noted that the process by which priorities are identified for public realm investment is being updated and that until this methodology is complete, strategic public realm contributions will not be pursued. Consultee responses on public realm are summarised in Appendix 2, page 23.

**Open Space**

- 3.28 Scottish Natural Heritage has requested the guidance be amended to include a requirement setting open space provision in the context of multi-functional green infrastructure. LDP Policy Env 20 Open Space in New Development requires development to include appropriate open space provision and, where the opportunity arises, contribute to Edinburgh's green network. Policy Env 20 adequately covers this requirement. No change is proposed to the finalised guidance.

**Affordable housing**

- 3.29 With regards guidance on Affordable Housing (Pages 17-18 and pages 29-35 of the guidance in Appendix 1) responses were received on the following topics. Consultee responses on affordable housing are summarised in Appendix 2, page 24-27.

- the use of income thresholds,
- golden share purchase price.

*Income thresholds*

- 3.30 The Council has set criteria to ensure that the affordable homes meet an identified housing need. Because of high rents and high house prices in Edinburgh, people on average and below average incomes are more likely to experience difficulty in finding suitable, affordable housing and therefore more likely to be in an affordable housing need. No change is proposed to the guidance.

*Golden share*



3.31 When proposing Golden Share or setting proposed Golden Share values, sales values in the area are taken into account and final values independently assessed to ensure these are representative and affordable. A maximum figure applies across the city, where values vary significantly, so flexibility is required. It should be noted that the majority of Golden Share homes sold to date were priced below the maximum figure. The maximum initial sale value of Golden Share homes (based on average house price) will be reviewed on a twice yearly basis to reflect changes in housing market valuations. Golden share prices for each development are reviewed by the district valuer and the Council to assess the open market value of the homes to ensure they reflect the local market prices. No change is proposed to the guidance.

### **Inclusions and Exemptions**

3.32 A number of inclusions and exemptions were put forward by consultees. In summary these were:

- affordable housing and the private rented sector be excluded from developer contributions;
- student housing should contribute towards education infrastructure; and
- development should contribute towards flood prevention and outdoor sports facilities (playing fields).

#### *Affordable Housing and the Private Rented Sector*

3.33 In planning terms, purpose-built affordable and private rented sector accommodation is classed as residential development. Affordable and private rented homes have an impact on services and infrastructure. No change is proposed to the finalised guidance.

#### *Student Housing*

3.34 In planning terms purpose-built student accommodation is not classed as residential development. Purpose-built student accommodation does not fall within class 9 or any of the other specified use classes and is regarded as *sui generis*. Individuals living in student accommodation are classified as living in communal establishments, which means that they are excluded from the government's household projections. It is considered that it would be unreasonable to require such developments to fund a need to which they are unrelated. No change is proposed to the finalised guidance.

#### *Flood risk*

3.35 Policy Env 21 of the Proposed LDP states that proposals will only be favourably considered if accompanied by a flood risk assessment demonstrating how adequate compensating measures are to be carried out, both on and off the site. These are usually expected to be fully funded by the developer. No change is proposed to the finalised guidance.

### *Outdoor sports facilities*

- 3.36 The loss of sports pitches to development is protected by Policy Env 19 of the Proposed LDP. Policy ENV 19 states that development of sports pitches cannot be justified in principle. However, where proposals which do result in the loss of playing fields are being considered, an alternative playing field, in an equally convenient location, with at least the equivalent sporting value should be provided, or existing provision significantly improved to compensate for the loss. This is expected to be fully funded by the developer. Policy Env 19 adequately covers this requirement. No change is proposed to the finalised guidance.

### **Retrospective Contributions**

- 3.37 Consultees queried the Council's approach to seeking retrospective contributions as set out on page 19 of the guidance. The principle of seeking retrospective contributions in certain circumstances was established in the Edinburgh City Local Plan. It has been applied since the first phase of the tram line was completed in 2014. This policy is in addition to, and in support of, Policy Del 1. It ensures that, where a completed section of the tram network will support a new development, the development will contribute to the cost of constructing that section of the network.
- 3.38 The same principle applies to other high cost infrastructure which has been delivered through borrowing. Planning permission for development on these sites will be granted subject to legal agreements securing contributions. High cost infrastructure may not often be fundable upfront solely by developer contributions. Forward and/or gap funding is likely to be required. The Council may decide to provide this and may need to borrow in order to do so.
- 3.39 The Council's Action Programme and guidance provide details of the contribution amounts and the amount of money borrowed by the Council against future contributions. It is this position that allows the Council to deliver infrastructure in advance of development. No change is proposed to the finalised guidance.

### **Development viability**

- 3.40 The finalised guidance sets out the Council's approach to viability assessments in the Special Considerations section of the guidance on page 19 of the guidance in appendix 1. While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs. No change is proposed to the finalised guidance.

### **Payment timings**

- 3.41 The Council needs to ensure that contributions are received in good time to allow the 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 is

updating a Model Legal Agreement. No change is proposed to the finalised guidance.

### **Review of Guidance**

- 3.42 The circumstances in which updates to Contribution Zones will be made are set out in the Audit and Review section of the guidance on page 20. In this regard, updates to the Action Programme, including actions or costs will be reported to Committee on annual basis.
- 3.43 Following the conclusion of the LDP examination, expected in February 2016, the policies and proposals within the plan, the Action Programme and this guidance may require to be updated. Any changes will be reported for approval to both the Planning and the Finance and Resources Committee at this time.

### **Measures of success**

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- 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**

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- 5.1 There is no direct negative financial impact arising from the approval of this report. The finalised developer contribution guidance aims to provide clarity to all parties involved in the Section 75 agreement process.
- 5.2 As highlighted in the Financial Assessment approved by Finance & Resources Committee on 26 October 2015, that gross infrastructure costs associated with the predicted housing land requirements within LDP currently are expected to be £296,443,000. Although alternative supplementary income streams are being investigated to reduce the overall net cost to the Council (currently projected at £152,293,000 based on against S.75 developer contribution income of £144,150,000), there will still likely be an overall large funding requirement falling to the Council as a result of infrastructure provision.
- 5.3 It should be noted, that following the outcome of the LDP examination, infrastructure requirements and costs may change. An update on the financial impact will be provided at this stage.
- 5.4 With the exception of £905,000, provided in 2015/16 for feasibility and early design works on likely transport and education infrastructure, no allowance has been provided for this likely future pressure in the current capital programme or within the indicative five year capital plan 2019-2024.

### **Risk, policy, compliance and governance impact**

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- 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.
- 6.2 The Action Programme governance arrangements are designed to minimise all of these risks and ensure compliance. The Action Programme is included in the Council's risk register. Monitoring of progress and risk reporting will be through the Action Programme Board and the Oversight Group. This will provide a clear understanding of progress and whether or not the funding gap, as identified, is being closed.

## Equalities impact

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

## Sustainability impact

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- 8.1 There are no direct sustainability impacts arising from this report although the ability of the Council to mitigate successfully the impacts arising from the growth of the city is critical to achieving sustainable development. The proposed governance arrangements are seen as a means of managing impact on sustainability.

## Consultation and engagement

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- 9.1 Draft guidance was published for a period in which interested parties could make representations on the Consultation Hub. The consultation ran for 6 weeks between 10 August and 25 September 2015. 33 responses were received. These included responses from Sarah Boyack MSP, The Scottish Government, SEPA, NHS National Services Scotland, Homes for Scotland, Scottish Property Federation, Spokes, SportScotland, Scottish Natural Heritage and Scottish Water. Responses were received from three community organisations Cramond & Barnton Community Council, Queensferry & District Community Council (QDCC) and the Old Town Association and one member of the public, as well as 19 housing developers, landowners and housing associations. Discussion with relevant Council services and developers with land within the Contribution Zones also took place during the consultation period. A summary of responses to the consultation is provided in Appendix 2.

## Background reading/external references

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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](#)

Tram Developer Contributions: Application of Policy and Guidance – [Report to Planning Committee 16 May 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](http://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](#)

Local Development Plan – Action Programme: Financial Assessment and Next Steps – [Report to Finance and Resources Committee 29 October 2015](#)

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

Developer Contributions and Affordable Housing Guidance – [update for consultation](#) 6 August 2015.

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

## John Bury

Acting Director of Services for Communities

Contact: Kate Hopper, Senior Planning Officer

E-mail: [kate.hopper@edinburgh.gov.uk](mailto:kate.hopper@edinburgh.gov.uk) | Tel: 0131 529 6232

## Links

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### Coalition pledges

P2 - Hold the maximum P1 class size ratio at 25 and seek to reduce class sizes in line with Scottish Government recommendations

P4 - Draw up a long term strategic plan to tackle both overcrowding and under use in schools

P8 Make sure the city's people are well-housed,

including encouraging developers to build residential communities, starting with brownfield sites

P18 Complete the tram project in accordance with current plans

P15 - Work with public organisations, private sector and social enterprise to promote Edinburgh to investors

P17 - Continue efforts to develop the city's gap sites and encourage regeneration

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

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

### **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 – finalised version

Appendix 2 – Summary of Consultation Responses

# **DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING GUIDANCE**

**Finalised Version**

**DECEMBER 2015**

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# DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING GUIDANCE

**Finalised Version**

**DECEMBER 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 Second Proposed Local Development Plan (June 2014) are timeously delivered.

Relevant Edinburgh City Local Plan (ECLP 2010) Policies:

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

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 (June 2014) 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 Env 19 – Playing Fields Protection
Policy Hou 3 – Private Open Space in Housing Development	Policy Hou 6 – Affordable Housing

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)*

## **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 Del 1 (Developer Contributions) and Del 2 (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.

Where any development proposal fails to meet Policies Del 1 or Del 2, or 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.

In line with national policy, 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 Local Development 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.

### *Contribution Zones*

Where cumulative impacts of development on education or transport infrastructure have been identified, a Contribution Zone has been established. Part 1 and Annex 1 set out methodology for determining Education Contribution Zones, Part 2 and Annex 2 set out the methodology for determining Transport Contribution Zones. Within Contribution Zones, legal agreements will be used to secure developer contributions cumulatively and pro-rata across a wide area.

## PART 1 – EDUCATION

**General Principle** - This guidance applies to all new housing developments requiring planning permission within Edinburgh. Where new development (a) has a net impact on education infrastructure and (b) it is necessary to mitigate that impact; an appropriate contribution will be sought.

### Assessing the impact of new housing development

A cumulative assessment of the additional education infrastructure required to support new housing development within the city is being carried out progressively, on a city-wide, area by area basis. This builds on the Local Development Plan Revised Education Appraisal June 2014 (corrected September 2014). This assessment considers the impact of predicted levels of housing development on existing primary and secondary schools taking into account existing education capacity and the growing pressure on the school estate relating to rising school rolls. The methodology for the assessment is set out in **Annex 1**.

### Education Contribution Zones

Where cumulative impacts of new housing development on education infrastructure have been identified by the city-wide assessment, an Education Contribution Zone is established. Education Contribution Zones are based on the relevant high school and feeder primary school catchments for each assessment area. The Education Contribution Zones are set out in **Annex 1**.

Within Education Contribution Zones, contributions are collected by the mechanism set out below.

### Scheme Principles

- A. Where new housing development (a) has net impact on education infrastructure and (b) it is necessary to mitigate that impact; an appropriate contribution will be sought.
- B. The level of contribution required depends on the following factors:
  1. The Education Contribution Zone within which the site falls (see map and table in Annex 1)
  2. The size of development
  3. The type of development (houses and flats)
- C. Within Contribution Zones, Developer Contributions will not be required:
  - Where a proposal will result in less than one new ND pupil
  - For purpose built student housing
  - For housing built for older people, where occupancy is controlled by a legal agreement.
- D. The level of contribution will be calculated as follows. Using Annex A:
  1. Establish which Contribution Zone the development falls within.
  2. Using the pupil generating factors establish whether the development proposed will be classed as pupil generating, i.e. above 1 ND pupil.

3. Confirm the site has been assessed as being part of the predicted levels of housing development within the zone. If the site has been assessed, move to step 4. If it is a new, or larger, site then see section E.
  4. Generate the developer contribution for size and type (flats / houses) of development.
- E. Where a development is not included within the predicted levels of housing development, the impact on the identified education actions will be assessed.
1. Where a development will result in the requirement for a classroom extension/s or a new school to accommodate pupils generated from the development, it is likely that these additional costs will be required to be borne by the additional site or developer(s). The costs of infrastructure are set out in Annex 1 of this guidance.
  2. Where a development proposal is likely to give rise to an impact on education infrastructure which cannot be mitigated, it should be noted that planning permission may be refused.
  3. 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.
  4. Pre-application discussions should be held with the Council to establish the impact of proposals on education infrastructure and any additional costs arising.
  5. The circumstances in which updates to Contribution Zones will be made are set out in the Audit and Review section of the guidance.

## PART 2 – TRANSPORT AND TRAM

### Part 2 a - Action Programme Transport Requirements

**General Principle** - This policy applies to proposals listed in the Second Proposed LDP and shown on the proposals map, or that fall within a Transport Contribution Zone. Where new development (a) has a net impact on transport infrastructure and (b) it is necessary to mitigate that impact; an appropriate contribution will be sought.

#### Assessing the impact of new development

A cumulative assessment of the additional transport infrastructure required to support new development within the city is set out in the Local Development Plan Transport Appraisal (Addendum June 2014). This assessment considers the impact of predicted levels of development on existing transport infrastructure.

#### Transport Contribution Zones

Where cumulative impacts of new development on transport infrastructure have been identified by the Transport Appraisal, a Transport Contribution Zone has been established. Within Transport Contribution Zones, legal agreements will be used to secure developer contributions cumulatively and pro-rata across the zone. The Transport Contribution Zones are set out in **Annex 2**.

Within Transport Contribution Zones, contributions are collected by the mechanism set out below.

#### Scheme Principles

- A. Where new development (a) has a net impact on transport infrastructure and (b) it is necessary to mitigate that impact; an appropriate contribution will be sought.
- B. The level of contribution within Contribution Zones will be calculated as follows:
  1. Establish if the development site falls within a Transport Contribution Zone.
  2. Confirm the site has been assessed as contributing towards the actions for the relevant zone. If it is a new, or larger, site then see section C.
  3. Confirm the contribution for the site.
- C. It is expected that other development will also take place with the Transport Contribution Zones 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.

## Part 2b – Outwith Contribution Zones

**General Principle** - Where new development (a) has a net impact on transport infrastructure and (b) it is necessary to mitigate that impact; an appropriate contribution will be sought. This will be assessed on a case by case basis.

### Scheme Principles

- A. 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 site specific transport requirements set out in the current Action Programme.
- B. Where a Transport Assessment is necessary this will be used to inform decisions on the need for supporting infrastructure.
- C. 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 has prepared the Edinburgh Street Design Guidance (October 2015). This is consistent with 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 sets 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 a 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.

<b>Table 20 - TRANSPORT REQUIREMENTS</b>		
<b>Infrastructure Requirement</b>	<b>Applicability</b>	<b>Cost</b>
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/facilities 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 2c - TRAM

**General Principle** - 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 (as defined within this guidance) developments.

The Council has constructed the tram line and its associated public realm from Edinburgh Airport to York Place. 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. LDP Policy Del 2 therefore applies.

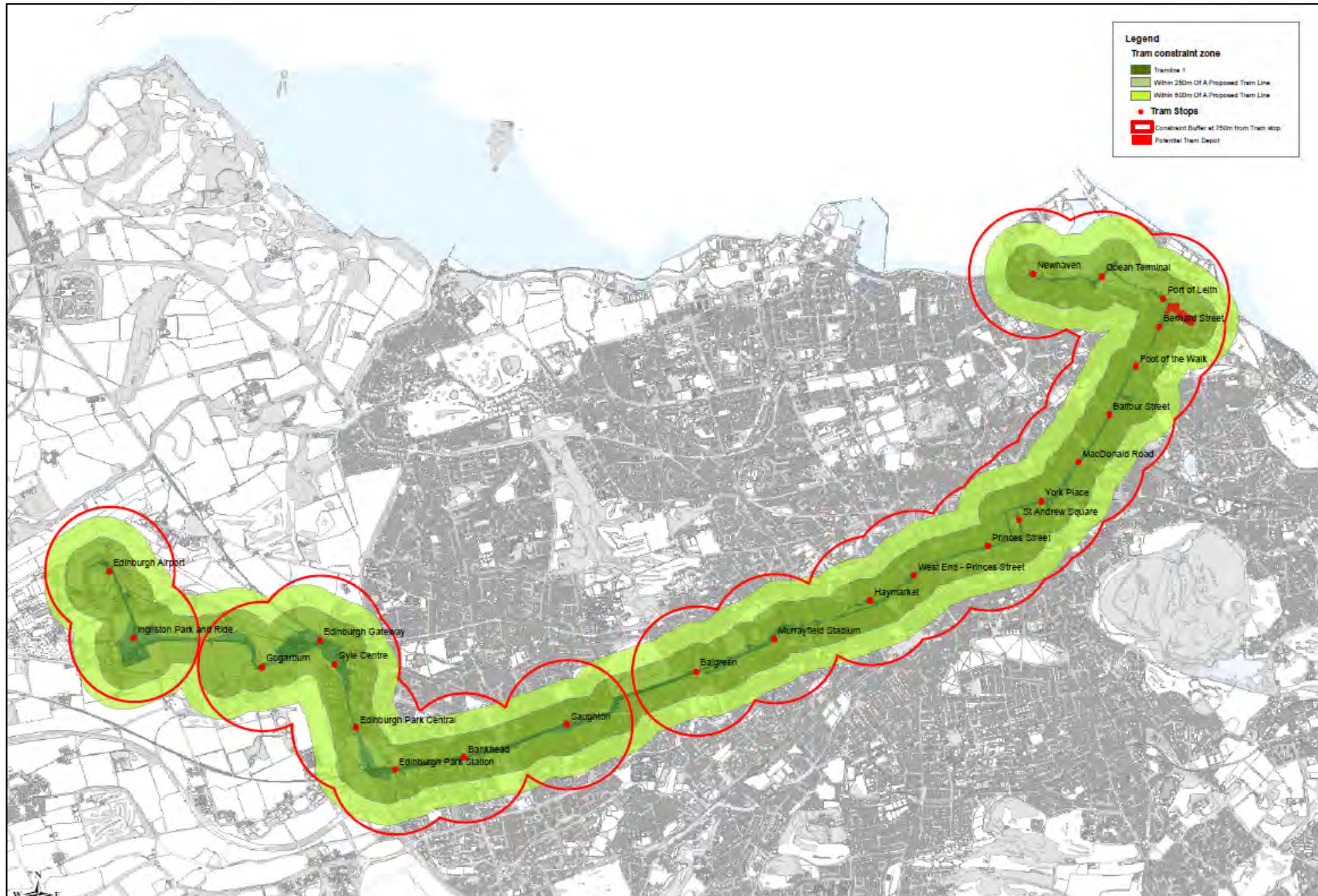
### Scheme Principles

- 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.
- 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, defined as within scale factor 15 in Table 1, 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 the tram will help to meet or offset this impact, 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 from Edinburgh Airport to York Place was 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 CONTRIBUTION ZONE MAP



