

# Planning Committee

10.00am, Thursday, 30 March 2017

## Supplementary Guidance: Developer Contributions and Infrastructure Delivery - finalised

Item number	7.1
Report number	
Executive/routine	
Wards	All

### Executive Summary

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The purpose of this report is to seek Committee approval of the finalised Supplementary Guidance (SG) on Developer Contributions and Infrastructure Delivery. The SG has been prepared to support the Local Development Plan's (LDP) policies on infrastructure and developer contributions, and to deliver the infrastructure actions set out in the Action Programme. Once approved, the SG can be formally adopted as part of the development plan, supplementing the LDP.

### Links

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Coalition Pledges	<a href="#">P4</a> , <a href="#">P8</a> , <a href="#">P15</a> , <a href="#">P17</a> , <a href="#">P18</a>
Council Priorities	<a href="#">CP2</a> , <a href="#">CP4</a> , <a href="#">CP5</a> , <a href="#">CP8</a> , <a href="#">CP10</a> , <a href="#">CP11</a> , <a href="#">CP12</a>
Single Outcome Agreement	<a href="#">SO1</a> , <a href="#">SO2</a> , <a href="#">SO3</a> , <a href="#">SO4</a>

## Supplementary Guidance: Developer Contributions and Infrastructure Delivery - Finalised

### 1. Recommendations

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- 1.1 It is recommended that Committee:
- 1.1.1 approves Appendix 1 as the finalised Supplementary Guidance (SG) on Developer Contributions and Infrastructure Delivery; and
  - 1.1.2 notes that it will be adopted as part of the statutory development plan.

### 2. Background

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- 2.1 The adopted Edinburgh Local Development Plan (LDP November 2016) requires statutory SG on Developer Contributions and Infrastructure Delivery to be prepared to support the LDPs policies on infrastructure and developer contributions, and to deliver the infrastructure actions set out in the adopted Action Programme (December 2016). The SG is to be submitted to Ministers within one year from the date of adoption of the Plan.
- 2.2 On [8 December 2016](#), Planning Committee approved draft SG on Developer Contributions and Infrastructure Delivery for consultation.

### 3. Main report

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#### Introduction

- 3.1 The Edinburgh LDP aims to:
- support the growth of the city economy;
  - help increase the number, and improve the quality, of new homes being built;
  - help ensure that the citizens of Edinburgh can get around easily by sustainable transport modes to access jobs and services;
  - look after and improve our environment for future generations in a changing climate; and
  - help create strong, sustainable and healthier communities, enabling all residents to enjoy a high quality of life.
- 3.2 Infrastructure is key to the delivery of the aims and strategy of the Plan. The Plan recognises that the growth of the city, through increased population and housing,

business and other development, will require new and improved infrastructure. Therefore, to ensure the city grows in a sustainable way the infrastructure provision, and enhancements associated with new development, must be delivered.

3.3 Policy Del 1 of the Plan requires development to:

- contribute to the infrastructure provision, where relevant and necessary, to mitigate any negative additional impact (either on an individual or cumulative basis) commensurate to the scale of the proposed development; and
- only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time.

3.4 To support policy Del 1, the Council prepared SG on Developer Contributions and Infrastructure provision for consultation.

### **Summary of Consultation Responses**

3.5 The consultation ran for 6 weeks between 12 December 2016 and 3 February 2017. 41 responses were received to the consultation from the Scottish Government, Key Agencies and infrastructure providers, community councils, members of the public, land owners and developers.

3.6 A list of the proposed changes to the SG is in Appendix 2. A report of the consultation, which sets out the Council's response to the objections received, is provided in Appendix 3. A summary of individual responses is provided in Appendix 4.

3.7 The key issues and the Council's response to these are set out below.

### **Circular 3/2012 Planning Obligations and Good Neighbour Agreements**

3.8 Consultees have objected to the draft SG in that it does not comply with Scottish Government Circular 3/2012 in that the cumulative approach does not directly link the impacts of developments to the scale and kind of contributions sought. Community organisations and members of the public have raised concerns about infrastructure being planned on a piecemeal basis.

3.9 In response, the Council's approach implements the principles of the Circular in a way which allows consideration of the scale of growth in Edinburgh, in the interests of good overall infrastructure planning. Cumulative assessment is supported by Scottish Planning Policy, Circular 3/2012 Planning Obligations and the adopted Strategic Development Plan. No change is proposed to the finalised SG.

### **Matters to be dealt with in Supplementary Guidance**

3.10 The Scottish Government and other consultees have objected to the draft SG on the basis that SG may only deal with the provision of further information or detail in respect of the policies or proposals set out in an LDP. The objection relates to the LDP Action Programme including an action for a new secondary school in west Edinburgh, for which the SG sets out the required contributions.

3.11 In response, the LDP states clearly that contributions may be sought towards increases to 'school capacities, including new schools' (LDP Para 141 and

Appendix C) and that detail of anticipated requirements will be set out in SG. Accordingly, the matters expressly identified in the LDP itself cover school capacity, including new schools, but do not prescribe or limit what those school capacity or new school actions should be. Instead, they clearly identify that as a matter for the Guidance itself to set. The LDP does not include any provisions which 'do not support' a new secondary school in West Edinburgh.

- 3.12 The International Business Gateway masterplan is still emerging. In the context of such uncertainty, it would be prudent to avoid under-planning the education infrastructure elements of the overall West Edinburgh development corridor. Accordingly, it is appropriate to retain identification of a new secondary school in this area. No change is proposed to the finalised SG.

### **Housing Land Supply**

- 3.13 Consultees have objected to the draft SG on the basis that it does not recognise the full extent of the new infrastructure that will be required in relation to a 'shortfall in the Housing Land Supply amounting to some 7,000 new homes'.
- 3.14 In response, the figure of 7,000 referenced by consultees was the shortfall in housing delivery in the period 2009-2019. It arose because delivery rates on the established land supply were too low in the early part of that period. Sufficient overall land capacity, and associated infrastructure requirements, has already been identified. The Action Programme (December 2016) includes infrastructure actions identified to support the housing sites specifically identified in the adopted LDP; sites otherwise identified in the established housing land supply; and, for education infrastructure, other land within the Urban Area with potential capacity for housing development.
- 3.15 This capacity of housing land is more than sufficient (as evidenced in the 2016 Housing Land Audit and Delivery Programme), accordingly, there is not a need for the Council to identify further infrastructure actions to support additional, Green Belt, housing sites. No change is proposed to the finalised SG.

### **Education: Infrastructure Assessment**

- 3.16 Consultees have objected to the Council's Education Assessment on a number of issues relating to the Council's cumulative assessment approach.
- 3.17 The Council's full response to these objections is set out in Appendix 3. However, in summary, the Education Appraisal (December 2016 and updated March 2017) and SG explain the Council's methodology for determining developer contributions for new education infrastructure. The Education Appraisal has been informed by up-to-date school roll projections. The methodology for determining the school roll projections is set out in the report entitled '[Developing a Vision for the Schools and Lifelong Learning Estate](#)' (Communities & Families Committee December 2016). School roll projections are the basis for determining if there is capacity within a school to accommodate the cumulative number of additional pupils from new development, not the current school roll.

3.18 The Education Appraisal is based on the cumulative impact of new housing development within different parts of the city. As outlined above, cumulative assessment is supported by Scottish Planning Policy, Circular 3/2012 Planning Obligations and the approved Strategic Development Plan. Many of the objections relate to development utilising infrastructure on a 'first come first served' basis. This is not accepted and does not allow consideration of the scale of growth in Edinburgh, in the interests of good overall infrastructure planning. No change is proposed to the finalised SG.

#### **Education: Clauses A-G**

3.19 Objections have been received in respect of the Education Contribution clauses set out on pages 4-5 of the draft SG. These clauses are used to determine the appropriate contributions to be applied to development. In summary,

3.19.1 Education Clause C states that 'development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time'. Objections have been received to Clause C stating that third party delay (i.e. delivery of a school) could be a factor in the determination and issue of planning permissions. In response, the Council aims to ensure that infrastructure is delivered timeously relative to development. As part of this approach, the Council is taking on some of the responsibility and risk for infrastructure delivery itself. However, Clause C has been updated to read 'Third party delays in infrastructure delivery will only be allowed to prevent the granting of planning permission or the undertaking of development where necessary;'

3.19.2 Education Clause D sets how the required contribution from a development will be determined. Consultees have objected to Clause D as it does not accommodate green field housing release. In this regard, Education Clause Dii) has been updated to read: 'If the education infrastructure actions identified in the current Action Programme are not sufficient to accommodate an increase in the cumulative number of new pupils expected in that area as a result of the development (for example greenfield/greenbelt sites being considered under LDP Policy Hou 1, part 2) the Council will consider if it is appropriate to revise the action(s) and associated Contribution Zones'. Further technical detail is set out in the guidance;

3.19.3 Education Clause E states that where 'development is likely to give rise to an impact which cannot be appropriately mitigated in line with the Council's cumulative approach, it should be noted that planning permission will be refused'. Consultees have objected to Clause E as it is considered inflexible and have suggested revised text to refer to an 'alternative approach' to mitigation. Consultees have also objected to Clause E, highlighting this could prevent 'brownfield first' land being delivered. In response, it is considered that revised text submitted by consultees weakens Policy Del 1 and the cumulative assessment approach set out in the SG. As highlighted in Paragraph 3.14, the capacity of land within the urban area, on which the

principle of development is supported by the plan, has already been assessed and actions to mitigate the impact identified. However it is recognised that further detail should be provided on how impact can be 'appropriately mitigated' and the Education Appraisal (March 2017) has been updated in this regard;

3.19.4 Education Clause F states that 'if the pupils from new development cannot be accommodated until education actions have been delivered, conditions may be used to phase the development to reflect the delivery programme for the required infrastructure'. Consultees have objected to Clause F in that, where there is capacity in existing schools to accommodate children arising from new development that this should be taken up first on a first come, first served basis. In response, the suggestion that a 'first come first served' approach should be used is not accepted. This does not follow the Council's cumulative approach to mitigating the impact of new development and is not good infrastructure planning. School roll projections are the basis for determining if there is capacity within a school to accommodate the cumulative number of additional pupils from new development, not the current school roll. No change is proposed to the finalised SG.

#### **Education: Capital School Build Costs**

3.20 Consultees have objected to the costs set out in the draft SG for extensions to primary and secondary schools.

3.21 In response, a full answer to this question has been provided in Appendix 3. However, in summary, the SG has been updated to clarify that the capital costs in the SG for school projects are currently estimates based on established rates for extensions and new builds. As each specific project is taken forward through the design and delivery phases and transfer of land it is recognised that the actual costs of each project could vary from the estimates currently provided. If the actual costs of delivering the new infrastructure are lower, S75 legal agreements can make provision for the repayment of unused contributions. In addition, applicants have the opportunity to ask the Council to consider modifying existing S75's to reflect contribution rates that have been updated to take account of up-to-date costs.

#### **Education: Land Value**

3.22 With regards to land value, consultees have objected to the use of generic assumption for land costs and servicing remediation requirements.

3.23 In response, the Council has commissioned an independent valuation of the costs which could be applied to the school sites in Action Programme. The SG (Appendix 1, Part 2) has been updated with the revised costs.

#### **Transport: Cumulative Impact Transport and Land Use Appraisal**

- 3.24 Transport Scotland has objected to the draft SG as the Action Programme is not up to date in respect of the reporting of the Cumulative Impact Transport and Land Use Appraisal Working Group.
- 3.25 In response, the SG has been updated having regard to a draft report of the Cross Boundary Transport Appraisal (March 2017). Existing contribution zones have been updated as appropriate, and a new zone added for the Hermiston and Calder junction MOVA actions recommended in the draft study report. The LDP Action Programme is formally updated on an annual cycle. The next edition will include any updates arising from the final study report as appropriate.

**Transport: Trunk Road Junction Actions**

- 3.26 Transport Scotland has objected to the draft SG as it includes Gilmerton Junction as an action towards which contributions will be taken. Transport Scotland, have outlined that the cross boundary transport appraisal study has not identified that these junctions require upgrading. Consequently, Transport Scotland has recommended removing these junctions from the SG, unless further work by the Council has identified a cumulative impact.
- 3.27 In response, these junctions are identified in the SG because the LDP as adopted makes specific reference to them on page 65. These additions were post-examination recommendations made by the reporter in response to Scottish Government representations. As specific provisions of the LDP, they need to be included in the Action Programme and referred to in the SG. In respect of Transport Scotland's objection, the SG has been updated, at this stage, to remove the mapped zone for Gilmerton A720 junction, as the draft report of the Cross Boundary Transport Appraisal report does not identify any requirement for an action.

**Transport: other transport contributions**

- 3.28 Transport Scotland has objected to the approach set out in Transport Clause B (page 8) in that it is contrary to the position promoted by Transport Scotland in relation to identifying impacts on infrastructure in surrounding authority areas as a result of developments in the Council area.
- 3.29 In response, Transport Clause B sets out that Policy Tra 8 of the LDP requires a transport assessment to be carried out. This transport assessment should be carried out cumulatively. In response to Transport Scotland, the current wording is consistent with that in the LDP, and does not suggest that impacts on infrastructure in surrounding authorities as a result of development in the Council's area should not be assessed. No change is proposed to the finalised SG.
- 3.30 Consultees have also objected to the 6 criteria which a Transport Assessment (TA) will require to take account of. Consultees have responded that, whilst cumulative assessments to take account of committed development is generally considered to be standard practice, the inclusion of item (iii) valid applications, and (iv) Proposal of Application Notices is a concern.