**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	
Rebil (sqm)	250-499	500-999	1,000-1,499	1,500-1,999	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
Offices (sqm)	250-499	500-999	1,000-1,499	1,500-1,999	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
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	1,500-1,999	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
Industry (sq m)	500-999	1,000-1,999	2,000-3,999	3,000-4,999	4,000-5,999	5,000-6,999	6,000-7,999	7,000-8,999	8,000-9,999	9,000-10,999	10,000-11,999	11,000-12,999	12,000-13,999	13,000-14,999	14,000+	
Warehousing (sq m)	1500-2,999	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	1,500-2,999	3,000-4,499	4,500-5,999	6,000-7,499	7,500-8,999	9,000-10,499	10,500-11,999	12,000-13,499	13,500-14,999	15,000-16,499	16,500-17,999	18,000-19,499	19,500-20,999	21,000+	
Non-residential institutions (sq m)	1,000-1,999	2,000-2,999	3,000-4,499	4,500-5,999	6,000-7,499	7,500-8,999	9,000-10,499	10,500-11,999	12,000-13,499	13,500-14,999	15,000-16,499	16,500-17,999	18,000-19,499	19,500-20,999	21,000+	
Medical/Health Services (sq m)	200-299	300-599	600-899	900-1,199	1,200-1,499	1,500-1,799	1,800-2,099	2,100-2,399	2,400-2,699	2,700-2,999	3,000-3,299	3,300-3,599	3,600-3,899	3,900-4,199	4,200+	
Multiplexes (sq m)	250-499	500-999	1,000-1,499	1,500-1,999	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	
Other Leisure Uses (sq m)	1,000-1,499	1,500-2,999	3,000-4,499	4,500-5,999	6,000-7,499	7,500-8,999	9,000-10,499	10,500-11,999	12,000-13,499	13,500-14,999	15,000-16,499	16,500-17,999	18,000-19,499	19,500-20,999	21,000+	

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	20-34	46-68	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 3 – PUBLIC REALM

**General Principle** - 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 4 – OPEN SPACE**

**General Principle** - 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 relevant Council's service is advised.

## PART 5 – AFFORDABLE HOUSING

**General Principle** - 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.

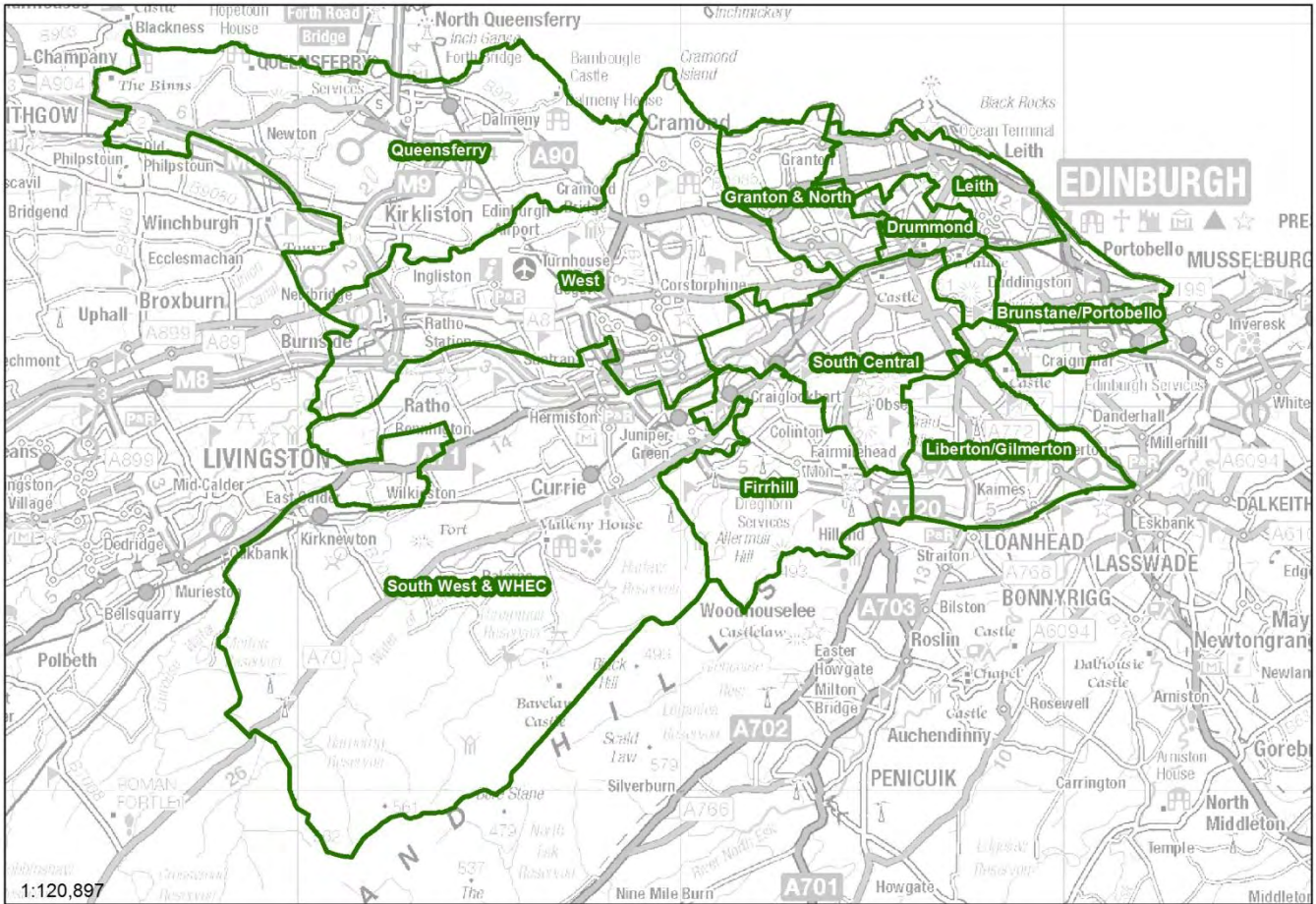
Within Contribution Zones, any remaining contributions will be held and be put towards other actions within the contribution zone that the site lies within as and when required. Future iterations of the Action Programme will provide details of the phasing and delivery of the infrastructure needed to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

## **AUDIT AND REVIEW PROCEDURES**

This guidance will be kept under review and will be revised in the light of any changes to the development plan or the review of the Action Programme, annual Housing Land Audits, 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



Education Contribution Zone Map

### NOTES ON CONTRIBUTION ZONES

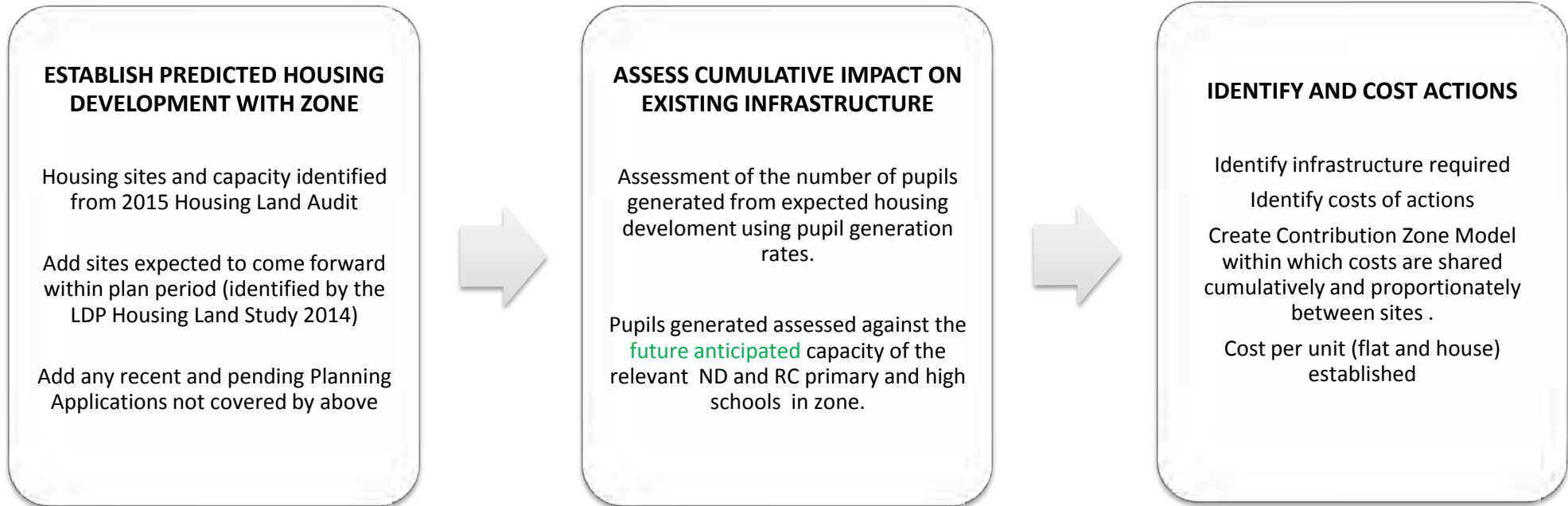
- Contribution Zones are based on the relevant high school and feeder primary school catchments for each assessment area.
- In some cases, a Contribution Zone takes in several high school catchment areas, to allow flexibility in the delivery of actions.
- Contributions towards RC actions are split proportionally between the relevant RC catchment area, as shown below.

APPENDIX 1

<b>EDUCATION CONTRIBUTION ZONES</b>			
<b>Zone Name</b>		<b>ND High Schools Catchment</b>	<b>RC School Catchments</b>
1	Liberton / Gilmerton	Gracemount, Liberton	Holy Rood
2	Granton & North	Craigroyston, Broughton	St Augustine's, St Thomas
3	Leith	Leith Academy, Trinity	Holy Rood
4	South Central	Boroughmuir, James Gillespie's, Tynecastle	St Thomas of Aquin's
5	Queensferry	Queensferry	St Augustine's
6	Brunstane / Portobello	Castlebrae, Portobello	Holy Rood
7	West	Craigmount, Forrester, Royal High	St Augustine's
8	South West and WHEC	Balerno, Currie, Wester Hailes Education Centre	St Augustine's
9	Firhill	Firrhill High School	St Thomas of Aquin's
10	Drummond	Drummond Community High School	Holy Rood

<b>Pupil Generation Rates</b>		
<b>Type of School</b>	<b>Flat</b>	<b>House</b>
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

## Assessing the impact of predicted new housing development on education infrastructure



## Education Infrastructure Costings (June 2015)

### Notes

- Base capital costs have been uplifted to include 7.5% contingency
- These costs are stated as at Q1 2015 and exclude any provision for future cost inflation.
- Costs will be linked to the BCIS All in Tender Price Index (Forecast) from Q1 2015.
- Land costs (value, remediation and servicing) set at £7.4M per site (3.7 per ha) of which: £1.5M per hectare for land value, £2.2M per hectare for servicing, remediation, access and utilities.

PROPOSED SECOND LOCAL DEVELOPMENT PLAN																		
Revised Educational Infrastructure Costings Action Plan Costings as at 30 June 2015																		
Action Required	Reference Source	Base Date	Area (m2)	Additional for 2's	Area (m2)	Base Cost/	Base Date	Q1 2015	Uplift	Current Cost/m2	Net Current Cost	Abnormal Costs	FF&E	Internal Fees	Total Current Cost	Contingency 7.5%	Total Cost	
<b>New Primary School</b>																		
New 21 class primary school and 60/60 nursery	SFT Cost Metric for new Primary Schools	Q2 2012	4,900	120	5,020	£2,350	230	257	11.74%	£2,626	<b>£13,181,865</b>	0	0	0	£13,181,865	£988,639.89	<b>£14,170,505</b>	
New 14 class Primary School and 40/40 nursery	SFT Cost Metric for new Primary Schools	Q2 2012	3,700	120	3,820	£2,350	230	257	11.74%	£2,626	<b>£10,030,822</b>	0	0	0	£10,030,822	£752,311.63	<b>£10,783,133</b>	
New 13 class Primary School and 40/40 nursery	SFT Cost Metric for new Primary Schools	Q2 2012	3,640	120	3,760	£2,350	230	257	11.74%	£2,626	<b>£9,873,270</b>	0	0	0	£9,873,270	£740,495.22	<b>£10,613,765</b>	
New 11 class primary school and 40/40 nursery-	SFT Cost Metric for new Primary Schools	Q2 2012	3,520	120	3,640	£2,350	230	257	11.74%	£2,626	<b>£9,558,165</b>	0	0	0	£9,558,165	£716,862.39	<b>£10,275,028</b>	
New 9 class Primary School and 40/40 nursery	SFT Cost Metric for new Primary Schools	Q2 2012	2,910	120	3,030	£2,350	230	257	11.74%	£2,626	<b>£7,956,385</b>	0	0	0	£7,956,385	£596,728.86	<b>£8,553,114</b>	
New 7 class Primary School and 30/30 nursery	SFT Cost Metric for new Primary Schools	Q2 2012	2,440	120	2,560	£2,350	230	257	11.74%	£2,626	<b>£6,722,226</b>	0	0	0	£6,722,226	£504,166.96	<b>£7,226,393</b>	
<b>Primary School Extension</b>																		
1 Class Extension	Updated estimated cost based on Rising Rolls Phase 3	Q1 2015		0							<b>£325,581</b>	0	0	0	£325,581	£24,418.58	<b>£350,000</b>	
2 class extension	Updated estimated cost based on Rising Rolls Phase 3	Q1 2015	213	0	213	£2,171	257	257	0.00%	£2,171	<b>£462,505</b>	165,742	20,000	7,853	£656,100	£49,207.50	<b>£705,308</b>	
3 class extension	Updated estimated cost based on Rising Rolls Phase 3	Q1 2015	276	0	276	£2,290	257	257	0.00%	£2,290	<b>£632,001</b>	108,856	30,000	9,261	£780,118	£58,508.88	<b>£838,627</b>	
4 class extension	Updated estimated cost based on Rising Rolls Phase 3	Q1 2015	412	0	412	£2,006	257	257	0.00%	£2,006	<b>£826,447</b>	100,702	40,000	11,589	£978,738	£73,405.37	<b>£1,052,144</b>	
<b>Secondary School Requirements</b>																		
Additional capacity @ 10m2 per pupil	Cost plan for 1,160m2 extension to Liberton (Option 2b)	Q3 2014	10	0	10	£2,864	248	257	3.63%	£2,968	<b>£29,679</b>	0	0	0	£29,679	£2,225.95	<b>£31,905</b>	
<b>Land Requirements for new primary schools</b>																		
Two hectare, cleared and remediated with service																	<b>£7,414,150</b>	

## Education Contribution Zone – Cost Model

Assessment Area **Example**

Actions	Cost	Infrastructure Required
ND Primary Contribution	£15,714,439.85	21 Class Primary School, 3 class extension, 2 class extension
Land Cost	£7,414,150.00	Two he care cleared and remeadiated site with service connection
RC Primary Contribution	£705,307.51	2 class extension
Land Cost	£0.00	Not required
ND Secondary Contribution	£13,296,350.97	Extension for 448 pupils
Land Cost	£0.00	Not required
RC Secondary Contribution	£2,285,307.51	Extension for 77 pupils
Land cost	£0.00	Not required
<b>Total</b>	<b>£39,415,558.65</b>	

EXAMPLE

Sites	Capacity	House Ratio	Flats	Houses
Example site 1	2000	0.8	400	1600
Example site 2	600	0.8	480	120
Example site 3	700	0.2	140	560
Example site 4	400	0.2	80	320
<b>Total units</b>	<b>3700</b>		<b>1100</b>	<b>2600</b>

	Total	ND Primary Contribution	RC Primary Contribution	ND Secondary Contribution	RC Secondary Contribution	Total per unit	Check
Flats	1100	£1,870.24	£61.33	£734.61	£110.94	<b>£2,777.11</b>	£3,054,820.87
Houses	2600	£8,104.36	£245.32	£4,803.19	£832.03	<b>£13,984.90</b>	£36,360,737.77
<b>Total</b>	<b>3700</b>						<b>£39,415,558.65</b>

£10,652.85per unit

Example site 1		
Flats	0	£0
Houses	100	£1,398,490



## LDP Action Programme May 2015 Education Infrastructure

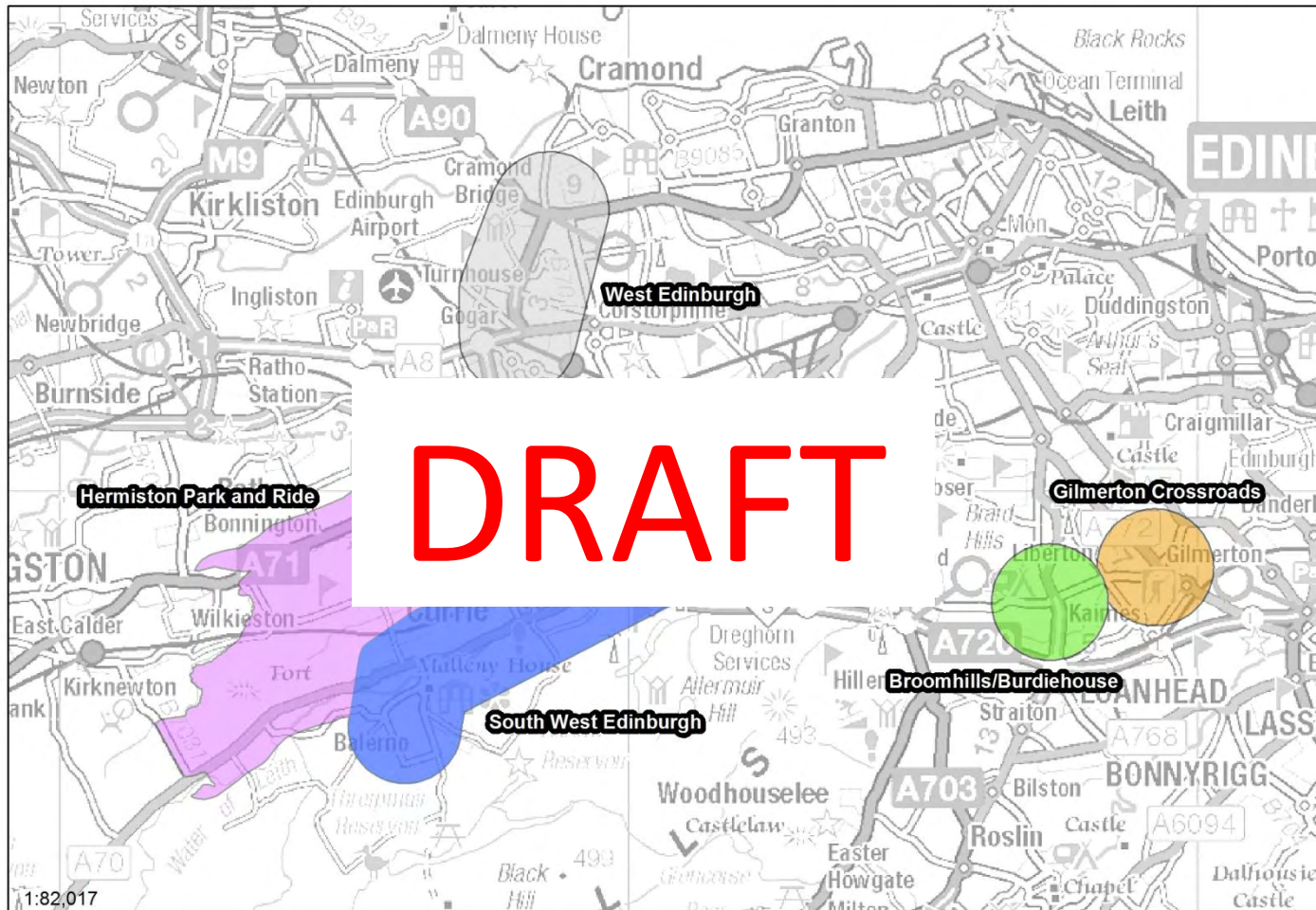
### DRAFT Delivery

LDP Action Programme (May 2015)	Delivery
New 7 class Primary School and 30/30 nursery - Gilmerton	June 2018
1 Class Extension to St John Vianney RC Primary School	June 2018
4 class extension (including 1 GP space) to Gylemuir Primary School	June 2019
New 9 class Primary School and 40/40 nursery - Broomhills	June 2019
3 Class Extension to St Catherine's RC Primary School	June 2019
Additional capacity in Liberton or Gracemount High School - 260 pupils	June 2019
2 class extension at Newcraighall Primary School	June 2019
5 class extension at Currie Primary School	June 2019
3 class extension to Hillwood Primary School	June 2020
New 21 class primary school and 60/60 nursery - Maybury	June 2021
2 class extension to Fox Covert RC Primary School	June 2021
Additional capacity in Royal High, Craigmount or Forrester High School - 441 pupils	June 2021
Additional capacity at St Augustine's RC High School - 77 pupils	June 2021
New 14 class primary school and 40/40 nursery- Builyeon Road	June 2021
2 class extension to St Margaret's RC Primary School	June 2021
Additional capacity in Queensferry High School - 232 pupils	June 2021
Additional capacity in St Augustine's RC High School - 17 pupils	June 2021
New 14 class Primary School and 40/40 nursery - Brunstane	June 2022
Additional capacity in Castlebrae High School - 255 pupils	June 2022

### Notes

- This is the current anticipated programme, as set out in the LDP Action Programme (May 2015). This may be revised following the completion of the LDP examination.
- For purposes of above, new infrastructure is estimated to be required at the point 30% of expected pupils are generated. Delivery of education infrastructure is based on 2015 Housing Land Audit programming of development.
- This is a draft programme and is likely to change based a) the update to Contribution Zones set out in this guidance and b) on actual housing delivery.