3.31 In response, these comments are noted. However, it is not accepted in the case of proposals which accord with the LDP. The definition of 'cumulative impact' in SPP includes development in valid applications which have not been determined. Given the scope for valid PANs to become such applications, it is reasonable to include them within scope. Doing so ensures that cumulative impacts are assessed – a particular concern identified in the LDP as adopted. However, the SG has been updated to include the following text after Clause B (iv) 'except those for housing development in the Green Belt'.

### **Healthcare Infrastructure**

3.32 Consultees have objected to the principle of contributions towards community facilities including healthcare practices.

3.33 In response, NHS Lothian, in partnership with the Council, has appraised the cumulative impact of new housing development on healthcare infrastructure. Actions to mitigate this impact are set out in the Action Programme. The SG has been updated with Contribution Zones for healthcare infrastructure. These zones have been identified taking into account the following factors:

- Healthcare practices with capacity constraints;
- Development proposals within the catchments of affected practices; and,
- Distribution of practice's registered patients.

3.34 The Contribution Zones and a formula for calculating developer contributions are set out in the finalised SG (Appendix 1, Part 2, Annex 4).

### **Section 75 legal agreements**

3.35 Consultees have objected to the draft SG in 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 and when required" as they state it does not accord with the Circular 3/2012.

3.36 In response, the responses are noted. Whilst it is considered that the Council's approach accords with the Circular, the SG has been updated to read: "Whilst contributions may be required towards the delivery of a number of actions within a Zone, the Council may apportion money received from a particular development site to the delivery of infrastructure actions that have been prioritised in order to support early phases of development. Remaining or future monies received will then be used for the delivery of other actions set out within the Action Programme".

3.37 Responses have objected to contributions being held for 30 years (for education infrastructure) for payments to be used for unitary payments.

3.38 In response, the funding mechanism for some new build schools means that the construction costs are repaid over a period of up to 30 years. This means that the financial impact of a new development may be spread for over a 30 year period. In view of this, the Council may need to hold developer contributions for up to 30 years to meet these costs. No change is proposed to the finalised SG.



3.39 The Council notes general support for the preparation of a Model Legal Agreement.

#### **Delivery of infrastructure**

3.40 Consultees have objected to the draft SG on the basis that the Minister for Local Government and Housing has stated in his letter of 9th November 2016 that he expects “the City of Edinburgh Council to make decisions at the earliest opportunity which provide for or contribute to the infrastructure requirements identified in [the LDP]”.

3.41 In response, the Council’s response to the Ministerial Feedback was reported to Planning Committee on 8 December 2016. It included a commitment to produce the draft SG within ten working days of adopting the LDP. This the Council did. The Council also noted the LDP requirement to finalise the Guidance within one year of LDP adoption. The timeous reporting of finalised SG allows that to happen, and it is hoped that the Scottish Ministers will allow the adoption of the SG at the earliest opportunity. No change is proposed to the finalised SG.

3.42 Consultees have objected to the draft SG highlighting that new schools or extensions must be built in advance of the pupils actually being generated from the occupation of new homes. Consultees have also objected to SG stating that the SG should demonstrate any interim measures the Council intends to adopt to accommodate pupils arising from the ongoing completion of homes.

3.43 In response, education infrastructure will be delivered at a time that is appropriate to ensure that new pupils can be accommodated within their catchment schools. Temporary solutions will be identified if necessary. No change is proposed to the finalised SG.

#### **Funding of infrastructure**

3.44 Consultees have objected to the recovery of development of contributions to fund infrastructure relating to development. Consultees have stated that the Council should fund and deliver all of the education infrastructure requirements of new schools and extensions to schools. Consultees have also objected to the SG stating that the Council should front fund and deliver the education infrastructure to support the new development.

3.45 In response, as set out in Policy Del 1 of the LDP, it the purpose of the SG to:

- Set out the Council’s approach to infrastructure provision and improvements associated with development;
- Set out how the required infrastructure has been assessed;
- address community concerns about the timeous delivery of the required infrastructure;
- Ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development;
- Provide details of cumulative contribution zones relative to specific transport, education, public realm and green space actions;

- Set out the arrangements for the efficient conclusion of Section 75 legal agreements; and
  - Set out the council's approach should the required contributions raise demonstrable commercial viability constraints, and/or where forward or gap funding may be required.
- 3.46 It is not the purpose of the SG to fund the delivery of infrastructure associated with development. As stated in relevant reports on financial implications of the LDP and its Action Programme, the Council aims for full cost recovery from developments. The provision for viability tests to reduce such contributions ensures that this approach will not render any housing development unviable. It is also not the purpose of the SG to provide a comprehensive report on the financial situations of all the capital projects it refers to. That is intended to be done in reports to the relevant committee of the Council. Front funding and delivery of infrastructure will be carried out by the Council only if it is necessary and justified. No change is proposed to the SG.
- 3.47 Transport Scotland has objected to the draft SG in that it is inaccurate to state that funding will come from the Cumulative Impact Transport and Land Use Appraisal Working Group. This objection is noted and the SG has been updated to include a statement that the Council will transfer any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed.

#### **Community involvement in delivery of infrastructure and funding**

- 3.48 Community representatives have objected to the draft SG, requesting that there is more transparency and consultation with communities.
- 3.49 In response, the Council is currently preparing locality improvement plans, through which planning will liaise on spatial matters; in order to better align the planning process with locality working.

#### **Other changes to the guidance**

##### **West Edinburgh Transport Contribution Zone**

- 3.50 The West Edinburgh Transport Appraisal (WETA) has been refined to ensure that the actions identified to mitigate the impact of development in West Edinburgh are necessary, proportionate and transparent. The SG has been updated with a new table of actions and costs towards which developer contributions will be collected within the West Edinburgh Contribution Zone. This table will also form part of a future update to the Action Programme.

##### **Greenspace**

- 3.51 An update to Section 2c Greenspace has been made to clarify the arrangements for ongoing maintenance of open space. The SG has been updated to highlight that the Council prefers new open space to be factored on behalf of the private landowner(s), but will consider adoption should sufficient maintenance resources be made available. In addition, open spaces and public realm areas within the development site that are not transferred to the Council will require to be

safeguarded as being publicly accessible, and maintained and managed to a standard acceptable to the Council.

### **Affordable Housing Guidance**

- 3.52 The Council's non-statutory policy on Affordable Housing is not being superseded by this guidance, and will remain as a standalone requirement until it is reviewed as part of the Council's wider review of guidance in 2017.

## **4. Measures of success**

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

## **5. Financial impact**

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- 5.1 There is no direct financial impact arising from the approval of this report. The revised developer contribution guidance aims to provide clarity to all parties as to the Council's requirements for developer contributions towards infrastructure provision. Although the revised developer guidance will provide more clarity for Section 75 agreements, it is unlikely to lead to full cost recovery from developers. There is a risk both on the timing and achievement of developer contributions which could create a short-term or overall funding pressure.
- 5.2 It should be noted that the education and transport infrastructure actions required to support the LDP are significant. The LDP Action Programme has been updated to take account of the modifications and is the subject of a separate report to this Committee. A report on the financial implications of the LDP Action Programme was reported to the Finance and Resources Committee in January 2017, with an update to be provided in six months.
- 5.3 Although alternative supplementary income streams are being investigated, there will still likely be an overall large funding requirement falling to the Council as a result of infrastructure provision. With the exception of £0.9m provided in 2015/16, for early design works on likely transport and education infrastructure and the allocation of £3.95m from the Capital Fund, 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.