## Annex 2 Transport Contribution Zones Transport Contribution Zone Map



## TRANSPORT CONTRIBUTION ZONES

• Barnton / Maybury Junctions	• Hermiston Park & Ride
• Broomhills Crossroads	• Leith waterfront (under preparation)
• Gilmerton Crossroads	• Granton waterfront (under preparation)
• Gillespie Crossroads	

### Transport Contribution Zone Requirements

<b>BARNTON / MAYBURY</b>			
Total units 3700			
<b>Joint Traffic Signal Action (3)</b>			
Maybury Junction			£1,500,000
Craigs Rd/Maybury Rd			£500,000
Barnton			£500,000
Total			£2,500,000
<b>Site</b>	<b>Capacities</b>	<b>% share</b>	<b>Contribution</b>
Maybury	2,000	77%	£1,899,832
Cammo	700	23%	£600,168
<b>BROOMHILLS JUNCTION</b>			
Total units 675			
<b>MOVA</b>			£500,000
<b>Site</b>	<b>Capacities</b>	<b>% share</b>	<b>Contribution</b>
Broomhills	633	63%	£375,000
Burdiehouse	211	37%	£125,000
<b>GILLESPIE CROSSROADS</b>			
<b>MOVA</b>			£500,000
<b>Site</b>	<b>Capacities</b>	<b>% share</b>	<b>Contribution</b>
Newmills Rd	245	74%	£368,976
Curriehill Rd	70	28%	£140,000
Riccarton Mains Rd	17	7%	£34,000
<b>GILMERTON CROSSROADS</b>			
<b>MOVA</b>			£500,000
<b>Site</b>	<b>Capacities</b>	<b>% share</b>	<b>Contribution</b>
Gilmerton Dykes Road	61	7%	£36,483
Gilmerton Station Rd	600	72%	£358,852
The Drum	175	21%	£104,665
<b>HERMISTON PARK AND RIDE</b>			
<b>All sites</b>	<b>£1000 per unit</b>		

#### Notes

- Unit numbers updated as per 2015 Housing Land Audit, planning applications or appeal decisions.

## **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](mailto: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](mailto:housinginvestment@edinburgh.gov.uk)  
Telephone: 0131 529 2253

## Responses

The Scottish Government	West Craigs Ltd
SEPA	International Business Gateway Stakeholders (Murry Estates, New Ingliston, Frogmore Real Estate)
NHS National Services Scotland	New Ingliston Ltd
Homes for Scotland	Barratt David Wilson Homes
Scottish Property Federation	Mrs N. Bowlby's 1992 Trust
Spokes	The Dalrymple Trust
SportScotland	The EDI Group Ltd
Scottish Natural Heritage	Persimmon Homes
Scottish Water	Mactaggart & Mickel Homes Ltd
Cramond & Barnton Community Council	Taylor Wimpey East Scotland
Queensferry & District Community Council (QDCC)	Crammond and Harthill Trust
Old Town Association	South East Edinburgh Development Company Limited
Sarah Boyack MSP	Cruden Homes
Kate Watt	CALA Homes (East) Limited
	Gladman Developments
	Dunedin Canmore Housing
	Port of Leith Housing Association
	Link Group Ltd

## Summary of responses grouped by question

### Part 1 - Education

Q1: Do you agree with the Council's approach to the costing of education infrastructure?  
Q2: Do you agree with the Council's approach to contributions where there is a cumulative impact from development sites?  
Q3: Do you agree with the Council's approach to other housing development which falls within a contribution zone?  
Q4a: Do you agree with the list of where developer contributions are not required?  
Q4b: Do you agree with the approach to education developer contributions outwith contribution zones?  
Q5: Do you agree with the illustrated costs of school infrastructure?

### Part 2 - Transport Infrastructure

Q6: Do you agree with the Council's approach to transport contributions where there is a cumulative impact from development sites?  
Q7: Do you agree with the Council's approach to tram contributions from major developments located out with the Contribution Zone?

### Part 3 - Public Realm

Q8: Do you agree with the Council not taking contributions towards strategic public realm until the revised approach is complete?

### Part 5 - Affordable Housing

Q9: Do you agree with the amendments to the Affordable Housing Guidance in respect of income thresholds and Golden Share properties?

### General

Q10: Do you have further comments?

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q1: Do you agree with the Council's approach to the costing of education infrastructure?		
Response	Summary of response	Council's response
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>Developer contributions are excessive and do not directly relate to the impacts of individual developments. eNote there is no information on how new education infrastructure will be delivered, or when. Council need clear commitment that it will deliver the schools and provide a timescale for delivery.</li> <li>No consideration that development will be phased over a number of years.</li> <li>The guidance should state that if adjustments are made, the council will review concluded agreements and refund any overpayments that are not needed due to the receipt of additional contributions.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP for each defined area. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> <li>Annex 1 of the guidance now provides an assumed timetable for delivery of the education infrastructure identified within the current Action Programme (May 2015) however these are best estimates and need to be flexible to take account of changes to housing build out rates. This will be updated following the completion of the city-wide assessment.</li> <li>Phasing of payments is provided in the Special Considerations section of the finalised guidance.</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> </ul>
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>There will be instances where the level of any such financial contribution could be different to that set out in the draft guidance and Action Programme.</li> <li>Illustrative costs for assumed developments are set out, trust that this process will allow for all relevant parties e.g. Council and landowner / developer to contribute to that assessment.</li> </ul>	<ul style="list-style-type: none"> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>Value attributed to land for education infrastructure is too high.,</li> <li>A breakdown in terms of land value, remediation and servicing is necessary. The method for calculating development contributions should allow developers to conduct accurate cost feasibilities. Figures calculated on notional site densities which have been overstated. Contribution zones should be identified at the outset. Information regarding the cost of school extensions should be included within the guidance</li> <li>A 'city-wide pot' provides a more equitable situation for sites within the Contribution Zones'. They advise an appendix to show the substantial sums involved and associated impact on development viability could be useful.</li> </ul>	<ul style="list-style-type: none"> <li>Clarification in regards to land is provided in Annex 1 of the finalised guidance.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. The guidance has been updated to include the contribution zones across the city with a map of the boundaries provided in Part 1 of the guidance.</li> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to policy and legislation is being considered. The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Not appropriate for the education infrastructure costs to include a 7.5% contingency</li> <li>Land costs will differ across the city.</li> <li>Every application should be determined on its own merits as every site will differ.</li> <li>The SPG cannot be based on assumptions as this does not meet the Policy Tests of paragraph 14 of Circular 3-2012. The Council does not know what the final solution for new primary school education provision is so cannot calculate accurately.</li> </ul>	<ul style="list-style-type: none"> <li>Clarification in regards to contingency and land is provided in Annex 1 of the finalised guidance.</li> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance.</li> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP for each defined area. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> </ul>
<b>The EDI Group Ltd</b>	<ul style="list-style-type: none"> <li>Believe the guidance should be further consulted once completed to meet the necessary policy tests of Circular 3/2012.</li> <li>There will be instances where the level of any such financial contribution could be different to that set out in the draft guidance and Action Programme. What provisions are being made to allow for the guidance to be updated?</li> <li>The assumptions used in the guidance relating to the costing of education should be set out.</li> <li>What is the basis for allowing a 7.5% contingency? If it transpires that 7.5% is not required, what provision is made within the guidance to ensure this is appropriately reflected in any planning obligation that follows? Both the land costs (at £1.5M per acre) and contingency (at 7.5%) make an allowance for remediation/abnormal or other site specific costs.</li> <li>Where a new primary school will be located on the Brunstane site itself, this amount should either be deducted from the developer contribution sum in the guidance, or it made clear that a 'credit' will be applied in due course.</li> <li>What funding mechanisms and sources is the Council considering?</li> </ul>	<ul style="list-style-type: none"> <li>The Council sees merit that following the adoption of the LDP and approval of the Action programme, that the Developer Contributions and Affordable Housing Guidance is prepared as Supplementary Guidance.</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance.</li> <li>Clarification in regards to contingency and land and how the value of land is accounted for in the calculation of developer's contributions is provided in Annex 1 of the finalised guidance.</li> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and agrees the Council's options for funding infrastructure associated with the LDP.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q1: Do you agree with the Council's approach to the costing of education infrastructure?		
Response	Summary of response	Council's response
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>Approach it is not justified and is unreasonable as no evidence provided, i.e. doubling of capital costs. Further explanation of the calculations, including future cost inflations should be set out and opportunity should be given to challenge these assumptions, given that current rates of inflation are extremely low.</li> <li>Contingency of 7.5% is not justified in the document and seems to be unreasonable; this should be set out and consulted on.</li> <li>Land cost assumptions need to be set out and consulted upon. There is no justification provided for the stated rate.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>Clarification in regards to contingency and land is provided in Annex 1 of the finalised guidance.</li> </ul>
<b>NHS National Services Scotland</b>	<ul style="list-style-type: none"> <li>The cost of education infrastructure needs to be established.</li> <li>Costs should be open to interrogation at application stage.</li> <li>There should be an affordability assessment in terms of how the costs are apportioned.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>The finalised guidance sets out the Council's approach to viability assessments. .</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>In sufficient information and transparency been produced to understand how the figures have been calculated.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>Education contributions fall solely or predominantly on developers, with no regard to other potential sources of funding - asset management/disposal; Scottish Futures Trust, City Deal.</li> <li>A mechanism should be available to deal with both changes in housing numbers on sites, and impacts from developments outwith catchment areas. If either the Council or Reporters conclude that significant additional housing land is needed in the LDP, then that will trigger a further review of education capacity and provision across the Council area.</li> <li>Policy does not address the impacts of placement requests on capacity and the effect that would have on the need for additional capacity.</li> <li>The merits of contributions based on square metres of development has not been explored.</li> <li>The issue of existing capacity, and how this might be managed across different schools within a catchment zone, has not been discussed.</li> <li>Developers are entitled to some degree of certainty about future obligations.</li> <li>Fundamental questions around the approach to secondary school capacity provision remain unanswered in three of the catchment areas.</li> </ul>	<ul style="list-style-type: none"> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and the agrees the Council's options for funding infrastructure associated with the LDP.</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> <li>Assessment of the required education infrastructure for any development is based on the pupils generated by that development. Out of catchment places are only granted if there is spare capacity after catchment pupils have been accommodated and if accepting the placement request would not involve employment of additional teachers. As the LDP education infrastructure assessments are designed to ensure there is adequate accommodation to meet catchment demand pupils from new developments would have priority over out of catchment pupils. Contribution should be based on the population generated by a development and not on 'an area' basis.</li> <li>Any existing capacity has been and will continue to be taken into account in any education infrastructure assessment carried out by Children and Families.</li> <li>This guidance has been prepared in advance of the adoption of the LDP and Action programme to enable facilitation of development with regards to infrastructure.</li> <li>Feasibility studies to determine the best location(s) for delivery of the required additional secondary school capacity still required to be carried out for the West and South East cumulative assessment areas.</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>Provide more clarity in terms of the construction costs associated with the education contributions. A standardised design and specification be created. Future cost inflation is accepted as a useful guide, however, more important is a competitive tender process along with good project and cost management during construction.</li> <li>The contingency should be a maximum of 5% to cover any increase in the assumed cost inflation figure and any changes to the delivery timescales. Any abnormal costs are already allowed for in the £1.5m per acre that CEC have assumed as part of the land cost.</li> <li>The land cost of £1.5m per acre is significantly above where values currently stand even when allowing for the potential costs of servicing and remediating the land. It is also considered an issue that CEC have published this figure as any landowner's aspiration will now be set at this level. Most other Councils within Scotland require land for schools to be provided at nil land value.</li> <li>CEC have assumed that each school site is to extend to 2 hectares, however, in meetings have agreed that a single stream school (7 class) would only require approx 1.1 hectares. The additional 0.9 hectares is understood to allow for "future proofing".</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>Clarification in regards to contingency and land is provided in Annex 1 of the finalised guidance.</li> <li>All of the sites safeguarded for primary schools in the Local Development Plan are 2 hectares and it is a reasonable strategic planning approach to cater for future expansion. The size of site for any new school is prescribed in the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 and the 1973 and 1979 amendments to those regulations. For a new school with a primary school capacity of 451 or more (double stream) and capacity for a further 40 pupils in the nursery the total site the total site size should be 1.9 hectares comprising two elements for which the appropriate sizes are defined separately: A main school site on which the actual school buildings are located of not less than 1.3 hectares; and an area for playing fields of not less than 0.6 hectares. For a single stream school with a similar sized nursery the requirements are: A main school site on which the actual school buildings are located of not less than 0.7 hectares; and an area for playing fields of not less than 0.3 hectares.</li> </ul>
<b>Cruden Homes</b>	<ul style="list-style-type: none"> <li>Land value is inflated and not current market rate.</li> <li>Contingency at 7.5% is higher than industry average.</li> <li>Evidence is needed to show the cost plan is robust and given the length of time this has taken a complete tendering exercise could have been carried out to ensure costs are reasonable. Not reflective on when inflation contributions are received.</li> </ul>	<ul style="list-style-type: none"> <li>Clarification in regards to contingency and land is provided in Annex 1 of the finalised guidance.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q1: Do you agree with the Council's approach to the costing of education infrastructure?		
Response	Summary of response	Council's response
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>A fair and reasonable contribution towards education is acceptable; the figures are excessive, peaking at over £23,487 per property. Planning for Infrastructure Research has identified that £11,000 is high.</li> <li>CEC has recently closed primary schools it appears an injustice that new home owners in specific areas are penalised due to this miscalculation.</li> <li>There should be a cap on the total Section 75 demands in order to facilitate much needed home building.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>The school closure programme involved several schools and the reasons for closure were varied. The rationalisation of the primary school estate has resulted in significant savings and more efficient use of the remaining operational properties. All the additional educational infrastructure required as a result of the Local Development Plan will serve sites which were not promoted for development at the time of the school closures.</li> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and agrees the Council's options for funding infrastructure associated with the LDP.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Consultation is premature linked to the Second Proposed LDP which had not yet been formally adopted</li> <li>Information on where these costs originated and how they evolved needs to be provided.</li> <li>Costs need to be identifiable for each site otherwise developers are not able to estimate viability or adequately estimate what to bid for particular sites. The levels of the proposed Education thresholds included in other areas of Edinburgh gives the Association cause for concern.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>Providers of affordable subsidised homes should not have to subsidise education infrastructure on wholly affordable housing sites. The increase cost in educational infrastructure could impact on scheme viability.</li> </ul>	<ul style="list-style-type: none"> <li>Purpose-built affordable housing is classed as residential development. Houses are classified as Class 9 in The Town and Country Planning (Use Classes) (Scotland) Order 1997 Order. Flatted accommodation while being sui generis, which literally means of its own kind or unique in its characteristics, is clearly housing development in the context of the Housing Needs and Demand Assessment and therefore developer contributions apply.</li> </ul>
<b>CALA Homes (East) Limited</b>	<ul style="list-style-type: none"> <li>Guidance is premature; work is still in progress on certain of the Action Programme zones and the outcome of the current Examination of the LDP2, this will affect whether this guidance will be Statutory SG or non-Statutory.</li> <li>Greater transparency on the assumptions made and the calculations for the education capital expenditure at Secondary and Primary levels are needed.</li> <li>Whether figures stated for school projects are the likely total cost or a calculation has been made of the developer contributions to these total costs need to be clear. Has account been taken of the necessary contributions by the Council to enhancing its Education estate?</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action Programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>The costs are those required to provide the necessary education infrastructure to accommodate pupils generated from future development. The Council funds infrastructure required to meet pupil growth from the indigenous population through its rising rolls programme.</li> </ul>
<b>Places for People</b>	<ul style="list-style-type: none"> <li>Greater information how figures have been arrived at, including how inflation been estimated. The level of contribution may impact on the viability of delivering affordable housing within the contribution zones.</li> <li>The Affordable housing Practice Note states that delivery shall be through "a land transfer for no monetary or other consideration" and that the land shall be "serviced land".</li> <li>Does education infrastructure capacity requirements calculated for the contribution zone allow for spare capacity? This will allow transparency in calculating additional requirements.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>The principle of nil value land transfer is that the land would be used for affordable housing in perpetuity. The convention of nil value land transfer has been proven to be workable since 2006, delivering over 2,000 affordable homes and is not part of this consultation.</li> <li>The education infrastructure requirements are based on the estimated pupil generation from future development and no spare capacity is included.</li> </ul>
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>A 7.5% contingency is excessive and overly cautious to the point it creates an unreasonable additional financial burden to developers.</li> </ul>	<ul style="list-style-type: none"> <li>Clarification in regards to contingency is provided in the finalised guidance.</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Agree with general approach of defining developer contributions in a committed Action Programme but do not agree with the approach to the level of costing of education infrastructure in all Contribution Zones.</li> <li>Concerned proposal set at 7.5% contingency.</li> <li>Disappointed with the following statement "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".</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> <li>Clarification in regards to contingency and land is provided in Annex 1 of the finalised guidance.</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>Right that the contribution made by developers both increases in order to ensure that adequate investment into Edinburgh's schools can be made.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>Believes it seems reasonable and fair.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q2: Do you agree with the Council's approach to education contributions where there is a cumulative impact from development sites?		
Response	Summary of response	Council's response
<b>IBG</b>	<ul style="list-style-type: none"> <li>The guidance is consistent with paragraph 20 of circular 3/2012.</li> <li>In terms of establishing the cumulative impact, paragraph 5.19 of the LDP Education believe the reality might be different and assume costs will be reviewed to reflect each development. This process will allow for all relevant parties e.g. Council and landowner / developer to contribute to that assessment as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> <li></li> </ul>
<b>New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>Guidance is consistent with paragraph 20 of circular 3/2012.</li> <li>Reality might be different and therefore assume that costs will be reviewed to reflect whatever development is ultimately granted planning permission.</li> <li>Greater emphasis should be made to instances where land is to be or can be made available for new education infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> <li>This is a matter for the LDP examination.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>Further detail is required on the break-down of separate cost for capital costs, future cost inflation, contingency and land (itemised as land value, remediation and servicing).</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Education contributions must be based on school catchment areas as per current policy and guidelines. There is no need for a contribution zone for a school as suggested by the SPG because the schools are fixed points and the catchment areas have fixed boundaries. The council should ensure schools affected by a development proposal have capacity, or such capacity can be made available, to accommodate the development proposed. All development proposals would make a pro-rata contribution to school infrastructure required as a direct consequence of that development.</li> <li>It is inappropriate to consult on supplementary guidance where the geographical and / or financial implications are unknown- premature and does not comply with the requirements for Supplementary Guidance as set out in legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> <li>The finalised guidance is prepared as non-statutory guidance. However, the Council sees merit that following the adoption of the LDP and approval of the Action programme, that the Developer Contributions and Affordable Housing Guidance is prepared as statutory Supplementary Guidance.</li> </ul>
<b>The EDI Group Ltd</b>	<ul style="list-style-type: none"> <li>Supports the Council's general approach to education contributions where there is a cumulative impact from development sites (consistent with paragraph 20 of circular 3/2012).</li> <li>Reality might be different and therefore assume that costs will be reviewed to reflect whatever development is ultimately granted planning permission.</li> <li>As the LDP Proposed Plan shows a housing unit number range for each site, it might equally be sensible to reflect a similar education infrastructure cost range for each site within the identified zones.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. The method has been amended to use the 2015 housing land audit instead of the upper capacities for sites as set out in the LDP. It not considered appropriate to provide a range of Education infrastructure costs as the requirements are based on the best estimates of future housing numbers. It is also necessary for any statutory consultations which require to be completed before infrastructure can be delivered to be as specific as possible about the actual size, catchment areas and costs of the infrastructure to be delivered.</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>Cumulative contribution zone must be related to existing or new catchment areas linked to school extensions or the proposed development of new schools. Proposed boundaries are not precise and are not related to school catchment areas. Without the contribution zones being linked to the catchment areas within which the development sits it is unclear how Circular 3/2012 tests can be satisfied.</li> <li>Range of costs attributed to LDP allocation sites is 'huge' (£3600 up to £23500 per new home) with no calculations provided to support or justify these numbers. Assumptions in terms of costs of new education provision should be part of the consultation process so they can be scrutinised and challenged. Cost per pupil than a cost per house as would be a simpler and more transparent calculation. Developer contributions would then be fairly related to the number of pupils generated by development and the mix proposed. Pupil yields can be amended over time and still fair contributions to be made. Needs a clear set of exemptions within contribution zones.</li> <li>The consultation is premature as work incomplete of 3 out of 5 zones is therefore not being consulted on these zones.</li> <li>There should be a mechanism for review linked to the number of actual units being delivered against the assumption made by CEC in the LDP and supporting documents.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> </ul>
<b>NHS National Services Scotland</b>	<ul style="list-style-type: none"> <li>Believe it will impact on the sites viability. No consideration of affordability or viability.</li> <li>Does not appear to be a clear way of determining how the cost is apportioned amongst the sites in the contribution zone.</li> </ul>	<ul style="list-style-type: none"> <li>The finalised guidance sets out the Council's approach to viability assessments.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q2: Do you agree with the Council's approach to education contributions where there is a cumulative impact from development sites?		
Response	Summary of response	Council's response
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>Do not agree that it is necessary to bring together the need for two primary schools in one area and share the costs across the contribution zone, simply because the sites fall within the same secondary school catchment area. If one of the schools is more expensive than the other that sites outwith that catchment area will be paying for a school that will not house pupils from the development.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>The definition of catchment zones does not fully capture issues such as external placing requests and other funding sources.</li> <li>Information is not yet available on education requirements in three areas of the city because of revised development proposals and such revisions are inevitable for other parts of the city too. Consistency of approach in different sections of the Guidance is necessary to conform to the Circular.</li> <li>The average contribution would exceed £20000 per unit in some of the zones resulting in a significant burden on development, without taking account of any other requirements. A mechanism for assessing site viability and considering relaxations of obligations is needed, which could include independent assessment or arbitration.</li> </ul>	<ul style="list-style-type: none"> <li>Any catchment areas changes required in line with the provision of new education infrastructure would have to be proposed through a statutory consultation and would only come into affect if approved by Council at the end of the statutory consultation period. The placement policy between catchment areas would remain the same for any new catchment areas created.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. The finalised guidance sets out the Council's approach to viability assessments.</li> </ul>
<b>Crammond and Harthill Trust</b>	<ul style="list-style-type: none"> <li>There are issues with provision of new schools to serve future developments when a proposed school site is outwith a developer's control and relies on another scheme coming forward. Recent discussions with the Council have indicated that officers are committed to open and continuing dialogue regarding future development contributions and subsequent negotiations (this approach is welcomed).</li> </ul>	<ul style="list-style-type: none"> <li>The preferred Education Infrastructure options are outlined in the Action Programme however if these cannot be delivered for any reason then the Council still has a statutory duty to provide education for every child. In such circumstances the solutions may be far from ideal and this is why the Council would encourage developers with large development sites in the same contribution zones to work in partnership to ensure the delivery of the required education infrastructure particularly the release of any land required to deliver any new primary school which may be required.</li> <li>Noted and agreed.</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>CEC should either: consider education contributions on a city wide basis, in order to have a standardised contribution for every development, or they should look at individual catchment areas for the schools as developments should in theory not require to contribute to other school catchments if children will not be placed in these schools.</li> </ul>	<ul style="list-style-type: none"> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to policy and legislation is being considered. The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance.</li> </ul>
<b>Cruden Homes</b>	<ul style="list-style-type: none"> <li>The council has yet to provide evidence on school capacity and future expansion plans.</li> </ul>	<ul style="list-style-type: none"> <li>The capacity of the all the schools in the Council's estate is reported to the Scottish Government annually in the Core Facts return and available on the Scottish Government website: <a href="http://www.scotland.gov.uk/Topics/Statistics/Browse/School-Education/schoolestatestats/schestate2014">http://www.scotland.gov.uk/Topics/Statistics/Browse/School-Education/schoolestatestats/schestate2014</a>. The best summary of the Council's current expansion plans is available in the Children and Families Asset Management Plan 2014 which was approved by Committee in December 2014</li> </ul>
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>A standard education contribution would be a more equitable approach. The proposed method could result in making sites identified in the Council's own Local Plan to meet housing needs unviable.</li> </ul>	<ul style="list-style-type: none"> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to policy and legislation is being considered. The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Fair to share the costs within zones, however, the level of the proposed contributions is concerning.</li> <li>Non-profit making entities should not have to pay any s75 contributions at all, either on sites which they themselves are developing, or on sites which have been offered to them under the developers' s75 agreements.</li> <li>How the proposed education contributions have been arrived at requires to be clarified.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>All developments generate the same numbers of pupils and the cost of infrastructure to accommodate these pupils should be factored in to the business plans for all development sites. It is the responsibility of developers of all kinds to ensure the funding is available from whatever source to meet any required developer contributions.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>Difficult to comment fully without the methodology being clearly articulated.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance.</li> </ul>



Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

<b>Q2: Do you agree with the Council's approach to education contributions where there is a cumulative impact from development sites?</b>		
<b>Response</b>	<b>Summary of response</b>	<b>Council's response</b>
<b>CALA Homes (East) Limited</b>	<ul style="list-style-type: none"> <li>Needs to be transparent supporting evidence of the method by which any contributions secured are justified, how these will be protected for the projects for which they are identified, when these extensions or new schools will be provided in line with anticipated construction programmes. A better explanation of how Contribution Zones that straddle a number of school catchment areas will be resolved equitably is needed and to an extent, the same applies outwith Contribution Zones although there, the relationship of a development site to its appropriate SS and PS should be more clear.</li> <li>A developer and the purchasers of properties must have the confidence that there will be no impediment to access to appropriate schools if that is their choice.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>The action programme has been created to ensure the necessary education infrastructure is delivered to serve the development sites in the Local Development Plans. The schools which will serve any new housing will be determined by the City of Edinburgh Council. Developers can support the Council by working together to ensure the necessary infrastructure is deliverable</li> <li>The circumstances in which the guidance will be reviewed is now provided in the finalised guidance.</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>Present school catchment areas should be reviewed and the community consulted whether present primary schools are extended before a new primary school is built.</li> </ul>	<ul style="list-style-type: none"> <li>All options for extending existing infrastructure have or will be considered as part of the process of delivering the action programme. Many of the preferred actions are extensions to existing infrastructure and new schools are only proposed where extensions are not feasible or where assessments to determine whether they are feasible have not yet been completed.</li> </ul>
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>Where there is a cumulative impact from a number of development sites it is reasonable for developer contributions to be sought on a pro-rata basis.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Developers have restricted access to property finance in the new lending norm and planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives, which are not strictly necessary to allow permission to be granted for the particular development.</li> <li>Some members have noted that funding is generally available on an annual basis to Councils from Scottish Government for the improvement and replacement of existing schools premises both within and outwith development growth areas. Developers do not have access to such funds directly from Government or other sources. Cognisance should be made by the Council of the receipt or the potential receipt of this form of funding in the calculation of developer contributions.</li> <li>Concerned with refusing applications with 'unacceptable' impacts. The phasing of contributions would be helpful and where possible the support of public sector covenants for development purposes would be a more flexible approach and would reduce upfront pressures on developers. Guidance should provide more certainty about the likely level of developer contributions that need to be taken into account in considering the viability of future development projects. Members would particularly welcome the proposal to phase contributions to assist with the viability of development. Members have strong concerns at the level of education contributions for example South East 1 Zone which attracts some £23.5k per unit and with the level of contributions required for transport particularly developments around the tram network which taken together are likely to make projects unviable.</li> </ul>	<ul style="list-style-type: none"> <li>The Council already funds additional infrastructure required as a result of growth in the indigenous population through its rising rolls programme. All of the contributions requested to deliver actions in the action programme relate to the infrastructure required for LDP development sites.</li> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and agrees the Council's options for funding infrastructure associated with the LDP.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>It is critical that investment is secured through the Contribution Zones where development takes place. Additional funding specifically in the zones prescribed will ensure that resources are pinpointed to the areas where greatest demand will occur, allowing grant funding to be invested in existing assets. The viability of new developments will be enhanced where investment in educational provision is provided.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>Approach seems fair.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

<b>Q3: Do you agree with the Council's approach to other housing development which falls within a contribution zone?</b>		
<b>Response</b>	<b>Summary of response</b>	<b>Council's response</b>
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>Guidance is contrary to circular 3/2012 (states: "Any obligation should be acceptable to all parties involved") as no consultation with developers or landowners on the establishment of contribution zones based on the Action Programme requirements. The assumptions in Action Programme not been tested through the LDP examination or subject to any independent assessment.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action Programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q3: Do you agree with the Council's approach to other housing development which falls within a contribution zone?		
Response	Summary of response	Council's response
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>The Council's methodology for calculating developer contributions should be contained within the Guidance to make the process transparent.</li> <li>More information is required, i.e. in South East Edinburgh, the associated LDP Education Appraisal still refers to two options (new-build or extensions) and therefore the potential difference in costs is not factored into the one 'global' figure stated in the Guidance for sites within this zone.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Para X of the guidance. A map of the contribution zones is provided in Annex 1.</li> <li>The study to assess the appropriateness of option 2 still requires to be completed. If actions costs require to be changed as a result of this assessment then this will be reflected in the following update of the action programme. Illustrative costs of schools are now set out in Part 1 and Annex 1 of the finalised guidance.</li> </ul>
<b>Mrs N. Bowby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Agree with the approach to other housing development but only on a school catchment area basis where a net impact on the school infrastructure arises. This allows for a consistent approach to developer contributions throughout the city regardless of whether a site is allocated in the LDP or not.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. It considers the impact of new housing on existing primary and secondary schools taking into account existing capacity and the growing pressure on the school estate relating to rising school rolls. 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. This guidance sets out how costs are to be shared proportionately in terms of scale and kind. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. A map of the contribution zones is provided in Annex 1.</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>An allowance should be made in the calculations for windfall sites in any of the contribution areas. These assumptions should be clearly set out for each contribution zone and should be consulted on.</li> <li>Question how bullet point 2 will be administered and what are the triggers that would ensure an adjustment?</li> <li>Unclear what the policy support is for the assertion in this guidance that "Where any development proposal is likely to give rise to an unacceptable impact on education infrastructure planning permission may be refused." For this to be included it must be directly related to a policy in the ECLP/LDP.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. A map of the contribution zones is provided in Annex 1. The method now takes into account windfall sites.</li> <li>Clarification in regards to the review of the guidance is provided in the finalised guidance.</li> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>Seems sensible however have concerns about how the contributions have been calculated.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. A map of the contribution zones is provided in Annex 1</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>This section recognises that all development, including windfall, has an impact on education. However, it seems to introduce a permanent review mechanism, and contribution levels will therefore constantly change.</li> <li>Question whether such changes be applied retrospectively, if it can be shown that a developer has paid too much in contributions in the light of newer information?</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>Clarification in regards to the review of the guidance is provided in Para X of the finalised guidance.</li> </ul>

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Q3: Do you agree with the Council's approach to other housing development which falls within a contribution zone?		
Response	Summary of response	Council's response
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>There is uncertainty on housing numbers as SPLDP not adopted hence infrastructure calculations inaccurate.</li> <li>The only time that a development proposal is likely to give rise to an unacceptable impact on education infrastructure is where a school is at capacity and there is no room for expansion or location to build a new school.</li> <li>CEC require to provide transparency on the existing school capacities within contribution areas including pupil numbers generated from outwith catchment areas.</li> <li>A regular system for reviewing capacities of schools and assessing the ability/cost of expanding schools would be of benefit in determining locations for future development.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action Programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> <li>The capacities of existing schools are recorded in the Education Infrastructure Appraisal and any changes to capacities will be reported to the Education, Children and Families Committee and become publically available. Historic and current year out of catchment placements numbers are available for all schools.</li> <li>A review of primary capacities in line with the revised Scottish Government guidance published in October 2014 is currently being progressed and the outcomes of the review will be reported to a future Education, Children and Families committee.</li> </ul>
<b>Cruden Homes</b>	<ul style="list-style-type: none"> <li>What happens when a new development site comes forward in 3 years time but the new school has already been paid for by other developers who have come forward as part of the LDP process on the assumption that the previous figures (circa 40% of were current costs are) published by the council were correct?</li> </ul>	<ul style="list-style-type: none"> <li>Clarification in regards to the review of the guidance is provided in Para X of the finalised guidance.</li> <li>Policy Del 2 of the Proposed LDP sets out that developer contributions will continue to be sought towards the construction of the tram network and other infrastructure identified in the Action Programme, after the construction works are completed and until the associated borrowings have been repaid. This policy is in addition to, and in support of, Policy Del 1. It ensures that, where a completed section of the tram network will support a new development that development will contribute to the cost of constructing that section of the network. The same principle applies to other high cost infrastructure which has been delivered through borrowing. Planning permission for development on these sites will be granted subject to legal agreements securing contributions.</li> </ul>
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>A standard education charge or roof tax would be a more equitable approach.</li> </ul>	<ul style="list-style-type: none"> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to policy and legislation is being considered. The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>The size of the education contribution requires to be clear at the viability stage otherwise an informed decision with regard to the viability of a development proposal cannot be made and could impact on smaller development proposals.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance. The method now takes into account windfall sites.</li> </ul>
<b>CALA Homes (East) Limited</b>	<ul style="list-style-type: none"> <li>Disagree that refusal of planning permission could occur, as set out in the third bullet. The Council's statutory obligation to anticipate developments, the effect which these might have on its schools estate and the requirement to educate pupils, requires to be considered alongside the punitive assertions.</li> </ul>	<ul style="list-style-type: none"> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure. In certain circumstances where it is not possible to deliver the required education infrastructure it may be necessary to recommend refusal of planning applications.</li> </ul>
<b>Old Town Association</b>	<ul style="list-style-type: none"> <li>Sanctions should be stronger. The approach indicates that it is 'likely' that additional costs required by any impact on school infrastructure due to other housing development should be borne by additional site or developers. It should be that additional costs will be borne by additional site or developers. The approach also indicates that if development proposals are likely to give rise to negative impact on the education infrastructure planning permission 'may' be refused. It should be that planning permission 'will' be refused in this situation.</li> </ul>	<ul style="list-style-type: none"> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> </ul>

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Q3: Do you agree with the Council's approach to other housing development which falls within a contribution zone?		
Response	Summary of response	Council's response
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>Where there is a demonstrable need for additional housing development and a site is proven to be acceptable in planning terms, the Council has a duty under its statutory obligations as the education authority to provide education services to meet demand and this should not be used as a reason for refusal.</li> </ul>	<ul style="list-style-type: none"> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Does not agree with the Council's approach to other housing development which falls within a contribution zone.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>It is crucial that educational success is maintained across the city and that existing schools are rightly compensated by developers to meet the costs of increased demand. Where gap and windfall sites are developed, it is entirely right that a contribution is made to the already functional and settled community which may be impacted by any increased demand on public services.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