## **6. 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 Members should note that no allowance for the infrastructure costs associated with the LDP is provided for within the current Capital Investment Programme 2015-2020 or indicative five year plan 2019/20 – 2023/24. Therefore, there remains a real risk to the Council that required infrastructure cannot be delivered as required within the LDP proposals, without the identification of additional resources required to fund this.
- 6.3 The capital costs of infrastructure set out in the Action Programme and SG are net of construction inflation. A risk exists that a further funding gap might arise based on the timing of indexed Section 75 developer contributions being received and the council incurring cost of construction at some later point.
- 6.4 Land costs identified in the Action Programme and SG are based on a third party assessment of 'likely value'. A risk exists that a further funding gap might arise if the Council is unable to negotiate this value in Section 75 developer contributions. Again, mitigation of this risk will be considered as far as possible through the forthcoming updated developer contribution guidance and the Section 75 agreement process.
- 6.5 There is also more general risk of a change to either market conditions or economic policy which could slow down housing delivery across the plan period. This could leave the Council in a position where contribution levels are received at a lower level than expected after a financial commitment to address an infrastructure need has been made.
- 6.6 Mitigation of these risks will be considered, as far as possible, through this SG on Developer Contributions and Infrastructure Delivery, and in the Section 75 agreement process. The guidance will help to minimise all of these risks and ensure compliance.
- 6.7 The Council is currently working with its partners to develop fiscal mechanisms for funding delivery of infrastructure. The Council is also modelling projected Section 75 income against the proposed rate of housing delivery to create detailed forecast expenditure and income cash flows for the next ten year time frame. An update on this work will be provided to the Finance and Resources Committee in due course.
- 6.8 The approval of this report and its recommendations has a positive impact in terms of risk, policy, compliance and governance.

## **7. Equalities impact**

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

## 8. 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 draft SG is a means of managing impact on sustainability.

## 9. Consultation and engagement

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- 9.1 The principle of preparing SG for Developer Contributions and Infrastructure Delivery was established through the LDP process.
- 9.2 Consultation on the draft SG took place prior to its finalisation. The following groups and organisations were consulted: community councils, citywide amenity bodies, property investors, commercial property letting agents, traders associations and the local residents and businesses.
- 9.3 The draft SG was available on the Council's Consultation Hub for a minimum of six weeks.

## 10. Background reading/external references

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- 10.1 Edinburgh Local Development Plan - Adoption, [Report to Full Council 24 November 2016](#)
- 10.2 Edinburgh Local Development Plan Action Programme - Adoption, [Report to Planning Committee 8 December 2016](#)
- 10.3 Developer Contributions and Affordable Housing Guidance - Finalised Version, [Report to Planning Committee, 3 December 2015](#)
- 10.4 Edinburgh Local Development Plan Action Programme - Financial Assessment, [Report to Finance and Resources Committee 19 January 2017](#)
- 10.5 [Item 7.11 - Edinburgh Local Development Plan Action Programme - Financial Assessment](#) – Reports
- 10.6 Planning Obligations and Good Neighbour Agreements - [Circular 3/2012](#)
- 10.7 LDP Education Infrastructure Appraisal update (March 2017)
- 10.8 West Edinburgh Transport Appraisal Refresh (November 2016)
- 10.9 LDP Transport Appraisal Addendum update (November 2016)

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## 11. Links

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<b>Coalition Pledges</b>	<p>P4 Draw up a long-term strategic plan to tackle both over-crowding and under use in schools</p> <p>P8 Make sure the city's people are well-housed, including encouraging developers to built residential communities, starting with brownfield sites</p> <p>P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors</p> <p>P17 Continue efforts to develop the city's gap sites and encourage regeneration</p> <p>P18 Complete the tram project in accordance with current plans</p>
<b>Council Priorities</b>	<p>CP2 Improved health and wellbeing: reduced inequalities</p> <p>CP4 Safe and empowered communities</p> <p>CP5 Business growth and investment</p> <p>CP8 A vibrant, sustainable local economy</p> <p>CP9 An attractive city</p> <p>CP10 - A range of quality housing options</p> <p>CP11 An accessible compact city</p> <p>CP12 - A built environment to match our ambition</p>
<b>Single Outcome Agreement</b>	<p>SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all</p> <p>SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health</p> <p>SO3 Edinburgh's children and young people enjoy their childhood and fulfil their potential</p> <p>SO4 Edinburgh's communities are safer and have improved physical and social fabric</p>
<b>Appendices</b>	<p>Appendix 1 - Supplementary Guidance - Developer Contributions and Infrastructure Delivery - finalised</p> <p>Appendix 2 - Changes to Supplementary Guidance on Developer Contributions and Infrastructure Delivery</p> <p>Appendix 3 - Report of Consultation and Council Response to Objections Received</p> <p>Appendix 4 - Summary of Responses to Consultation</p>

## **Developer Contributions and Infrastructure Delivery**

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### **1 Introduction and Policies**

- What does this guidance do?
- Use of this guidance
- Relevant Policies

### **2 Delivering the Edinburgh Local Development Plan**

- Infrastructure requirements associated with new development
- General Developer Contributions Approach
  - a. Education
  - b. Transport
  - c. Green Space
  - d. Public Realm
  - e. Primary Healthcare

### **3 Viability Assessments and Funding Mechanisms**

### **4 Legal Agreements and use of monies**

### **5 Audit and Review**

#### **Appendices**

- Annex 1 Education Contribution Zone Maps and Requirements
- Annex 2 Transport Contribution Zone Maps and Requirements
- Annex 3 Green space revenue costs

## 1. Introduction

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### What does this guidance do?

This guidance:

- Sets out the Council’s approach to infrastructure provision and improvements associated with development; and,
- Ensures that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development.

### Use of this guidance

This draft statutory Supplementary Guidance applies to all development in Edinburgh. This guidance will be used as a material consideration until its adopted following finalisation and statutory submission to Scottish Ministers. This guidance supersedes earlier, non-statutory guidance on developer contributions.

### Relevant policies

This consultation draft Supplementary Guidance has been prepared in accordance with the following sections of the Edinburgh Local Development Plan:

- Section 1, Part 4
- Policy Del 1: Developer Contributions and Infrastructure Delivery
- Appendix C – Table of Financial and Other Contributions

This guidance should also be read alongside the following LDP Policies:

Tra 8	Provision of Transport Infrastructure
Hou 1	Housing Development
Hou 10	Community Facilities
Other policies	Del 2 - City Centre Del 3 - Edinburgh Waterfront Del 4 - Edinburgh Park/South Gyle Special Economic Areas Emp 2-7. Hou 3. Env 18, 19 and 20 Des 8
Other parts of the Plan	LDP Part 1 Section 5: Site briefs for housing sites in West, South East and East Edinburgh and Queensferry.
Other relevant documents	LDP Action Programme (December 2016).