Q4a: Do you agree with the list of where developer contributions are not required?		
Response	Summary of response	Council's response
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>Any proposals will still require to be considered on a case by case basis.</li> </ul>	<ul style="list-style-type: none"> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>Student accommodation should contribute towards education infrastructure. BDW have demonstrated in previous consultation responses that student accommodation carries twice the land value compared to general sale residential because the level of contributions associated with student accommodation considerably less.</li> </ul>	<ul style="list-style-type: none"> <li>We consider that it would be unreasonable to require such developments to fund a need to which they are unrelated. The revised Student Housing guidance seeks to balance the pressures for student accommodation and housing, particularly in respect of brownfield sites. The revised Student Housing guidance is currently out for consultation.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Housing proposals of 12 units will generate potentially significant numbers of pupils of school age and it is therefore realistic to expect developments of this scale to have a net impact on education infrastructure. This exemption is an adaptation of the Council's affordable housing policy exemptions. Whilst this is appropriate in relation to affordable housing contributions it is not appropriate in relation to education infrastructure contributions.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. This removes the 12 units threshold and sets out exemptions.</li> </ul>
<ul style="list-style-type: none"> <li><b>Persimmon Homes</b></li> </ul>	<ul style="list-style-type: none"> <li>Discussions with CEC (25/09/15) a new contribution zone around Drummond High School is being proposed which is in addition to those set out in this document. This guidance does not suggest that there will be other zones in addition to those stated. Clarity on bullet point 1 is sought.</li> <li>The CEC Design Guidance sets a threshold of 66sqm for a 2 bed unit so it should follow that units of less than 66sqm regardless of the number of bedrooms should be said to be non pupil generating.</li> <li>It would be useful to add that in some circumstances some additional pupils can be accommodated before a school reaches capacity and contributions should only be sought for the balance of homes and the pupils they would generate that could not be accommodated. These tests should be applied within the contribution zones too.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>Two bedroom properties irrespective of size can accommodate families while in theory one bedroom properties will not accommodate school age children without breaching multiple occupancy regulations.</li> <li>The contributions are only requested for circumstances where there is no available capacity within existing infrastructure</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>There is no evidence of why the threshold of 12 units has been chosen.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. This removes the 12 units threshold and sets out exemptions.</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>According to the Pupil Generation Rates table on page 8, a house might be expected to generate 0.5 pupils; hence a 10-house development could generate 5 pupils. It is not clear why this scale of impact would be exempt from contributions and the burden passed on disproportionately to larger developments.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. This removes the 12 units threshold and sets out exemptions.</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>It would be more equitable and deliverable system if contributions were sought from all residential developments (exception of student housing or development specifically for older people) in order to provide schools throughout the city.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. This removes the 12 units threshold and sets out exemptions.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q4a: Do you agree with the list of where developer contributions are not required?		
Response	Summary of response	Council's response
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>Affordable Housing is provided with the benefit of public grant should not be required to divert the public subsidy for housing to education, transport or other areas of funding shortfall. Affordable Housing for rent should be added to the list of exemptions.</li> </ul>	<ul style="list-style-type: none"> <li>Purpose-built affordable housing is classed as residential development. Houses are classified as Class 9 in The Town and Country Planning (Use Classes) (Scotland) Order 1997 Order. Flatted accommodation while being sui generis, which literally means of its own kind or unique in its characteristics, is clearly housing development in the context of the Housing Needs and Demand Assessment and therefore developer contributions apply.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>RSLs should not have to pay any s75 contributions at all, either on sites which the RSLs themselves are developing, or on sites which have been offered to them by developers as free land under the developers' s75 agreement.</li> </ul>	<ul style="list-style-type: none"> <li>Purpose-built affordable housing is classed as residential development. Houses are classified as Class 9 in The Town and Country Planning (Use Classes) (Scotland) Order 1997 Order. Flatted accommodation while being sui generis, which literally means of its own kind or unique in its characteristics, is clearly housing development in the context of the Housing Needs and Demand Assessment and therefore developer contributions apply.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>1 bedroom households should generally to be excluded.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<ul style="list-style-type: none"> <li><b>CALA Homes (East) Limited</b></li> </ul>	<ul style="list-style-type: none"> <li>The twelve unit threshold requires to be explained and justified. Support is given for the principle of dedicated student and older persons' housing being exempt provided that this tenure endures.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. This removes the 12 units threshold and sets out exemptions.</li> </ul>
<b>Old Town Association</b>	<ul style="list-style-type: none"> <li>Demography is an inexact science and figures that are current today may not be correct in later years.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Agrees with the list of where developer contributions are not required.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>Where development is considered not to create a demand for a public service there is still need to ensure educational success is maintained across the city and that existing schools are rightly compensated by developers as it cannot be presumed that no demand may be created in the longer term. It is patently clear that where a developer chooses to apply to develop a gap or windfall site, so too could a developer have chosen to propose development which would create additional direct demand for educational services, as such that development may indirectly reduce investment to existing local schools or education centres which the community may have previously anticipated. These contributions will in turn relieve other budgetary pressures on the local authority.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>This is reasonable.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

Q4b: Do you agree with the approach to education developer contributions outwith contribution zones?		
Response	Summary of response	Council's response
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>Development proposals will be required to be considered on a case by case basis.</li> </ul>	<ul style="list-style-type: none"> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>The rate per household is accepted, but sites outwith the contribution zones should contribute to a city-wide pot using the flat rate provided in the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to policy and legislation is being considered. The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>All development proposals must be expected to contribute pro-rata to infrastructure improvements required as a direct consequence of that development. Such contributions must meet the Policy Tests of paragraph 14 of Circular 3-2012.</li> <li>It unreasonable to refuse planning permission if a developer cannot meet more than their fair share of an infrastructure cost.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q4b: Do you agree with the approach to education developer contributions outwith contribution zones?		
Response	Summary of response	Council's response
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>A clear methodology for the Education Impact Assessment should be set out and consulted on.</li> <li>Bullet point 2 would fail a fairness test. Costs per pupil should be applied in these circumstances too. Windfall sites should not be liable for more costs than allocated sites. It is important that CEC are not seen to give greenfield sites an advantage over brownfield sites. Unclear what the policy support is for bullet point 4. For this to be included it must be directly related to a policy in the ECLP/LDP.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>The method now takes into account windfall sites.</li> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>Acknowledged that this section recognises the potential for cumulative impact assessments and pooled contributions.</li> <li>It also rightly notes that catchment reviews are a possible response to education capacity management, and it is not clear why this option does not extend to all schools across the City as a potentially-cheaper way of maximising existing capacity before spending money on new capacity.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>Where it is a possible solution catchment change has been and would be considered to address accommodation requirements</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>CEC should have up-to-date education infrastructure assessments at all times e.g. there is a current failure in the system whereby CEC have proposed two options for the Gilmerton area with option 1 being a new 7 class school and Option 2 the expansion of the existing Gilmerton PS to a 4 stream school. No assessment of Option 2 has been undertaken due to a lack of resources, whereas the assessment should have been done prior to LDP2 being finalised in order to assist in determining the opportunities available for housing development in the area.</li> </ul>	<ul style="list-style-type: none"> <li>The maximum analysis in the time available was carried out before the publication of the second proposed Local Development Plan. New options can be considered at a later date as mechanisms are in place for the Action Programme to be updated. New assessments require to take account of present circumstances including sites which have been the subject of successful appeals by developers</li> </ul>
<b>Cruden Homes</b>	<ul style="list-style-type: none"> <li>Each and every site has its own characteristics and issues and as such should not be grouped into a contribution zone.</li> <li>The current published documents presume the entire cost of education requirements are funded by developers</li> </ul>	<ul style="list-style-type: none"> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs.</li> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and the agrees the Council's options for funding infrastructure associated with the LDP</li> </ul>
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>Proposal does fit in with the approach proposed by this document.</li> <li>A standard education charge would be simpler to administer and provide the predictability that developers require when considering the feasibility of a new site.</li> <li>The process proposed does not offer any timescales and could slow the provision of new homes.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance. The method now takes into account windfall sites.</li> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery. However, with the move towards statutory action programming and infrastructure planning through local development plans, an amendment to policy and legislation is being considered. The Council is engaging with the Scottish Government on the appropriateness of using a standard development charge within Edinburgh.</li> <li>This guidance has been prepared in advance of the adoption of the LDP and Action programme to enable facilitation of development with regards to infrastructure.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Costs need to be set in the guidance with a contingency allowed for The Council should still carry out the infrastructure assessment and any overpayment should be re-imbursed to the developer/payee.</li> <li>It is understood there may be 'exceptional' circumstances where a catchment review may be required or where the application may require to be refused.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and the agrees the Council's options for funding infrastructure associated with the LDP</li> <li>Where it is a possible solution catchment change has been and would be considered to address accommodation requirements</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>There needs to be a balance, not just financial but economic considerations, in communities where the introduction of new housing has a positive regeneration or even stabilisation of existing communities.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q4b: Do you agree with the approach to education developer contributions outwith contribution zones?		
Response	Summary of response	Council's response
<b>CALA Homes (East) Limited</b>	<ul style="list-style-type: none"> <li>Clear that so much uncertainty surrounds the operation of this 'policy', that Guidance at this stage cannot be clear and will be subject to such potential change that attempting to anticipate is fraught with challenges.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>Needs to be a sound set of ground rules so that no development that adds value in a community but is cost constrained should not be refused.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Old Town Association</b>	<ul style="list-style-type: none"> <li>Planning permission should be refused where there is no possible solution or the cost cannot be met by the developer and there is no opportunity to create a contribution zone or to phase development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>Where there is a demonstrable need for additional housing development and a site is proven to be acceptable in planning terms, the Council has a duty under its statutory obligations as the education authority to provide education services to meet demand and this should not be used as a reason for refusal.</li> </ul>	<ul style="list-style-type: none"> <li>The Strategic Development Plan (SDP) in Paragraph 123 highlights that developer contributions will be required to assist in delivery and to address any shortfalls in infrastructure that arise as a direct result of new developments. SDP Policy 7 part c) which states that greenfield sites within Strategic Development Areas (SDA) may be allocated in LDPs or granted planning permission to maintain a 5 year effective housing supply subject to a number of criteria including c) any additional infrastructure required as part of the development is either committed or to be funded by the developer. Policy Del 1 - Developer Contributions of the LDP states that Developer contributions will be required from any development if: a) it will have a net impact on infrastructure capacity; and b) it is necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Does not agree with the approach to education developer contributions outwith contribution zones. Planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives, which are not strictly necessary to allow permission to be granted for the particular development.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>It is crucial that educational success is maintained across the city with existing schools rightly compensated by developers even where there it is considered there net increase in demand, regardless of whether that development is located in a specific contribution zone. Where a developer chooses to apply to develop a gap or windfall site, the pressures on existing services and infrastructure can be more acute than within specific development and contribution zones. Contributions must be made to ensure the continued function of local services for both new and existing residents. It is entirely right that the local community may have previously anticipated increased demand from the development of these sites and established a view on the level of support and investment which may be derived from the development of a site. These contributions will in turn relieve other budgetary pressures on the local authority.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>This is reasonable.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q5: Do you agree with the Council providing illustrative costs of infrastructure?		
Response	Summary of response	Council's response
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>Paragraph 21 of the circular states "Planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow planning permission to be granted for the particular development". Education action in the Action Programme are a 'wish list' funded by developers not a strategic solution and there is no indication in the EA any consideration to most cost-effective way providing education infrastructure required. Contrary to the circular- developers make contributions to the delivery of new schools where there may not be necessary for particular developments.</li> <li>Needs to be a definition of a 'net' impact in terms of Policy Del1 and should explain contribution sought where demonstrated proposed development would have negative impact on existing infrastructure that cannot be accommodated within existing schools.</li> <li>Furthermore, information on existing nursery capacity and how it has been calculated is needed.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan.</li> <li>Net Impact is intended to reflect the fact that some developments may bring a net <u>reduction</u> in demands upon infrastructure capacity. For example, depending on densities, redevelopment of a former office site for residential use may result in overall fewer trips to/from the site on the transport network.</li> <li>Additional nursery capacity is currently being provided to ensure the Council can cater for existing statutory requirements therefore further capacity is also needed to cater for growth in the population resulting from new developments. The standard nursery capacity provided with a single or double stream school is a 40:40 nursery while for a three stream school a 60:60 nursery is required</li> </ul>
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>Costs will ultimately need to be established on a case by case basis subject to the actual proposal approved and the appropriate level of contributions required, with regards to Circular 3/2012. See response at Q1 and Q2.</li> </ul>	<ul style="list-style-type: none"> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>Developer contributions outwith contribution zones is accepted as per Q4b albeit an illustrative example for both new-build and extension should be included within the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Do not agree with the Council's illustrative cost implications of education infrastructure.</li> <li>Development costs should be either calculated in general terms (not illustrative but actual development costs) at the start and then pro-rata shared between development based on a fixed per unit cost with the Council taking risk on any shortfall or calculated as and when development proposals come forward to give certainty to the developer, landowner and community.</li> <li>They believe the cost per unit should not vary depending on mix either as a house or flat will produce the same number of children regardless of mix.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>The house and flat pupil generation numbers are based on monitoring of actual pupil numbers generated from completed developments over the last 10 to 15 years.</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>Unclear how this helps with understanding CECs approach. Unhelpful for small or windfall sites. Rather than an illustration and explanation of the methodology to be applied and the means for calculating the contributions would be a better approach. This would of course need to be consulted upon.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>Guidance is misleading, the example does not include cost inflation. Why? Should be clear as to how wish to deal with inflation. Suggest that a figure should be produced at today's prices and then indexed upwards at the point of payment.</li> </ul>	<ul style="list-style-type: none"> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>Illustrative cost options for different mixes of houses and flats are confusing, and raise questions about consistency and conformity to the principles of the Circular. It is evident in the two tables that the different mixes of houses and flats lead to different contribution levels for houses and for flats. It is not consistent with the Circular that houses on two different sites contributing to the same school issue should face two different charges.</li> <li>The illustrations are also inconsistent in that they produce very different costs per pupil generated between the two examples. The mix with 80 houses of course produces more pupils – 46 as opposed to 19. Yet it is the latter that seeks higher costs per house and flat, and a higher average contribution per pupil (cost per pupil c. £31000 as opposed to £19000). This is fundamentally at odds with the Circular.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>The illustrations are only examples. A specific assessment would be carried out for any application received and the contributions requested would be justified within the assessment</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>Details of how illustrative costs are reached in order to provide transparency. It is difficult to understand how developments outwith a contribution area would pay substantially less than some developments within, this could result in developers focussing on areas outwith contribution areas going forward.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>



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Q5: Do you agree with the Council providing illustrative costs of infrastructure?		
Response	Summary of response	Council's response
<b>Cruden Homes</b>	<ul style="list-style-type: none"> <li>The previous LDP illustrations should a contribution of circa £4,000 per unit for Education and this has increased significantly.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>Clarity on anticipated payment requirements of the Local Authority needed (preferably a fixed figure). The scale of the higher contributions is excessive and a more proactive business plan approach by the Local Authority towards both facilitating and partially funding social infrastructure at an early stage is an alternative approach that would be welcomed.</li> </ul>	<ul style="list-style-type: none"> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and the agrees the Council's options for funding infrastructure associated with the LDP.</li> </ul>
<b>Places for People</b>	<ul style="list-style-type: none"> <li>The two examples provided for 100 unit developments are not of much assistance given the likely variance in scale of project and therefore again developers/housebuilders will have great difficulty in assessing likely contribution levels. Projects of over 100 units have no guidance and that such projects will require to be subject of pre-application discussions. Hence, it is likely then that all development is likely to require discussion with the Council to ascertain contribution levels. Within the examples provided the contribution for flats is much lower. This may result in RSLs requiring to deliver flats to make projects viable as a result much needed family accommodation will not be provided.</li> <li>In assessing scheme viability this information is likely to be required will in advance of any planning submission and may be required at relatively short notice. To assist developers/ housebuilders the guidance should set out clear timescales for the Council to respond to requests for assessments.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>The approach taken by the Council aims to enable facilitation of development with regards to infrastructure. The protocol for consultations on planning applications is being updated in respect of the finalised guidance.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Costs require to be more transparent to enable realistic feasibility appraisals. In addition, these proposed education contributions are significant and could render a smaller development (of more than 12 units) unviable.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>Clarity at the outset is especially required in appraising development viability.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and agreed. The approach taken by the Council aims to enable facilitation of development with regards to infrastructure.</li> </ul>
<b>CALA Homes (East) Limited</b>	<ul style="list-style-type: none"> <li>No justification has been demonstrated on the calculation of these figures, The land value assessment and the contingency require to be explained, although these are in the Notes for the Contribution Zone calculations, not on page 12.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> </ul>
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>Agrees with the principle of providing applicants with information that will allow them to have a greater understanding of the potential cost implications of education infrastructure in advance of submitting an application. The illustrative costs provided in the draft guidance do not provide enough clarification as to the assumptions that have been made.</li> <li>Do the illustrations assume that every catchment school is at capacity and therefore all pupils generated would require school extensions? If so this should be made clear.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>Where existing capacity is available to accommodate all or some of the pupils generated by new development this will be taken into account in the assessment of required infrastructure and contributions will only be sought for any additional infrastructure required. The illustrations assume no capacity is available within existing capacity in order to give developers an indication of the maximum contributions which may be required.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>It is right that the contribution made by developers increases in order to ensure that adequate investment into Edinburgh's schools can be made. The planning authority's highly prescriptive methodology should ensure that any contribution is calculated fairly to secure investment. The replacement and overhaul of existing facilities out of existing budgets must be complemented by improved contributions as proposed if the city is to achieve continued educations excellence for future generations.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>Not everyone will understand this and some will think the money is directly for the local community.</li> </ul>	<ul style="list-style-type: none"> <li>The guidance clearly sets out that developer contributions will be collected only for delivery of new infrastructure.</li> </ul>

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Education further comments on received under Q10:		
Response	Summary of response	Council's response
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>It would be more appropriate to progress the guidance once the examination has concluded and the ELDP has been adopted. The guidance incomplete pending further work in relation to certain Contribution Zones (CZs) (Craigmillar, Leith and Granton). Presumably the guidance will require to be reviewed once these CZs have been progressed.</li> <li>There is also a lack of information contained within the guidance regarding agreement mechanics.</li> <li>Full regard should be given to the site specific considerations including associated studies under preparation / in place e.g. (emerging West Edinburgh Transport Study) and the relevant guidance set out in Circular 3/2012.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action Programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> <li>The guidance has been updated in respect of agreement mechanics in the finalised guidance.</li> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust</b>	<ul style="list-style-type: none"> <li>States such contributions must be in line with Scottish Planning Policy and supporting legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>Believe the approach to education contributions in particular is not precise enough and not well evidenced. The contributions being sought for education appear to be up to £24,000 per house. They believe this an enormous amount particularly when you consider that this amount is being requested within a postcode where average house prices are £160,000. To be reasonable allowances need to be made for capacity that exists in the school catchment areas within which the development sits and so the contribution zones need to be explicitly linked to these catchment areas.</li> <li>A planning agreement should be reasonable in the particular circumstances of the case. In the case of financial payments, these should contribute to the cost of providing necessary facilities required as a consequence of or in connection with the development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance. Illustrative costs of schools are now set out in Annex 1 of the finalised guidance. A map of the contribution zones is provided in Part 1 of the guidance.</li> <li>While viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs.</li> </ul>
<b>Cruden Homes</b>	<ul style="list-style-type: none"> <li>Believe more work should be carried out regarding the Education contribution otherwise land owners shall not make their sites available and hence we will not have an effective 5 year land supply.</li> </ul>	<ul style="list-style-type: none"> <li>This guidance has been prepared in advance of the adoption of the LDP and Action programme to enable facilitation of development with regards to infrastructure. The Council has published the Second Proposed LDP and Action Programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> </ul>

Q6: Do you agree with the Council's approach to transport contributions where there is a cumulative impact from development sites?		
Response	Summary of response	Council's response
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>Need to specify in detail how tariff-based approach to calculating developer contributions for transport infrastructure improvements has been applied. Need cost against all actions and how costs have been calculated and how apportioned between development sites.</li> <li>Need to specify how transport infrastructure for which contributions are required will actually be delivered, how monies will be held, how they will be used and how they will be returned to development if they are not required.</li> <li>Outwith contribution zones, guidance appears to assume any impact on transport will necessarily be adverse and that all impacts will require mitigation. For example change of use of buildings may not require any improvements to the transport network. This needs to be clarified in the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>The guidance has been updated to set out in detail the transport actions required and the method for calculating them in response to this consultation guidance. The method is set out in Part 2 of the guidance. The sites which fall within each Contribution Zone are set out within the guidance.</li> <li>No standard methodology -however if a new junction, for example, is required to allow more than one site in LDP to proceed it is probable that the council will take the lead in delivery. Following the conclusion of the required legal agreement and the release of the planning permission, the legal agreement is forwarded to the recipient function (i.e. Transport or Children &amp; Families for example) and to Finance. On the receipt of the contribution, these are held in an interest bearing account. The receipt and applicable use period is forwarded to the relevant function for drawn down as required. The trigger points for the payment of the contribution(s) are monitored within planning. Any remaining funds are returned after delivery, repayment of borrowing and a suitable period of monitoring/ adjustment.</li> <li>Outwith transport contribution zones, where development has a net impact on transport infrastructure, contributions may be required to mitigate this impact. This is set out in X in the finalised guidance. No change has been made to this guidance.</li> </ul>
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>The basis upon which contributions will be sought from IBG towards the WETCZ and Barnton/Maybury contribution zone is not clear.</li> <li>An appropriate scope of Transport Study has been progressed to support emerging proposals at IBG. Nevertheless, through the normal route of pre-application discussions with planning and transport staff within City of Edinburgh Council (CEC). This will ensure that the appropriate scale and kind of contributions are sought, in line with Circular 3/2012.</li> <li>Need for a distinction between the specific developer contributions set out in CEC guidance and agreed Transport Studies</li> <li>Expect a balanced contribution towards transportation infrastructure as a whole, taking cognisance of the existing tram route, ability to support modal shift and the wider road network infrastructure interventions that may be required.</li> </ul>	<ul style="list-style-type: none"> <li>The guidance has been updated to set out in detail the transport actions required and the method for calculating them in response to this consultation guidance. The method is set out in Part 2 of the guidance. The sites which fall within each Contribution Zone are set out within the guidance. The IBG falls within the West Edinburgh Transport Contribution Zone.</li> <li>Scope of Study for IBG phase 2 not yet agreed (19 Oct 2015)</li> <li>Noted.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>State more information is required on the share of payments towards infrastructure within Contribution Zones.</li> <li>Do additional sites contribute towards the specified transport infrastructure improvements and allow for the costs to be redistributed proportionately? And whether the developers of the allocated sites receive reimbursement?</li> </ul>	<ul style="list-style-type: none"> <li>The guidance has been updated to set out in detail the transport actions required and the method for calculating them in response to this consultation guidance. The method is set out in Part 2 of the guidance. The sites which fall within each Contribution Zone are set out within the guidance.</li> <li>Transport Actions have been identified to deal with the net impact of development set out within the LDP. Policy Del 2 of the LDP sets out the circumstances in which contributions can be collected retrospectively.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Agree with approach to transport contributions.</li> <li>Inappropriate to consult on supplementary guidance where the geographical and / or financial implications are unknown. This is premature and does not comply with the requirements for Supplementary Guidance as set out in legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> </ul>

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Q6: Do you agree with the Council's approach to transport contributions where there is a cumulative impact from development sites?		
Response	Summary of response	Council's response
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>Justification for these costs and the methodology used to calculate and attribute them needs to be set out and consulted on. Need to be clear contributions are to mitigate the direct impacts of these developments and not to resolve existing infrastructure deficiencies.</li> <li>Justification needed why a park and ride scheme is required at Hermiston</li> <li>Part 2b – Outwith Contribution Zones - mentions consideration of the condition of the road network. Contributions should not be sought to resolve existing maintenance problems but rather be directly linked to mitigating the impact that the new development will have.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> <li>This facility currently operates close to capacity and new housing in the vicinity will increase the demand on it. The council has designed an expansion and it considered reasonable, and in accordance with Local Transport Strategy policies, for nearby developments to make a small contribution to this expansion.</li> <li>Outwith transport contribution zones, where development has a net impact on transport infrastructure, contributions may be required to mitigate this impact. This is set out in part 2 in the finalised guidance. No change has been made to this guidance.</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>Sensible way to approach the contributions as they specifically relate to the development sites.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>Agrees that consideration of cumulative impacts on transport infrastructure is reasonable.</li> <li>Too simplistic to assume that only developments within catchment zones generate impacts on capacity. Traffic modelling always considers background traffic growth over a modelling period, and always considers how flows over a wide area impact on junctions and key routes. It is not possible to state that all traffic impacts will derive from a relatively-small geographic area and only from new development. This is a principle which has been established in recent times through successful appeals against developer transport obligations. There is no obvious acknowledgement from the Council of any detailed modelling or assessments of transportation impacts.</li> <li>It is disappointing that on page 12 the Council still seems to be using estimated transport costs on a 2009 price base.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>As part of the process of preparing the Local Development Plan, the Council commissioned the preparation of a Transport Appraisal. The purpose of the appraisal, and its associated addendum, was to assess, at an appropriate level, the impact of the LDP strategy on the transport network and to identify and outline the transport interventions that will be required to ensure that the strategy does not have an unacceptable negative impact on the transport network. These transport interventions have been identified in the LDP and inform its Action Programme. Background traffic growth from committed residential sites and projected growth in traffic levels were taken into account as part of the methodology of the appraisal. 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. This guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>Agree that transport issues tend to be more localised and therefore contribution zones appear to be appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>Zoning for contributions is acceptable. Active participation by the Council to drive the transport solutions is required; this has not been the current experience in West Edinburgh.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Cumulative approach makes sense, however, though these costs do not appear to vary as much as the education contributions it would be preferable to have set amounts per unit within and without the contribution zones - it is understood that there may be 'exceptional situations'.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The impact of development on transport infrastructure is different across the city. Actions have been identified to mitigate this impact. This guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>Inappropriate for providers of affordable subsidised homes to potentially use government subsidy to further subsidise transport infrastructure on wholly affordable housing sites. The increase cost in educational infrastructure could impact on scheme viability.</li> </ul>	<ul style="list-style-type: none"> <li>In planning terms, purpose-built affordable housing is classed as residential development. Houses are classified as Class 9 in The Town and Country Planning (Use Classes) (Scotland) Order 1997 Order. Flatted accommodation while being sui generis, which literally means of its own kind or unique in its characteristics, is clearly housing development in the context of the Housing Needs and Demand Assessment and therefore developer contributions apply. No change is proposed to the finalised guidance.</li> </ul>
<b>CALA Homes (East) Limited</b>	<ul style="list-style-type: none"> <li>The calculations and equitable application of the resultant figures require to be explained as the approach presented appears to be arbitrary. Much of the thinking applied to Education contributions has been applied on this topic also.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>There should be a plan for South Queensferry.</li> </ul>	<ul style="list-style-type: none"> <li>The Action Programme sets out all transport actions, including junction improvements and active travel required to mitigate the impact of development. Contribution zones have been identified where multiple developments are required to contribute towards actions. Site specific transport actions, where required, are identified in the Action Programme for each site.</li> </ul>

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Q6: Do you agree with the Council's approach to transport contributions where there is a cumulative impact from development sites?		
Response	Summary of response	Council's response
<b>Scottish Natural Heritage</b>	<ul style="list-style-type: none"> <li>Welcome the requirement to fund external links with the wider cycle network as well as within the development. Less clear from Part 2a whether the whole suite of transport infrastructure is included or not. Reading of the Action Programme and Tra1-24 is that they would be and they therefore recommend that this is more clearly set out in Part 2a. This would avoid the risk represented by setting out road infrastructure as the 'big ticket item' and therefore losing the necessary focus on public transport, cycle routes and cycle parking, walking connections and wayfinding. This risk was identified in Scottish Government's Planning for Infrastructure Research Project: Final Report, which re-emphasised the transport hierarchy set out in Scottish Planning Policy.</li> </ul>	<ul style="list-style-type: none"> <li>The Action Programme sets out all transport actions, including junction improvements and active travel required to mitigate the impact of development. Contribution zones have been identified where multiple developments are required to contribute towards actions. Site specific transport actions, where required, are identified in the Action Programme for each site. This has been clarified in the guidance in Part 2.</li> </ul>
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>States where there is a cumulative impact from a number of development sites it is reasonable for developer contributions to be sought on a pro-rata basis.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Agrees in part with the Council's approach to transport contributions, insofar as the principle of defining Transport Contribution Zones is addressed. The test of contributions being necessary, proportionate and directly related to impact of development may not be fully complied with in the Council's current approach.</li> </ul>	<ul style="list-style-type: none"> <li>As part of the process of preparing the Local Development Plan, the Council commissioned the preparation of a Transport Appraisal. The purpose of the appraisal, and its associated addendum, was to assess, at an appropriate level, the impact of the LDP strategy on the transport network and to identify and outline the transport interventions that will be required to ensure that the strategy does not have an unacceptable negative impact on the transport network. These transport interventions have been identified in the LDP and inform its Action Programme. Background traffic growth from committed residential sites and projected growth in traffic levels were taken into account as part of the methodology of the appraisal. 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. This guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>States transport and connectivity planning can have a substantial impact on the quality of life of new and existing residents who choose to make Edinburgh their home, thus it is critical that the success of these zones is secured through the Contribution Zones.</li> <li>The growth of the city through development must ensure that residents are able to travel in an active manner (i.e. on foot or bike) to commute to school, work and within their community. This active travel must be aided with the availability of high quality affordable public transport provision in order to promote healthier lifestyle choices.</li> <li>While it is to be expected that a degree of those who live in the zones will rely on motor vehicles, it is key that active and public travel is fully integrated into developments. The viability of these options would be enhanced by the inclusion of cumulative contributions which can improve connectivity over time as developers and applications come forward.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and agreed.</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>States road traffic necessitates major upgrading and costs have to be covered somehow. It is better to do this on a planned basis than ad hoc on each development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

Q7: Do you agree with the Council's approach to tram contributions from major developments located out with the Contribution Zone?		
Response	Summary of response	Council's response
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>If no tram service within reasonable walking distance of such developments then the developments will derive no benefit from the tram and should not be required to make a contribution. Guidance should make clear if the Transport Assessment does not conclude the tram could provide any significant mitigation of the transport impacts, no tram contribution will be required. In such cases- other forms of public transport more appropriate. In addition, no regard being had to the tests in the Circular- contributions should be assessed on a case by case basis against the tests in the Circular. It penalises developers who design schemes to maximise connectivity with the tram network.</li> </ul>	<ul style="list-style-type: none"> <li>It is considered that where major developments, as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, on land outwith the defined zone 3 have 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.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>A moderate contribution should be requested by CEC for every development within the city. Current transportation contributions per unit are stated as £500. This could be replicated city-wide as a further contribution towards the trams.</li> <li>The plan within Part 3 – Transport – Tram of the draft supplementary guidance shows the tram contribution zone extending to Newhaven and the text claims phase 1A has been completed. The tram does not extend to Newhaven, therefore tram contributions should not be sought from development adjacent to Leith Walk. Text and plan should be amended &amp; timescales of future expansion included within the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Current legislation in Scotland does not allow for Council's to implement a standard development charge (or a development tariff) to pay for infrastructure delivery.</li> <li>In relation to Phase 1A of the project the Council has constructed the tram line and its associated public realm from Edinburgh Airport to York Place. This guidance applies to all new developments requiring planning permission within the defined proximity of the proposed tram lines as shown in the map of the Tram Contribution Zone, and throughout the city with regard to major developments. The guidance has been updated in this regard.</li> </ul>

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Q7: Do you agree with the Council's approach to tram contributions from major developments located out with the Contribution Zone?		
Response	Summary of response	Council's response
<b>Mrs N. Bowby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Do not agree with approach to tram contributions for major development outwith the contribution zone. Contributions should only be sought where a proposed development will have a direct impact on infrastructure which then requires investment as a result of that development as per the Town &amp; Country Planning (Scotland) Act 1997 (as amended) and Circular 3-2012. If there is no relationship between a development proposal and the Tram then no contribution can, reasonably, be levied from that development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. However, it is considered that where major developments, as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, on land outwith the defined zone 3 have 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.</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>The text set out above is not consistent with the Guidance documents which states that "All developments should make an appropriate contribution." Unclear why proximity to the line should determine the level of contribution. Only by being proximate to a tram stop will there be a positive benefit.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Contributions towards the tram network are required based on the level of contribution required depends on the following factors: i. type of development, ii. distance from tram route, and iii. the size of development. This is set out in the guidance.</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>Sensible approach and takes into account the possible effect the tram can have on travel patterns of new development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>Not clear why developers should be asked to deal with the financial consequences of the management of the project. For those developers within the catchment zone of the completed line, there is now no justification for seeking further contributions.</li> <li>For developers within the catchment zones of potential future phases, then contributions should be subject to clear mechanisms for repayment, with interest, should the future lines not be built within a specified timescale.</li> <li>The proposal to extend contributions to major developments outwith the catchment zone distances is opposed. The point of the catchment zones is that the propensity to use a public transport service declines with distance from a stop, and beyond 750 metres usage of a service tends to be minimal. The scale of a housing development makes no difference to the individual behaviour of people in relation to public transport usage.</li> </ul>	<ul style="list-style-type: none"> <li>Policy Del 2 of the Proposed LDP sets out that developer contributions will continue to be sought towards the construction of the tram network and other infrastructure identified in the Action Programme, after the construction works are completed and until the associated borrowings have been repaid. This policy is in addition to, and in support of, Policy Del 1. It ensures that, where a completed section of the tram network will support a new development that development will contribute to the cost of constructing that section of the network. The same principle applies to other high cost infrastructure which has been delivered through borrowing. Planning permission for development on these sites will be granted subject to legal agreements securing contributions.</li> <li>Contributions will be held in an interest bearing account by CEC and drawn down as required. Any remaining funds will be returned after delivery and a suitable period of monitoring/adjustment as identified required.</li> <li>Noted. It is considered that where major developments, as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, on land outwith the defined zone 3 have 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.</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>Where it can be shown that occupiers of a development would benefit from the proximity of a tram halt, whilst being outwith a contribution zone, then potentially a contribution should be sought.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>This section is not clear so they are unable to respond fully, however, clarity at the outset is required for the developer - an unexpected contribution required after acquisition is unfair.</li> </ul>	<ul style="list-style-type: none"> <li>Policy Del 2 of the Proposed LDP sets out that developer contributions will continue to be sought towards the construction of the tram network and other infrastructure identified in the Action Programme, after the construction works are completed and until the associated borrowings have been repaid. This policy is in addition to, and in support of, Policy Del 1. It ensures that, where a completed section of the tram network will support a new development that development will contribute to the cost of constructing that section of the network. The same principle applies to other high cost infrastructure which has been delivered through borrowing. Planning permission for development on these sites will be granted subject to legal agreements securing contributions.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>As a provider of affordable subsidised homes believe inappropriate to potentially use government subsidy to further subsidise tram contributions on wholly affordable housing sites. The increase cost in educational infrastructure could impact on scheme viability.</li> </ul>	<ul style="list-style-type: none"> <li>In planning terms, purpose-built affordable housing is classed as residential development. Houses are classified as Class 9 in The Town and Country Planning (Use Classes) (Scotland) Order 1997 Order. Flatted accommodation while being sui generis, which literally means of its own kind or unique in its characteristics, is clearly housing development in the context of the Housing Needs and Demand Assessment and therefore developer contributions apply. No change is proposed to the finalised guidance.</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>Do not agree at all, the Trams should be self funding.</li> </ul>	<ul style="list-style-type: none"> <li>Policy Del 2 of the Proposed LDP sets out that developer contributions will continue to be sought towards the construction of the tram network and other infrastructure identified in the Action Programme, after the construction works are completed and until the associated borrowings have been repaid. This policy is in addition to, and in support of, Policy Del 1. It ensures that, where a completed section of the tram network will support a new development that development will contribute to the cost of constructing that section of the network</li> </ul>

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Q7: Do you agree with the Council's approach to tram contributions from major developments located out with the Contribution Zone?		
Response	Summary of response	Council's response
<b>Scottish Natural Heritage</b>	<ul style="list-style-type: none"> <li>The Tram Contribution Zone is clearly intended to relate to those developments which may be required to make a contribution to the tram system itself. The tram should be considered in the context of Edinburgh's existing and emerging multi-modal transport network and suggest that the tram will more effectively absorb transport impacts of development if walking and cycling links are included. In some respects, the Action Programme sets this out. For example, transport actions for the International Business Gateway (Emp 6) include: New footpath / cycle path along A8 Glasgow Road; Upgrade bus facilities along A8 Glasgow Road; Bus only access via Edinburgh Gateway station, tram interchange; and, Tram stop within Development. These actions clearly relate to one another and, in the wider sense, to the delivery of a high quality public realm. While items A; and C.ii), iii) of Part 3 reference the public realm and walking distances respectively, it is not clear whether contributions would be used to deliver links away from the working corridor of the tram network. They recommend that this is clarified.</li> </ul>	<ul style="list-style-type: none"> <li>Guidance on Tram contributions sets out that all developments within the tram contribution zone should make an appropriate contribution towards the construction costs of the tram system and associated tram public realm. In addition, as part of the process of preparing the Local Development Plan, the Council commissioned the preparation of a Transport Appraisal. The Appraisal outlines the transport interventions that will be required to ensure that new development does not have an unacceptable negative impact on the transport network. These transport interventions include new public transport and active travel actions. These actions are identified in the Action Programme and will be required as part of development sites. If an action has been identified because it deals with a cumulative impact then a contribution zone is established.</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Concerned at the level of contributions required for transport particularly developments around the tram network which taken together are likely to make projects unviable.</li> <li>Disappointed to note that "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 an when required". An example of this is the contributions made by developers within the original proposed tram network which ultimately did not go forward.</li> <li>Property finance remains restrictive and often needs to be sourced outwith Scotland and even outside of the UK or EU.</li> </ul>	<ul style="list-style-type: none"> <li>Viability is considered on a case by case basis. The finalised guidance sets out the Council's approach to viability assessments.</li> <li>The Contribution Zone approach aims to give flexibility to the Council in how contributions are used to deliver the infrastructure required based on the expected level of development. The current Action Programme and the finalised Guidance set out the current actions to be funded. The actions will be reviewed on an annual basis, based on the Housing Land Audit.</li> <li>Noted.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>Where public and privates finances allow, it is crucial that the current tram line is extended to ensure its initial success is maintained. This system will increasingly benefit residents and developments well beyond the immediacy of any extended lines delivering regeneration to Leith waterfront and Granton. The benefits of the tram to Edinburgh's environment will extend well beyond the adjacency of the line; due to the nature of the tram producing zero emissions, it can help improve air quality on key transit routes which are currently of substantial concern, i.e. Leith Walk.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>K ate Watt</b>	<ul style="list-style-type: none"> <li>Unless there is easy access to trams it is unfair to put the costs on the developments and therefore new householders</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Contributions towards the tram network are required based on the level of contribution required depends on the following factors: i. type of development, ii. distance from tram route, and iii. the size of development.</li> </ul>