Strategic Development Plan policies are also relevant, including Policy 9 - Infrastructure and Policy 11 – Delivering the Green Network

This guidance takes account of Scottish Government **Circular 3/2012** Planning Obligations and Good Neighbour Agreements and other relevant government advice on contributions and legal agreements.

Guidance on commuted sums for affordable housing provision is provided in separate non-statutory guidance on affordable housing. *(Interim usage note: the Affordable Housing section of the December 2015 guidance on Developer Contributions and Affordable Housing should continue to be referred to when using LDP Policy Hou 6 – Affordable Housing. It is intended to issue a free-standing edition of that non-statutory guidance in early 2017.)*

## 2 Delivering the Edinburgh Local Development Plan

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The Local Development Plan (LDP) aims to:

1. support the growth of the city economy;
2. help increase the number and improve the quality of new homes being built;
3. help ensure that the citizens of Edinburgh can get around easily by sustainable transport modes to access jobs and services;
4. look after and improve our environment for future generations in a changing climate; and,
5. help create strong, sustainable and healthier communities, enabling all residents to enjoy a high quality of life.

Infrastructure is key to the delivery of the aims and strategy of the adopted LDP. The Plan recognises that the growth of the city, through increased population and housing, business and other development, will require new and improved infrastructure. Without infrastructure to support Aims 1 and 2, the Plan will not help achieve Aims 3, 4, and 5. The Action Programme sets out how the infrastructure and services required to support the growth of the city will be delivered.

To meet this aim, Policy Del 1 of the LDP requires that ‘development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time’.

The infrastructure requirements to support the LDP are set out in the accompanying statutory Action Programme. The Action Programme is a statutory document, which is **adopted by Planning Authorities and submitted to Scottish Ministers on at least a two yearly basis.**

To support the delivery of the Plan, this Supplementary Guidance sets out the Council’s approach to the assessment of infrastructure requirements associated with new development and a framework for the collection of developer contributions. It also aims to address community concerns about the timely delivery of the required infrastructure.

### **Infrastructure requirements associated with new development**

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The impact of the growth of the city on schools, roads and other transport requirements, green space and primary healthcare infrastructure, has been considered by the Council during the Plan preparation process.

This consideration has been carried out through cumulative appraisals of the impact of new housing land releases on education and transport infrastructure, and by revisiting earlier transport studies. It has involved using the standards in the Open Space Strategy and

partnership working with NHS Lothian. In addition, cross boundary transport impacts and actions to address them are being considered by SESplan with Transport Scotland.

### General Developer Contributions Approach

Proposals will be required to contribute to the following infrastructure provision, as set out in Table 1, where relevant and necessary to mitigate\* any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.

\*further assessments may be required to detail the required mitigation.

Table 1 - Financial and Other Contributions	
Item	Circumstances <ul style="list-style-type: none"> <li>• Types of development</li> <li>• Location &amp; Policy</li> </ul>
Education capacity, including new schools	<ul style="list-style-type: none"> <li>• Residential development - houses (Use Class 9) and sui generis flatted developments of all tenures including affordable housing and/or build for rent housing.</li> <li>• Citywide through contribution zones. New schools within LDP Table 5 and site briefs. The Action Programme and Appendix 1 of this guidance.</li> </ul>
Edinburgh Tram Project	<ul style="list-style-type: none"> <li>• Local, major &amp; national development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations</li> <li>• In identified contribution zone.</li> </ul>
Public realm and other pedestrian and cycle actions	<ul style="list-style-type: none"> <li>• Local, major &amp; national development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations.</li> <li>• Citywide, including in contribution zones and other locations if required by Policies Del 1, Hou 3, Env 18, 19 or 20 or where identified in Council's public realm strategy*, or as site specific action in Action Programme.</li> </ul>
Transport improvements including public transport	<ul style="list-style-type: none"> <li>• Local, major &amp; national developments as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations.</li> <li>• Citywide, including in contribution zones and other locations if required by Policies Del 1, the Action Programme or a site specific action set out in a LDP site brief.</li> </ul>

Traffic management, including strategic infrastructure from the SDP, and junction improvements	<ul style="list-style-type: none"> <li>Local, major &amp; national development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations.</li> <li>Citywide including in contribution zones and other locations if required by Policies Del 1 and Tra 8</li> </ul>
Green space actions	<ul style="list-style-type: none"> <li>Residential development - houses (Use Class 9) and sui generis flatted developments of all tenures including affordable housing and/or build for rent housing if required by Policy Hou 3. Other local, major or national development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations if required by Policy Env 18, 19 or 20.</li> <li>Citywide, including in contribution zones</li> </ul>
Primary healthcare infrastructure capacity	<ul style="list-style-type: none"> <li>Residential development - houses (Use Class 9) and sui generis flatted developments of all tenures including affordable housing and/or build for rent housing, care homes (Use Class 8) and student housing developments.</li> <li>In identified contribution zones*</li> </ul>

\* No relevant actions identified prior to Plan’s adoption.

Table 1 is based on LDP Appendix C, reordered to reflect the hierarchy of transport modes

### **Contribution Zones**

Where infrastructure appraisals have identified cumulative impacts i.e. arising from more than one development, a contribution zone is established. The geographical extent of a contribution zone relates to the type and nature of the action in relation to transport, education, public realm, green space and primary healthcare.

The total cost of delivering infrastructure with zones, including land requirements will be shared proportionally and fairly between all developments which fall within the zone.

The infrastructure actions identified by the assessments and the Contribution Zone requirements are set out in the Action Programme, and Appendix 1-4 and for each individual form of infrastructure, below.

## **2a. Education Infrastructure**

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Education infrastructure, including new primary and secondary schools, as well as school extensions, is required to support planned population and housing growth within the city.

### *Education Infrastructure Requirements and Contribution Zones*

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated December 2016). To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area. The number of new pupils expected from this housing development is then identified using pupil generation rates, as set out in Appendix 1.

The Council's assessment has indicated that additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' have been identified and are set out in the Action Programme and Appendix 1 to this guidance. Actions include the delivery of new schools and school extensions.

To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in Appendix 1.

Where land is required to be safeguarded for a school site, the cost of the land, and its servicing and remediation is included within the relevant Contribution Zone. This allows the land costs to be attributed to, and recouped from, all the sites within a Zone

Education Contribution Zones are based on the catchment areas of secondary and primary schools.

### *Developer Contributions for Education Infrastructure*

- A. Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. Residential development includes houses (Use Class 9) and sui generis flatted development, and includes affordable housing, and build for rent housing.

**Appendix 1 (Part 1)**

- B. The Council will assess the cumulative impact of all new development on education infrastructure. This assessment will consider school roll projections and an assumption about potential developments within the area, at the time of the assessment.
- C. The required contribution from a development will be determined using the following principles:
- i) If appropriate education infrastructure actions are identified in the current Action Programme, the contribution will be based on the established ‘per house’ and ‘per flat’ rate for the appropriate part of the Zone. The current actions and contribution rates for all Zones are set out in Appendix 1. For Zones which include proposals for a new school(s), a contribution towards the cost of securing land for the school(s) is also required.
  - ii) If the education infrastructure actions identified in the current Action Programme are not sufficient to accommodate an increase in the cumulative number of new pupils expected in that area as a result of the development (for example greenfield/greenbelt sites being considered under LDP Policy Hou 1, part 2) the Council will consider if it is appropriate to revise the action(s) and associated Contribution Zones.

The established ‘per house’ and ‘per flat’ contribution rates will be applied if they are sufficient to cover the cost of the notional new set of actions. This will ensure that sites not allocated within the LDP do not contribute proportionally less to the delivery of new education infrastructure than housing sites allocated in the LDP. If the established contribution rates will not cover the cost of the revised set of actions, the proposed development will be required to make a contribution that is sufficient to cover the revised set of actions, in order that the infrastructure requirements can be delivered.

In some circumstances it may be appropriate to establish a new Contribution Zone or Sub-Area with its own contribution requirements, for example if a development comes forward that would require a new school to be added to the Action Programme.

- iii) In certain circumstances the full ‘per unit’ contribution will not be required.
  - No contribution is required from developments that are not expected to generate at least one additional primary school pupil.

**Appendix 1 (Part 1)**

- If a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only the 'primary school contribution' is required.
- If a development is expected to generate at least one primary school pupil and at least one secondary school pupil, a 'full contribution' is required.

The 'full contribution' is based on all identified actions. The 'primary school contribution' is based on identified actions for non-denominational and Roman Catholic primary schools only.

- D. Where a development proposal is likely to give rise to an impact on education infrastructure which cannot be appropriately mitigated in line with the Council's cumulative approach, it should be noted that planning permission may be refused.
- E. Development should only progress where it is demonstrated that required education infrastructure can be delivered, and at the appropriate time. The Council will assess whether new development will impact on the education actions set out in the Action Programme, and the current education delivery programme, as set in Appendix 1. Third party delays in infrastructure delivery will not normally be allowed to prevent the granting of planning permission or the undertaking of development.
- F. If the pupils from a new development cannot be accommodated until education actions have been delivered, conditions may be used to phase the development to reflect the delivery programme for the required infrastructure.
- G. The Action Programme, costs and potential housing output set out in Appendix 1 are reviewed on an annual basis. The circumstances within which this guidance will be reviewed are set out in Section 5.

*Delivery of Education Infrastructure*

The Council's current programme for the delivery of education infrastructure is set out in the Action Programme and Appendix 1 of this guidance.

In setting the programme, the Council aims to balance the need for early provision of infrastructure with the risk of housing development stalling. Education infrastructure capacity will be delivered at a time that is appropriate to ensure that new pupils can be accommodated within their catchment schools. The Council reserves the right to adjust the timing of the education delivery programme to take account of relevant circumstances.

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.

If the number of additional classrooms that are delivered is no more than what is necessary to accommodate the number of pupils expected to be cumulatively generated from development sites, developer contributions from the relevant part of the Contribution Zone will be expected to cover the full cost of delivering the new infrastructure.

The Council may identify a need to provide education infrastructure over and above what is required to accommodate the number of pupils expected to be cumulatively generated from development sites. This will be set out in the Action Programme, and the Council's appropriate share of the infrastructure identified. The Council will not seek developer contributions to deliver its share of this infrastructure; instead the Council will seek an alternative funding mechanism.



## 2b. Transport Infrastructure

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There is a clear link between most new development and impact on the transport network. Future growth based on excessive car use and dependency would have serious consequences in terms of congestion and deteriorating air quality, as well as impacting on the economy and environment and disadvantaging people who do not have access to a car.

Therefore, reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the LDP strategy, and a central objective of the Council's Local Transport Strategy. These outcomes are also sought by national and regional planning policy.

### *Transport Infrastructure Requirements and Contribution Zones*

The Council has prepared a transport appraisal to understand the impact on transport of the new planned growth set out in the LDP and to identify the transport interventions needed to mitigate it.

The Council has also refreshed transport appraisals for its strategic mixed-use development areas, including the West Edinburgh Transport Appraisal (WETA) to support development proposals at Edinburgh Airport, the Royal Highland Centre and International Business Gateway and an earlier study for north Edinburgh relating to the now-superseded local plan's proposals for Edinburgh Waterfront.

SESplan and Transport Scotland are progressing work to establish any actions necessary to address cross boundary traffic flows related to the cumulative impacts of developments in the SESplan area.

The transport improvements identified by the above studies are set out in the Action Programme. These interventions include:

- the delivery of Edinburgh tram,
- access to bus services and park and ride facilities,
- improvements to the public realm and other pedestrian and cycle actions, and,
- traffic management, including junction improvements.

Some of these interventions relate only to a single development site. These are only shown in the Action Programme.

Where transport interventions have been identified due to the cumulative impact of several developments, a transport contribution zone has been established. These are shown in the Action Programme and set out in Appendix 2.

Contribution zone coverage of the Council area is not comprehensive and the Action Programme actions only account for some of the total quantity of development supported by the LDP. Development proposals which are not accounted for by this approach will therefore need to carry out transport assessments as described below.

### *Developer Contributions for Transport Infrastructure*

Development is required to contribute towards the cost of necessary transport infrastructure enhancements.

### **Edinburgh Tram Contributions**

Where the 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 existing and proposed tram lines as shown in Appendix 2, and throughout the city with regard to major developments.

In relation to the completed Phase 1A of the project, the Council has constructed the tram line and its associated public realm. As part of the funding strategy money has been borrowed against future contributions from developers. Given the amount of public money that has been spent and the fact that many developers have already contributed towards the project this approach is an appropriate mechanism for 'front funding' essential infrastructure.

The Council in constructing the tram network has provided a necessary piece of transport infrastructure to allow future development to proceed.

- A. All developments should make an appropriate contribution towards the construction costs of the tram system and associated public realm to ensure the necessary transport infrastructure is in place in time to take account of the impacts of these new developments in the City. Contributions will be sought, where they are required, in an appropriate, transparent and equitable manner.
- B. The level of contribution required depends on the following factors:

- i. type of development,
  - ii. distance from tram route, and
  - iii. size of development.
- C. The level of contribution will be calculated as follows:
- i. Firstly, from Table 1 (Appendix 2) 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 or previously developed land will also require to be calculated with regard to a potential contribution. This will be based on the tram contribution for the proposed planning use(s) for the building(s)/land, minus the tram contribution based on the lawful planning use of the existing building(s)/land. Where, the resultant contribution is positive then that will be the contribution that is required to be paid for that development. Changes of use or subdivision falling below the thresholds shown in Table 1 will not normally be expected to provide a contribution.
- E. Where development proposals are in excess of Tables 1 and 2, these tables will be applied on a pro rata basis to calculate the minimum level of contribution required.