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Q10: Do you have further comments? Transport comments		
Response	Summary of response	Council's response
<b>Gladman Developments</b>	<ul style="list-style-type: none"> <li>Believe there is insufficient evidence in the guidance document to demonstrate how the costs set out have been calculated and how these costs relate to specific works necessary to mitigate the site specific impact arising from a particular development.</li> <li>By way of example, Table 20 of the draft guidance suggests that the signalling of a four arm junction will cost approximately £250,000 and yet the cost attributed to the upgrading of existing traffic signals at Gillespie Crossroads is estimated to cost twice that at £500,000, split proportionately between the housing allocations in the South West Edinburgh Transport Contribution Zone. There should be a detailed breakdown of the work involved in this upgrade otherwise it appears entirely unjustified. Without evidence in the draft guidance document, the same is true for all the other costs stipulated.</li> <li>Wish to express its concern at the timing of publishing the draft guidance and the inclusion of 'Transitional Arrangements'. The draft guidance is directly linked to the Second Proposed Local Development Plan (LDP) and yet the LDP is currently under examination with Scottish Ministers and has not been approved for adoption.</li> </ul>	<ul style="list-style-type: none"> <li>The guidance has been updated to set out in detail the transport actions required and the method for calculating them in response to this consultation guidance. The method is set out in Part 2 of the guidance. The sites which fall within each Contribution Zone are set out within the guidance.</li> <li>The draft costs include an estimate for provision of changes to the road network on approach to the signals to ensure that buses can get maximum benefit from the improved signals (bus lanes etc). Any cost below £500K- and contribution thereof- will be returned to the developer after 10 years</li> <li>The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> </ul>
<b>Spokes</b>	<ul style="list-style-type: none"> <li>The ongoing creation of smaller supermarkets in the centre of the city have often happened with no cycle parking provision, which contravenes the Council's own Parking Standards. On enquiring about this they have been told it is because the development does not include appropriate land on which to provide parking. Instead of the current situation where it appears developers are able to escape their cycle parking obligations, they propose that in such situations the options are either - 1. require that the appropriate number of parking spaces (usually only one space each for staff and customer parking due to the scale of development) is provided within the shop, or 2. require the developer to make a contribution to the Council, to enable appropriate cycle parking to be provided locally at an appropriate place and time as determined by the Council. These options ensure developers contribute to a more cycling oriented culture that the Council is working towards.</li> </ul>	<ul style="list-style-type: none"> <li>Where planning permission is required for a change of use of land or premises for class 1 use (inc supermarkets) and the application shows significant uplift in traffic generation to the site, as a direct result of the development, then this will required to be mitigated. This could include cycle infrastructure.</li> <li>However, contributions would require to be tested against the 5-tests of circular 3/2012, including whether a contribution would be reasonable. Due to many small scale supermarkets not requiring planning permission and where they do, the small scale of development and impact, a contribution towards cycle infrastructure is usually not appropriate.</li> </ul>

Q8: Do you agree with the Council not taking contributions towards strategic public realm until this approach is complete?		
Response	Summary of response	Council's response
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>Agree not appropriate to pursue strategic public realm contributions until the updated Public Realm Strategy is completed and has been subject to public consultation.</li> <li>Given the guidance will need to be updated if and when the strategy approved by the Planning Committee – little point including reference to potential requirements for strategic public realm contributions in the current guidance.</li> <li>No justification for requiring all developers to provide public realm within their sites and site environments. Should only be required when impacts of the development meet the tests in Circular 3/2012.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>It is the Council's intention to set out a contribution policy for strategic public realm improvements, where contributions would meet the policy tests set out in Circular 3/2012.</li> <li>Public realm and open space within and within the environ of development sites are required under separate policies within the ECLP and proposed LDP and non-statutory Edinburgh Design Guidance.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>Given that the greatest financial burden is passed to the Council, BDW support the Council delaying contributions towards Public Realm until the approach is finalised.</li> <li>Public realm contributions should also be sought from non-residential schemes.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> <li>Noted and agreed</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>Agree that it is only appropriate for the Council to require strategic public realm contributions once a Public Realm Strategy is in place-should apply to all Supplementary Guidance set out by the Council in line with legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>The EDI Group Ltd</b>	<ul style="list-style-type: none"> <li>As the intention is that the methodology will presumably form part of the guidance, they assume that separate consultation will follow at a later date. On this basis, they may make further comments.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>Believe this methodology and any subsequent charging schedule should be properly consulted upon. Again the lack of completeness here demonstrates the prematurity of this consultation.</li> </ul>	<ul style="list-style-type: none"> <li>Consultation on guidance on developer contributions and pupil realm will be carried out following the approval of a public realm strategy.</li> </ul>
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>Would question why the development industry should ever have to pay for offsite public realm works not specifically relating to the development site in question.</li> </ul>	<ul style="list-style-type: none"> <li>It is the Council's intention to set out a contribution policy for strategic public realm improvements, where contributions would meet the policy tests set out in Circular 3/2012.</li> </ul>
<b>Taylor Wimpey East Scotland</b>	<ul style="list-style-type: none"> <li>In the previous version of the Guidance no link was shown between the projects identified at that time and development proposals either in the defined city centre area or more widely, and hence no compliance with the Circular. Remains a concern new guidance will simply try to reintroduce a variation on the theme at a later stage. Taylor Wimpey remains of the view that there is no justification for strategic public realm contributions.</li> </ul>	<ul style="list-style-type: none"> <li>It is the Council's intention to set out a contribution policy for strategic public realm improvements, where contributions would meet the policy tests set out in Circular 3/2012.</li> </ul>



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<b>Q8: Do you agree with the Council not taking contributions towards strategic public realm until this approach is complete?</b>		
<b>Response</b>	<b>Summary of response</b>	<b>Council's response</b>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>Believe public realm contributions should take into account viability of a development having regard to costs associated with education and transport contributions.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Believe this section of the guidance has not been developed to a stage that comment can be made. Once the policy has been developed it should be re-issued for consultation.</li> </ul>	<ul style="list-style-type: none"> <li>Consultation on guidance on developer contributions and pupil realm will be carried out following the approval of a public realm strategy.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>It is appropriate and pragmatic to delay this until the criteria is further developed</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>Believe it is absolutely of paramount importance for much needed improvements in South Queensferry</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is the Council's intention to set out a contribution policy for strategic public realm improvements, where contributions would meet the policy tests set out in Circular 3/2012.</li> <li>Consultation on guidance on developer contributions and pupil realm will be carried out following the approval of a public realm strategy.</li> </ul>
<b>Scottish Natural Heritage</b>	<ul style="list-style-type: none"> <li>State Edinburgh Public Realm Strategy should include the principal policy on place-making in Scottish Planning Policy which directs that a design-led approach should be applied at all levels of planning. The current strategy notes that Edinburgh's success is underpinned by "the quality and drama of its environment", going on to explain that the "public realm acts as a setting for the wealth of historic buildings". Agree with these points but suggest that the public realm can also act as a setting for the environment and landscape from which Edinburgh benefits. This is perhaps less related to the sensible desire to achieve greater transparency but they consider it should be recognised in the updated strategy.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Agrees in part with the Council's proposal of not taking contributions towards public realm until new methodology is complete. It can no longer be expected that developers are simply able to pay for 'nice to have' policies such as public artworks and the Council must be aware of the cumulative cost of its requirements from developers. It is unlikely that funding institutions are likely to lend a sympathetic ear to developers faced with the prospect of funding the projects identified in the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is the Council's intention to set out a contribution policy for strategic public realm improvements, where contributions would meet the policy tests set out in Circular 3/2012.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>While it is appreciated that the methodology must be fully updated to meet strategy objectives, delivery of the methodology must be treated as a priority. Public realm improvements support transport choices which reduce the environmental impact of travel around the city.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is the Council's intention to set out a contribution policy for strategic public realm improvements, where contributions would meet the policy tests set out in Circular 3/2012. Consultation on guidance on developer contributions and pupil realm will be carried out following the approval of a public realm strategy.</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>Believes infrastructure needs upgraded now. However, clarity is required on Open Space since as local householders pay for maintenance; this is now proving a problem in a many areas.</li> </ul>	<ul style="list-style-type: none"> <li>Factoring arrangements on private land are a matter between the agent and householder.</li> </ul>

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Q9: Do you agree with the amendments to the Affordable Housing Guidance in respect of income thresholds and Golden Share properties?		
Response	Summary of response	Council's response
<b>West Craigs Ltd</b>	<ul style="list-style-type: none"> <li>Guidance should allow for the payment of commuted sums where there are justified reasons not to include on-site provision.</li> <li>There is no good reason to exclude the possible payment of commuted sums for proposals &gt;50 housing units and it should be available for all forms of development.</li> <li>, paying commuted sums upfront would make many developments unviable – no justification for this/ developers may not implement permission immediately. The payments should be linked to actual development</li> <li>There is no timescale on the provision of onsite affordable housing. The timing of payments of commuted sums should be a matter for negotiation between the Council and developers on a case by case basis but there should never be a requirement to pay a contribution before development starts unless the developer agrees that their development can bear the cost of upfront payments.</li> <li>It is not appropriate to seek contributions from affordable housing for other forms of infrastructure – proposed approach threatens delivery of affordable housing.</li> <li>The guidance should allow for offsetting of affordable housing units when negotiating planning agreements. If developer provided &gt;25% affordable housing requirement within previous development in council's area – no. Of addition units should be taken into account so as to reduce the no. of affordable housing units developers provide for other developments.</li> </ul>	<ul style="list-style-type: none"> <li>The Council's policy requires on site affordable housing for mixed tenure communities. A commuted sum payment would only be considered in exceptional circumstances and would be subject to an open book assessment establishing that on site housing cannot be provided. In no circumstances will the council consider waiving the affordable housing contributions for eligible housing developments.</li> <li>Developments of fewer than 50 housing units have been delivering on-site affordable housing for years. Only in exceptional circumstances would a commuted sum could be considered, following an open book assessment, if it is established that on site delivery of affordable homes was not viable. The AHP is essential to sustain the delivery of land for the purposes of affordable housing. It has been successful in delivering over 2,200 affordable homes since its inception in 2004.</li> <li>Timing of a commuted sum payment may be varied if agreed by the Council, subject to an open book assessment of finances. Commuted sums paid upon signing of the s.75 agreement fund affordable housing in the same area as the proposed development.</li> <li>Infrastructure requirements are low on brownfield sites. New housing developments do have an impact on the area in which they are built and services are required for these developments. Residents from both private and affordable homes will require many of these services and therefore it would not be acceptable to waive these costs for RSLs and not private developers.</li> <li>25% affordable housing per site is effective in creating mixed tenure communities. Offsetting affordable housing could lead to oversupply or increased concentration of affordable housing in some areas and undersupply in other areas.</li> </ul>
<b>IBG and New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>Are not aware of the statutory planning and legal basis upon serviced land is to be transferred at 'nil value'. Paragraph 129 of SPP articulates that a proportion of the serviced land within a development site to be made available for affordable housing but does not state that this should be at 'nil value' which is the 'convention' suggested in the guidance at Annex 3, section 1 (3rd bullet point).</li> <li>Integration (p27): need for an evidence based argument in relation to the need to avoid groupings. For example, emerging view that social housing providers often prefer to be closely located in a 'cluster' to take advantage of shared services and other amenities.</li> <li>Furthermore, RSLs may in the course of site specific discussions confirm the type of housing unit (e.g. house, flat) for the site and/or an alternative location i.e. offsite where contributions will be better utilised.</li> <li>Should these factors emerge as preferred options by the RSL once detailed discussions as part of a planning application have progressed, this should be taken into consideration accordingly.</li> <li>Ultimately, the deliverability should not be compromised by a policy that does not reflect affordable housing provider requirements.</li> <li>The Private Rented Sector (PRS) requires to be considered as part of the affordable housing policy. They understand that further guidance from Scottish Government is expected to be published and the CEC guidance should reflect this accordingly.</li> </ul>	<ul style="list-style-type: none"> <li>The principle of nil value land transfer is that the land would be used for affordable housing in perpetuity. The convention of nil value land transfer has been proven to be workable since 2006, delivering over 2,000 affordable homes and is not part of this consultation.</li> <li>Mixed tenure communities are created through the application of Affordable Housing Policy. A range of affordable housing tenures can be provided on sites to minimise grouping of affordable housing. Management and maintenance considerations taken into account by registered social landlords enable practical delivery of affordable housing and assist in ongoing management and factoring of homes.</li> <li>Early negotiation between the developer and affordable housing provider is always encouraged in order to deliver a solution that is cost effective and beneficial to both parties.</li> <li>Management and maintenance considerations taken into account by registered social landlords enable practical delivery of affordable housing and assist in ongoing management and factoring of homes.</li> <li>PRS at market rent is not affordable for people in Edinburgh. Affordable rented tenures are social rent and mid market rent, both of which offer rents below market rent levels, meaning that these are affordable to the tenants. The affordable housing policy allows for flexibility in delivering a range of affordable housing, so there is no justification not to provide accepted affordable tenures at below market rent levels.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>Are a major contributor to the provision of affordable housing in Edinburgh and continue to support City of Edinburgh Council's approach.</li> </ul>	<ul style="list-style-type: none"> <li>The Council notes and is encouraged that leading house builders in the UK support the City of Edinburgh's approach to affordable housing policy.</li> </ul>
<b>Mrs N. Bowlby's 1992 Trust and The Dalrymple Trust</b>	<ul style="list-style-type: none"> <li>There is no justification provided in planning policy to allow for such thresholds to be applied and, given that the need for affordable is not means tested, no need to apply such a test.</li> <li>The ability to access affordable housing is not geographically restricted in Scotland, it is therefore inappropriate to require evidence of a local connection from purchasers.</li> </ul>	<ul style="list-style-type: none"> <li>The Council have a set criteria to ensure that the affordable homes meet an identified housing need and such thresholds are consistent the South East Scotland Housing Needs and Demand Assessment. Because of high rents and high house prices in Edinburgh, people on average and below average incomes are more likely to find it difficult to find suitable, affordable housing and therefore more likely to be in affordable housing need.</li> <li>The proximity of family, education or work in the area helps establish a person's housing need in relation to that area. The affordable housing policy helps create mixed tenure communities, which are stronger if people have family, education and work in the area, reducing the cost and need to travel.</li> </ul>

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Q9: Do you agree with the amendments to the Affordable Housing Guidance in respect of income thresholds and Golden Share properties?		
Response	Summary of response	Council's response
<b>The EDI Group Ltd</b>	<ul style="list-style-type: none"> <li>Not aware of the statutory planning and legal basis upon which serviced land is to be transferred at 'nil value'. Paragraph 129 of SPP articulates that a proportion of the serviced land within a development site to be made available for affordable housing but does not state that this should be at 'nil value' which is the 'convention' suggested in the guidance at Annex 3, section 1 (3rd bullet point).</li> <li>Integration (p27): there is a need for an evidence based argument in relation to the need to avoid groupings. For example, there is an emerging view that social housing providers often prefer to be closely located in a 'cluster' to take advantage of shared services and other amenities. Should this emerge as the preference once detailed discussions as part of a planning application have progressed, this should be taken into consideration accordingly.</li> <li>Ultimately, the deliverability should not be compromised by a policy that does not reflect affordable housing provider requirements.</li> <li>The guidance at sub section B) above states that the purchase price is set at 80% of market value in perpetuity and then goes onto say that it should not exceed £214,796, being the current average property price in Edinburgh. As property prices are obviously subject to market fluctuations, they presume this latter part of sub section has therefore been drafted in error and will be deleted.</li> </ul>	<ul style="list-style-type: none"> <li>The principle of nil value land transfer is that the land would be used for affordable housing in perpetuity. The convention of nil value land transfer has been prove to be workable since 2006, delivering over 2,000 affordable homes and is not part of this consultation.</li> <li>Mixed tenure communities are created through the application of Affordable Housing Policy. A range of affordable housing tenures can be provided on sites to minimise grouping of affordable housing. Management and maintenance considerations taken into account by registered social landlords enable practical delivery of affordable housing and assist in ongoing management and factoring of homes.</li> <li>The maximum initial sale value of Golden Share homes (based on average house price) will be reviewed on a twice yearly basis to reflect changes in housing market valuations. Golden share prices for each development are reviewed by the district valuer and the Council to assess the open market value of the homes to ensure they reflect the local market prices.</li> </ul>
<b>Persimmon Homes</b>	<ul style="list-style-type: none"> <li>The evidence or reference to the evidence that supports this position has not been provided-to consult on this properly the basis for the calculations and the evidence that supports the conclusions needs to be provided.</li> </ul>	<ul style="list-style-type: none"> <li>Income thresholds are based on 3.5x average income in the city. People with below average incomes are more likely to be in housing need as rents and house prices in the city are high.</li> </ul>
<b>South East Edinburgh Development Company Limited</b>	<ul style="list-style-type: none"> <li>Believe the Golden Share purchase price should reflect the average purchase price within the immediate locality of the development and type of property rather than an average purchase price across the city.</li> <li>Affordable housing policy states that the viability of a development should be taken into account, however, it may be beneficial if more detailed parameters were set as there continually appears to be debate as to what level of viability would result in a reduction in the affordable housing requirement, which leads to protracted negotiations.</li> </ul>	<ul style="list-style-type: none"> <li>Average purchase prices will vary in different localities within the city. The single city-wide average ensures that Golden Share properties would be affordable across the region.</li> <li>An open book assessment will determine whether the delivery of affordable housing in line with the policy guidelines would impede on the viability of a project.</li> </ul>
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>Clarification is needed in the document that the mean household income now applies to single people.</li> </ul>	<ul style="list-style-type: none"> <li>Noted, this will updated.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>The increase in MMR income threshold to £39k, while welcomed, is not enough, especially for larger sized housetypes. This income level has not been reviewed since 2011, with rents and benefits continually changing, this requires to be reviewed much more frequently.</li> </ul>	<ul style="list-style-type: none"> <li>The income thresholds for MMR and eligible purchasers for LCHO will be reviewed on a two yearly basis and adjusted accordingly.</li> </ul>
<b>Places for People</b>	<ul style="list-style-type: none"> <li>Believe the number of tenure options may make it difficult to deliver affordable rented accommodation as developers seek to meet their requirements through the over use of unsubsidised discount sale, golden share and shared equity.</li> <li>Suggest the guidance sets out maximum levels of unsubsidised tenures to satisfy the affordable housing contribution of any project. The over provision of unsubsidised tenures may also make it difficult for older people to access affordable housing.</li> <li>Average income levels should be reviewed to align with current average income levels within the city (been set at £39,067 based on 2013 figures).</li> <li>Discount sale values are calculated at 3.5 times median income levels, however, mortgage providers are no longer basing mortgage levels on salary multiples but looking at affordability of the applicants.</li> <li>Does the guidance need to do something similar as the salary multiplier is less relevant?</li> <li>Note there is an aspiration for 70/30 split between affordable rent and other tenures. They question whether this is still appropriate given the reducing availability of grant and continuing demand for housing in the middle market i.e. mid- market rent and subsidised shared equity.</li> </ul>	<ul style="list-style-type: none"> <li>On site social rented homes are prioritised through the AHP.</li> <li>The guidance (p36) sets out the aspiration that a majority of social rent is delivered and an aspirational mix of affordable housing is 70:30 social housing/other affordable tenures.</li> <li>Income thresholds will be reviewed on a two yearly basis and adjusted accordingly.</li> <li>Both points noted. Mortgage affordability for applicants would vary, so a maximum has been set based on 3.5 times income.</li> <li>There is increasing need for social rented homes and so the aspiration of 70:30 split between social rent and other tenures remains.</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>Believe the purchase price should be lower £200k max or lower if possible (present figures don't deliver sustainability).</li> </ul>	<ul style="list-style-type: none"> <li>When proposing Golden Share or setting proposed Golden Share values, sales values in the area are taken into account and final values independently assessed to ensure these are representative and affordable. A maximum figure applies across the city, where values vary significantly, so flexibility is required. It should be noted that the majority of Golden Share homes sold to date were priced below the maximum figure.</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q9: Do you agree with the amendments to the Affordable Housing Guidance in respect of income thresholds and Golden Share properties?		
Response	Summary of response	Council's response
<b>Old Town Association</b>	<ul style="list-style-type: none"> <li>'Affordable' is a relative term. A mean household income of nearly £40,000 and an average purchase price of nearly £215,000 seem very high figures.</li> </ul>	<ul style="list-style-type: none"> <li>When proposing Golden Share or setting proposed Golden Share values, sales values in the area are taken into account and final values independently assessed to ensure these are representative and affordable. A maximum figure applies across the city, where values vary significantly, so flexibility is required. It should be noted that the majority of Golden Share homes sold to date were priced below the maximum figure. The relationship between average income and sale value also allows for a family who wish to save towards a deposit to not be penalised for this.</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>Agrees with the amendments to the Affordable Homes Guidance in respect of income thresholds and Golden Share.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>States across the city need more housing that is affordable, accessible and available to ensure that residents can stay within their community as their family grows or grows up. Over the coming years critical decisions will have to be made about how we incentivise and use brownfield land, how we accommodate a growing, ageing population.</li> <li>Growth of the city, and its communities, must be achieved in a sustainable fashion. While it is welcome that applicants must be able to evidence local connection, there must be provision for talented workers come to the city without being priced out due to the cost of accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted. Applicants can apply for Low Cost Home Ownership provided they can evidence that they have family, educational or work related connections in Edinburgh or the Lothians. For example they do not have to be a current resident in Edinburgh if they are moving to Edinburgh for a job.</li> </ul>
<b>Kate Watt</b>	<ul style="list-style-type: none"> <li>States more access to affordable housing is required.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>