- F. Major developments, as defined within scale factor 15 in Appendix 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 this requires mitigation developments may be required to make a contribution to the tram system. In such cases, the Transport Assessment submitted with the application should address fully the potential role which could be played by tram in absorbing the transport impacts of the development.
- G. The construction of the tram system infrastructure (Phase 1A) 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 appended plan.
- 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.

The amount of contribution attributable to any development will depend on the exact size of the development (sqm/number of units, etc). Table 2 (Appendix 2) 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. 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.

## Other Transport Contributions

LDP Policy Tra 8 sets out requirements for assessing development proposals relating to major housing or other<sup>1</sup> development sites, and which would generate a significant amount of traffic. Contributions will be identified using the following approach:

- A. For sites identified in the LDP or accounted for by the Action Programme and/or Transport Contribution Zones, contributions will be sought as specified in the Action Programme and Appendix 2.
- B. For development proposals not addressed by A above, Policy Tra 8 requires that a transport assessment be carried out to demonstrate that certain criteria are met. Such assessment should be carried out cumulatively, taking account of:
  - i. Existing development
  - ii. Development with permission
  - iii. Development in valid applications
  - iv. Development in valid Proposal of Application Notices
  - v. Allocations in the LDP
  - vi. Cross boundary impacts, taking account of relevant developments in surrounding authorities. (except those for housing development in the Green Belt).

In order to comply with Policies Tra 8, Del 1 and, where applicable, Hou 1, such proposals will need to demonstrate that they can deliver any new transport actions arising from such assessments.

- C. For development proposals required to carry out an assessment and identify actions as described in B above, the developer will be expected to deliver the actions.

For all development,

- I. The Council may require a contribution towards Traffic Regulation Orders/Stopping up Orders and City Car Club (or equivalent). Where an action can only be delivered by the Council as local authority (e.g.), indicative costs are provided in Appendix 2.

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<sup>1</sup> The scale of 'other development sites' will be considered on a case-by-case basis, having regard to national guidance on transport assessments.

- II. Where the formation of an active travel connection would involve use of land outwith the developer's control, and the Council is able and willing to deliver such an action, if necessary using its compulsory purchase powers, the full cost of such an action (including land acquisition costs) will be sought.

*Delivery of transport infrastructure*

The current timescales and responsibility for the delivery of transport infrastructure actions are set out in the Action Programme.

Where the delivery of a transport action in the Action Programme is attributable to a number of development sites and/or requires land outwith the control of the applicant(s), the Council will collect contributions cumulative towards the action and deliver the action.

Where transport actions are required because of development and can be delivered directly by the applicant, the Council will normally secure its delivery as part of the planning permission using conditions or legal agreements (see section C above).

**The Council will transfer any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed.**

## 2c. Greenspace

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Policies set out requirements for the provision of open space in new housing development (Policy Hou 3 in the LDP) and other development (Policy Env 20 in LDP), and identify the limited circumstances in which loss of open space will be permitted (LDP Policies Env 18 and 19). Where greenspace actions which are to be delivered by new development are identified within the LDP, these, with costings where appropriate, are set out in the Action Programme.

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, **trees and other green infrastructure**, there must be adequate arrangements for ongoing management and maintenance. **The Council favours factoring on behalf of the private landowner(s), but will consider adoption should sufficient maintenance resources be made available.**

The Council will only accept responsibility for open space and public realm maintenance and management if it owns the land in question.

If the developer wishes the Council to undertake long term maintenance of these facilities within the development site, land ownership must be transferred to the Council by legal agreement **and adequate revenue resources made available.**

Open spaces and public realm areas within the development site that are not transferred to the Council will **require to be safeguarded as being publicly accessible**, and maintained and managed to a standard acceptable to the Council. This may be undertaken by a property management company or other appropriate body, such as a Trust.

As a condition of the planning consent, the developer will be required to provide details of the proposed management and maintenance arrangements to the Council, and receive approval, before construction starts on site.

## **2d. Public Realm**

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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.



## **2e. Primary healthcare**

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The LDP recognises that facilities such as local doctor and dental surgeries, local shops, community halls and meeting rooms are necessary to foster community life.

Where an action has been identified within the Action Programme which will help address a deficiency in the healthcare or community requirements of a development, these are set out in the Action Programme. These actions include directly related extensions to healthcare practices, and new practices where cumulative impacts have been identified.

LDP Policy Hou 10 sets out that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed.

Contribution zones and a formula for calculating developer contributions are set out in Annex 4.

### **3 - Viability and Funding Mechanisms**

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#### *Viability*

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.

Financial viability will be assessed in accordance with the Royal Institution of Chartered Surveyors Guidance Note, Financial Viability in Planning (1st Edition, 2012).

There is an expectation that the applicant will enter into an open book exercise in order to prove viability concerns. This open book exercise should include a financial appraisal supported by an evidence base including forecasting development values, development costs, any abnormally high site preparation costs, and an assessment of land value.

Financial viability is one of many material considerations in the determination of a planning application.

#### *Funding Mechanisms*

Should the required contributions raise demonstrable commercial viability constraints, gap and/or forward funding may be required.

Should gap and/or forward funding be required to deliver an infrastructure action in the Action Programme, this will be reported to the appropriate committee(s). This includes Planning Committee with the relevant application.

The financial impact of the Local Development Plan on capital and revenue budgets is reported annually to the Council's Finance & Resources Committee.

#### 4 – Legal Agreements and use of monies

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Once Developer Contributions are agreed a Section 75 agreement will normally be required, although other arrangements may be made where smaller contributions are to be delivered by the developer or paid up front.

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. It is anticipated that planning applications will be submitted and construction started at varying timescales.

The timescales for delivery will be agreed between the Council and the applicant. 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. 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.

Where a development site includes the land safeguarded for a new school, the site will be secured as part of a legal agreement. The value of the land, as well as the cost of servicing and remediating the site (if appropriate), will be credited against that site's overall contribution requirement once the Council has confirmed that the new school will be delivered. It is likely that this will be following a statutory consultation process to establish the school location and catchment boundaries. All contributions from other development sites which are attributable to the cost of securing land for a new school will then be used towards the general cost of delivering the new education infrastructure that is required within the relevant Zone.

Whilst contributions may be required towards the delivery of a number of actions within a Zone, the Council may apportion money received from a particular development site to the delivery of infrastructure actions that have been prioritised in order to support early phases of development. Remaining or future monies received will then be used for the delivery of other actions set out within the Action Programme.

The Council will continue to collect contributions towards actions in the Action Programme that have been delivered by the Council to facilitate development. This includes the Edinburgh Tram Project and other large cumulative infrastructure. Any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed. The Action Programme will provide details of the phasing and delivery of the infrastructure needed to support strategic growth.