Q10: Do you have further comments? Affordable Housing responses		
Response	Summary of response	Council's response
<b>Dunedin Canmore Housing</b>	<ul style="list-style-type: none"> <li>For a successful flow of affordable housing the Section 75 funding demands should not become an obstacle to private development. In particular the logic of applying the charges to affordable housing for rent is questionable and impedes delivery.</li> <li>The sums for some education contributions at over £10,000 per home are excessive and question the viability of sites already identified within the Local Plan as the means of meeting housing demand.</li> </ul>	<ul style="list-style-type: none"> <li>New housing developments do have an impact on the area in which they are built and services are required for these developments. Residents from both private and affordable homes will require many of these services. Infrastructure requirements are relatively low on brownfield sites.</li> <li>The Council appreciates that there are many constraints to securing land to develop new homes, and costs of developing Greenfield sites are higher.</li> </ul>
<b>Port of Leith Housing Association</b>	<ul style="list-style-type: none"> <li>Non-profit making entities should not have to pay any s75 contributions at all, either on sites which they are developing, or on sites which have been offered to them by developers as free land under the developers' s75 agreement.</li> <li>Moreover, housing association developments tend to be smaller and are disproportionately hit by these developer contribution costs.</li> <li>They would like the Council to take a more proactive role, either through the guidance, the s75 legal agreements, or otherwise, in ensuring that developers bring in RSL partners at a far earlier stage so that they have the opportunity to influence designs.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure requirements are relatively low on brownfield sites. New housing developments do have an impact on the area in which they are built and services are required for these developments. Residents from both private and affordable homes will require many of these services and therefore it would not be acceptable to waive these costs for RSLs and not private developers. The sites developed do have an impact on the area and require infrastructure such as schools, transport, etc.</li> <li>The Council take on board that infrastructure costs may significantly impede on smaller sites. However the land is granted at nil value and new residents will be able to benefit from the infrastructure provided in the city. The council actively engages with developers to encourage open dialogue with RSLs as early as possible.</li> </ul>
<b>Link Group Ltd</b>	<ul style="list-style-type: none"> <li>As a provider of affordable subsidised homes believe inappropriate to potentially use government subsidy to further subsidise infrastructure on wholly affordable housing sites. The increase cost in educational infrastructure could impact on scheme viability.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>The Scottish Government</b>	<ul style="list-style-type: none"> <li>It would be helpful if the final version of the guidance included some background and justification of how the 25% affordable housing requirement figure is considered to be deliverable.</li> </ul>	<ul style="list-style-type: none"> <li>Housing need and demand in Edinburgh is high. The South East Scotland Housing Need and Demand Assessment 2 estimates that between 38,000 and 46,000 homes are required in Edinburgh over the next ten years, with the majority of this need being for affordable homes.</li> <li>High housing costs and insufficient supply of homes forces many households, especially families with children, to move out of the city to seek cheaper housing. In 2012, it is estimated that only 21% of households in Edinburgh had children, compared to the Scottish average of 25%; 31% in West Lothian, 29% in Midlothian and 28% in East Lothian. (National Records of Scotland 2012-based Household Projections).</li> <li>In 2014/15 there were 3,980 homelessness presentations in Edinburgh, 28% of these were households with children (Scottish Government Homelessness Statistics). Of the 3,980 households who presented as homeless, 53% were provided with temporary accommodation.</li> <li>Edinburgh has the highest average house prices when compared to other Scottish cities and is 29% higher than the Scottish average. The average house price in Edinburgh in 2014/15 was £235,566 (Registers of Scotland).</li> <li>Rent levels in the private rented sector have risen by 25% since 2009. Citylets reported that the</li> </ul>

Appendix 2 - Draft Guidance on Developer Contributions and Affordable Housing – Summary of Consultation Responses and Reply

Q10: Do you have further comments? Affordable Housing responses		
Response	Summary of response	Council's response
		<p>average rent for a two bedroom property in the private rented sector was £850 in the second quarter of 2015, an increase of 8.8% on the year before.</p> <ul style="list-style-type: none"> <li>• Only 13% of homes in Edinburgh are in the social rented sector, which is significantly lower than the Scottish average of 24% (Scottish Household Survey 2014).</li> <li>• EdIndex is the common housing register for the Council and 20 of the social housing landlords in the city. There are approximately 27,000 applicants registered with EdIndex at any one time. The Council and 16 of the 20 social housing landlords use EH-Your Key to Choice (Choice) to let their homes. In 2014/15 there was an average of 144 bids for each home advertised through Choice.</li> <li>• The average stay in temporary accommodation is continuing to increase due to a lack of suitable permanent accommodation for people to move on to.</li> </ul>

Q10: Do you have further comments? Other issues		
Response	Summary of response	Council's response
<b>Mactaggart &amp; Mickel Homes Ltd</b>	<ul style="list-style-type: none"> <li>• Question why is this proposed guidance not proposed to be Statutory Guidance and submitted to Ministers for approval? It carries very little weight as non-statutory guidance and will, in their view, be the source of much disagreement between the Council and the Development Industry as it will not be subject to the scrutiny of Scottish Ministers. A technical document would allow proper scrutiny of the document by an independent Reporter.</li> </ul>	<ul style="list-style-type: none"> <li>• The finalised guidance is prepared as non-statutory guidance. However, the Council has signalled as part of the LDP examination that it sees merit that following the adoption of the LDP and approval of the Action programme, that the Developer Contributions and Affordable Housing Guidance is prepared as statutory Supplementary Guidance.</li> </ul>
<b>Queensferry &amp; District Community Council (QDCC)</b>	<ul style="list-style-type: none"> <li>• Concerned that Education takes a large chunk of the development gain funds leaving little fund improvements to the infrastructures of South Queensferry.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
<b>Scottish Natural Heritage</b>	<ul style="list-style-type: none"> <li>• As written, the draft Open Space text in Part 5 appears to deal with open space on a site by site basis. A requirement setting open space provision in the context of multi-functional green infrastructure would support delivery of the green network as set out in paragraph 48 of the second Proposed Plan which identifies an inter-connected network of natural, semi-natural and man-made open spaces in relation to improving accessibility and setting of the urban area and new development.</li> <li>• There is an opportunity for a more comprehensive and integrated consideration of issues within the document and thereby a better set of outcomes for all issues, including the natural heritage, to be delivered by development. Setting the developer contributions for walking, cycling and open space more firmly within a wider context of delivering green infrastructure should lead to more efficient use of land and developer contributions.</li> <li>• As noted in their comments on Part 2 of the draft guidance, relating active travel and open space to one another in the planning guidance should help to deliver infrastructure requirements and enhancements that are likely to arise through delivery of allocations. They recommend that the guidance sets out this multiple benefits, integrated approach to delivery.</li> </ul>	<ul style="list-style-type: none"> <li>• LDP Policy Env 20 Open Space in New Development requires development includes appropriate open space provision and, where the opportunity arises, contribute to Edinburgh's green network. Policy Env 20 adequately covers this requirement. No change is proposed to the finalised guidance.</li> </ul>
<b>Scottish Water</b>	<ul style="list-style-type: none"> <li>• Fully supports the Council on the revisions outlined within the guidance.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
<b>Scottish Property Federation</b>	<ul style="list-style-type: none"> <li>• Believe city deal initiatives for the Edinburgh/South East Scotland regions should be discussed as, if successful, then they could unlock significant economic growth with attendant improvements on tax revenue required to support additional public services. In their view this promises a better and more evenly spread outcome than simply levying development taxes on the property industry which struggles to cope with the weight of contributions expected.</li> <li>• Lack of housing supply- Some members have suggested that private rented sector build to rent projects should also be addressed in the developer contributions guidance and should either be exempt from most developer contributions to support their viability or with certain conditions applied could count towards the 25% affordable housing allocation. The Private Rented Sector (PRS) can provide the opportunity to deliver the required volume and supply of new housing quickly, which would ease this pressure. The multiplier effect of new investment would bring economic benefits and should, be actively encouraged and incentivised. The models being proposed by their members could contribute to communities and the public realm in the longer term. The PRS currently operates at a disadvantage to traditional private for sale development because it is valued less favourably. If the development of the PRS sector is to be encouraged therefore it needs favourable support via the planning system.</li> </ul>	<ul style="list-style-type: none"> <li>• A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and agrees the Council's options for funding infrastructure associated with the LDP.</li> <li>• In planning terms, purpose-built private rented sector accommodation is classed as residential development. Houses are classified as Class 9 in The Town and Country Planning (Use Classes) (Scotland) Order 1997 Order. Flatted accommodation while being sui generis, which literally means of its own kind or unique in its characteristics, is clearly housing development in the context of the Housing Needs and Demand Assessment and therefore developer contributions apply. No change is proposed to the finalised guidance.</li> </ul>

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Q10: Do you have further comments? Other issues		
Response	Summary of response	Council's response
<b>Sarah Boyack MSP</b>	<ul style="list-style-type: none"> <li>At present student accommodation developers are not required to make any provision for developer contributions and affordable housing. Contributions should be applicable when the authority determines an application for purpose built student accommodation. Many of the Brownfield sites selected by student accommodation developers in recent applications in the Southside, Fountainbridge, and Leith Walk, would have also been highly suitable for the provision of affordable housing. Due to market conditions and the level of Scottish Government grant the City of Edinburgh Council and registered social landlords have found opportunities highly prohibitive. This modification to the policy and guidance would ensure that developers can make an ongoing contribution to the local area in which their development is constructed.</li> </ul>	<ul style="list-style-type: none"> <li>In response, in planning terms purpose-built student accommodation is not classed as residential development. Purpose-built student accommodation does not fall within class 9 or any of the other specified use classes and is also regarded as <i>sui generis</i>. Individuals living in student accommodation are classified as living in communal establishments, which means that they are excluded from the government's household projections and the need for student accommodation does not form part of the Housing Needs and Demands Assessment. It is considered that it would be unreasonable to require such developments to fund a need to which they are unrelated. No change is proposed to the finalised guidance.</li> </ul>
<b>Crammond and Harthill Trust</b>	<ul style="list-style-type: none"> <li>The Guidance will provide a useful tool in assisting in the future negotiation of Section 75 agreements for future major developments in the city. It has identified more precisely related costs so that prospective developers have a much clearer idea of likely future contributions. The Circular 3/2012 is critical in consideration of the negotiation of resultant Section 75 agreements.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
<b>The Scottish Government</b>	<ul style="list-style-type: none"> <li>Where S75 planning obligations are being used to secure developer contributions, it is important that the approach used is consistent with the tests of Circular 3/2012. They highlight they have an outstanding representation to the SPLDP in relation to Policies Del 1 and Del 2; this representation addresses the type of information, in relation to developer contributions, which they consider should be provided in the Plan and Supplementary Guidance respectively.</li> <li>Contribution Zones- Annex 1 of the guidance sets out the extent of the Contributions Zones in very broad terms (appears to be indicative zones), whereas the Action Programme and Revised Education Appraisal (June 2014) sets out the zones in more detail. In the interests of certainty and transparency, they would suggest that the guidance is as accurate as possible with regards to the exact boundaries of the Contribution Zones. In addition, the guidance could contain a clearer explanation of how the various Contribution Zones were devised.</li> <li>Level of Contributions- In terms of education contributions they believe it would be useful if an indicative breakdown of these figures could be provided, either in the guidance or via a link, to demonstrate the cost assumptions / assessment behind them. This could involve building on the information presented in the LDP Education Appraisal, which sets out indicative costs for the education requirements.</li> <li>Other Developer Contributions- They suggest that greater detail on what the contributions will be used for and should assure that there is legal provision for seeking developer contributions towards stopping up orders and traffic regulation orders on page 18.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> <li>The finalised guidance is prepared as non-statutory guidance. However, the Council has signalled as part of the LDP examination that it sees merit that following the adoption of the LDP and approval of the Action programme, that the Developer Contributions and Affordable Housing Guidance is prepared as statutory Supplementary Guidance.</li> <li>A map of the Contribution Zones with defined boundaries is set out in the finalised guidance.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance.</li> <li>Where either a Traffic Regulation Order or a Stopping Up Order (s207 of the Act) is required for planning purposes as part of the determination of a planning application then it is usual for the costs of these (usually around £2 to £3,000 each) to be sought through the provisions of a legal agreement (usually s75). They are only required where they are necessary to permit the development proposed and they meet the five tests of Circular 3/2012.</li> </ul>
<b>SEPA</b>	<ul style="list-style-type: none"> <li>The revised guidance should consider the role of developer contributions in securing this infrastructure for flood risk avoidance and drainage, especially in some areas of the city where flood risk is of particular concern, e.g. South East Edinburgh and West Edinburgh.</li> </ul>	<ul style="list-style-type: none"> <li>Policy Env 21 of the Proposed LDP states that proposals will only be favourably considered if accompanied by a flood risk assessment demonstrating how adequate compensating measures are to be carried out, both on and off the site. These are usually expected to be fully funded by the developer. No change is proposed to the finalised guidance.</li> </ul>
<b>Places for People</b>	<ul style="list-style-type: none"> <li>The consultation process being adopted by the City of Edinburgh Council to be flawed in that they are being requested to comment on guidance relating to a Local Development that has no status and guidance that is substantially incomplete.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> </ul>

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Q10: Do you have further comments? Other issues		
Response	Summary of response	Council's response
<b>Homes for Scotland</b>	<ul style="list-style-type: none"> <li>It is unreasonable that the guidance is being implemented prematurely prior to the adoption of the LDP. The Council is already seeking to delay the determination of some planning applications until the guidance has been approved. This is unreasonable and unacceptable: the current approved guidance should remain the basis for determining applications.</li> <li>Believe the guidance should be statutory supplementary guidance rather than as non-statutory supplementary guidance. This would give it proper weight and a proper link to the development plan.</li> <li>The Council's consultation fails to meet all the tests for consultation - 1. It must be undertaken at a time when proposals are still at a formative stage, 2. It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, 3. Adequate time must be given for this purpose; and 4. The product of the consultation must be conscientiously taken into account when the ultimate decision is taken. As clearly stated in the consultation draft the document is not complete and there is further analysis underway of the education infrastructure (and land) requirements for the following areas: Craigmillar, Leith waterfront, Granton waterfront. Believe the consultation, and then implementation of this document should wait until: i. The 2nd Proposed LDP has been examined and the Reporters have written their conclusions, and ii. All the Contribution Zones can be fully detailed and therefore properly understood by stakeholders.</li> <li>They believe there is a lack of information within the document to vouch for the figures that have been set out for the contribution zones and how this relates to the impacts of proposed development (as required by the test set out in the Circular 4/1998). Acknowledge the City of Edinburgh Council may be taking a new approach to meeting the strategic educational infrastructure need, however, this strays from the basis of established national policy and legal requirements whereby developer contributions must be directly linked to the site specific detriment arising from a particular development.</li> <li>Not clear what modelling work has been undertaken to assess the likely financial burden of its implementation on individual housing developments or the home-building industry as a whole. Whilst viability is something that can be considered at the decision-taking stage, through development management negotiations, it seems sensible and reasonable to consider this issue before the guidance is adopted. It is not possible to provide full comments on the reasonableness of a draft document where the basis for the proposed costings are not provided. If the Council has undertaken work to model what the guidance would mean on a range of types of housing sites (based upon sites allocated in the proposed plan or likely to come forward as windfall sites) it should publish those in a technical background document. It should also publicise what other (if any) approaches it considered, and why the proposed guidance was considered most appropriate, including in the context of affordability for home builders.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has published the Second Proposed LDP and Action programme as its plan-led response to housing development pressures facing the city. It includes a revised policy context for funding infrastructure provision (Policies Del 1 and 2). A number of applications for major housing development are currently being progressed by developers and landowners. It is therefore appropriate for the Council to provide the detailed guidance on how the new policy context will be applied to those applications in time for them to be determined by the sub-committee.</li> <li>The finalised guidance is prepared as non-statutory guidance. However, the Council has signalled as part of the LDP examination that it sees merit that following the adoption of the LDP and approval of the Action programme, that the Developer Contributions and Affordable Housing Guidance is prepared as statutory Supplementary Guidance.</li> <li>Consultation has been carried out in line with the Planning &amp; Building Standards Draft Customer Engagement Strategy.</li> <li>Infrastructure enhancement needs arising from the LDP have been assessed by the Education Infrastructure Appraisal (June 2013, revised September 2014) which accompanies the LDP and inform its Action Programme. The appraisal provides a cumulative assessment of the additional education infrastructure required to support the scale of the new housing development identified within the LDP. Cumulative assessment is supported by Scottish Planning Policy, Circular 2/2013 Planning Obligations and the Strategic Development Plan. Finalised guidance sets out how costs are to be shared proportionately in terms of scale and kind.</li> <li>The method for calculating the education actions required has been amended in response to this consultation guidance. The method is set out in Part 1 and Annex 1 of the guidance.</li> <li>A financial appraisal of the LDP and accompanying Action Programme has been prepared. This was reported to Finance &amp; Resources Committee in October 2015. The report sets out the identified costs, expectations of developer contributions and the agrees the Council's options for funding infrastructure associated with the LDP. Viability is considered on a case by case basis, the Council's approach is to assess impact cumulatively and equitably distribute education infrastructure costs. The finalised guidance sets out the Council's approach to viability assessments.</li> </ul>
<b>SportScotland</b>	<ul style="list-style-type: none"> <li>Where outdoor facilities are to be lost due to development proposals, sportscotland seeks to apply the provisions of SPP paragraph 226.</li> <li>In such instances; the delivery of the replacement facilities will often be secured by way of a Section 69 payment (although other mechanisms may be used). The rationale for monies paid in such cases comes from SPP paragraph 226.</li> <li>However this does not always seem to have been picked up by developers – they may be aware of developer contribution requirements (such as those covered by your Policy), but not of this requirement to replace outdoor sports facilities (subject to the other caveats of SPP).</li> <li>To confirm, the requirement to replace outdoor sports facilities is in addition to any developer contribution requirements. Whilst this has clear backing from SPP, given that it is not always picked up by developers, would suggest that it may help if this is clarified somewhere in your Guidance note.</li> </ul>	<ul style="list-style-type: none"> <li>The loss of sports pitches to development is protected by Policy Env 19 of the Proposed LDP. Policy ENV 19 states that development of sports pitches cannot be justified in principle. However, where proposals which do result in the loss of playing fields, an alternative playing field, in equally convenient location, with at least the equivalent sporting value in a no less convenient location, or existing provision is to be significantly improved to compensate for the loss. This is expected to be fully funded by the developer. Policy Env 19 adequately covers this requirement. No change is proposed to the finalised guidance.</li> </ul>