#### Indexing and Repayment

Infrastructure contributions will be index linked. This is based on the increase in the BCIS Forecast All-in Tender Price Index from the current cost Q1 shown in the relevant

infrastructure Annex to the date of payment. No indexing will be applied to payments towards land.

The Council will hold contributions towards education infrastructure for 30 years from the date of construction of new school infrastructure. This is in order for payments to be used for unitary charges associated with infrastructure projects which have been delivered through revenue based funding mechanisms. For all other contributions, payments will be held for 10 years.

If the actual costs of delivering the new infrastructure are lower, S75 legal agreements can make provision for the repayment of unused contributions. In addition, applicants have the opportunity to ask the Council to consider modifying existing S75s to reflect contribution rates that have been updated to take account of up-to-date costs.

### **Model agreement**

The Council is preparing a Model Legal Agreement.

## **5 - Audit and Review**

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This guidance will be reviewed as part of the development plan process and will be revised in the light of any changes to the development plan or the review of the Action Programme, The Council's Education Infrastructure Appraisal, The Housing Land and Delivery Audit, 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 Infrastructure**

<b>Education Action</b>	<b>Capital Cost</b>	<b>Delivery date</b>
3 Primary School classes (Currie PS)	£838,627	Aug-18
2 RC Primary School classes (St Margaret's RC PS)	£705,308	Aug-18
Additional secondary school capacity - 66 pupils (Boroughmuir HS, James Gillespie's HS)	£2,118,310	Aug-19
3 Primary School classes (Gylemuir PS)	£838,627	Aug-19
4 RC Primary School classes (St John Vianney RC PS or St Catherine's RC PS)	£1,052,144	Aug-19
Additional secondary school capacity - 275 pupils (Queensferry Community HS)	£8,826,290	Mar-20
Additional secondary school capacity - 273 pupils (Broughton HS, Craigoyston Community HS)	£8,762,098	Aug-20
New 14 class Primary School and 40/40 nursery (Broomhills)	£11,328,584	Aug-20
New 14 class primary school and 40/40 nursery (Leith Waterfront)	£11,328,584	Aug-20
4 Primary School classes (to be delivered by the new South Edinburgh PS)	£838,627	Aug-20
3 Primary School classes (Hillwood PS)	£838,627	Aug-20
Additional secondary school capacity - 522 pupils (Gracemount HS, Liberton HS)	£16,753,902	Aug-21
Additional secondary school capacity - 251 pupils (Leith Academy, Trinity Academy)	£8,055,955	Aug-21
Additional secondary school capacity - 7 pupils (Firhill HS)	£224,669	Aug-21
New 14 class Primary School and 40/40 nursery (Granton Waterfront)	£11,328,584	Aug-21
New 21 class primary school and 60/60 nursery (Maybury)	£14,887,301	Aug-21
3 Primary School classes (Castleview PS)	£838,627	Aug-21
Extension to Castleview PS dining hall	£293,808	Aug-21
2 RC Primary School classes (St David's RC PS)	£705,308	Aug-21
Additional secondary school capacity - 261 pupils (Castlebrae Community HS)	£8,376,951	Aug-22
Additional secondary school capacity (St Augustine's RC HS)	£3,016,986	Aug-22
New 7 class Primary School and 40/40 nursery (Gilmerton Station Road)	£7,591,930	Aug-22
New 11 class Primary School and 40/40 nursery (Brunstane)	£10,794,776	Aug-22
2 Primary School classes (Dean Park PS)	£705,308	Aug-22

<b>Education Action</b>	<b>Capital Cost</b>	<b>Delivery date</b>
New Secondary School (West Edinburgh)	£19,293,885	Aug-23
New 14 class Primary School and 40/40 nursery (South Queensferry)	£11,328,584	Aug-23
2 Primary School classes (to mitigate the impact of development within Drummond CZ)	£705,308	Aug-23
2 Primary School class (Balgreen PS)	£705,308	Aug-23
5 RC Primary School classes (Fox Covert RC PS or St Joseph's RC PS)	£1,143,549	Aug-23
1 Primary School class (Kirkliston PS)	£350,000	Aug-24
2 Primary School classes (to mitigate the impact of development within the catchment of The Royal High Primary School)	£705,308	Aug-24
2 Primary School classes (Craigour Park PS)	£705,308	Aug-24
2 RC Primary School classes (Holycross RC PS)	£705,308	Aug-24

**Land Values**

	<b>Proposed School Site Area</b>		<b>Abnormal Costs (External valuation)</b>	<b>Land Value</b>
	<b>Ha</b>	<b>Acre</b>	<b>Q3 2016</b>	
Western Harbour	1.20	2.97	£3,073,781	<b>£1,450,000</b>
South Queensferry	2.00	4.942	£2,047,816	<b>£3,050,000</b>
Granton Waterfront	1.20	2.97	£3,073,781	<b>£525,000</b>
IBG	4.20	10.38	£6,489,179	<b>£2,000,000</b>
Brunstane	2.00	4.94	£4,516,165	<b>£2,950,000</b>
Maybury	2.00	4.94	£2,858,549	<b>£4,750,000</b>
Broomhills	2.00	4.94	£4,516,165	<b>£2,950,000</b>
Gilmerton Station Road	2.00	4.94	£4,516,165	<b>£3,000,000</b>

Education Infrastructure – Costing at Q1 2015																
Action Required	Base Date	Area (m2)	Additional for 2's	Area (m2)	Base Cost/m2	Base Date TPI	Q1 2015 TPI	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>																
Reference source SFT Cost Metric																
New 21 class primary school and 60/60 nursery	Q2 2012	4,900	120	5,020	£2,350	230	270	17.39%	£2,759	<b>£13,848,652</b>	0	0	0	£13,848,652	£1,038,648.91	<b>£14,887,301</b>
New 18 class primary school and 40/40 nursery	Q2 2012	4,165	120	4,285	£2,350	230	270	17.39%	£2,759	<b>£11,821,011</b>	0	0	0	£11,821,011	£886,575.82	<b>£12,707,587</b>
New 14 class Primary School and 40/40 nursery	Q2 2012	3,700	120	3,820	£2,350	230	270	17.39%	£2,759	<b>£10,538,217</b>	0	0	0	£10,538,217	£790,366.30	<b>£11,328,584</b>
New 13 class Primary School and 40/40 nursery	Q2 2012	3,640	120	3,760	£2,350	230	270	17.39%	£2,759	<b>£10,372,696</b>	0	0	0	£10,372,696	£777,952.17	<b>£11,150,648</b>
New 11 class primary school and 40/40 nursery-	Q2 2012	3,520	120	3,640	£2,350	230	270	17.39%	£2,759	<b>£10,041,652</b>	0	0	0	£10,041,652	£753,123.91	<b>£10,794,776</b>
New 10 class primary school and 40/40 nursery	Q2 2012	3,029	120	3,149	£2,350	230	270	17.39%	£2,759	<b>£8,687,133</b>	0	0	0	£8,687,133	£651,534.95	<b>£9,338,668</b>
New 9 class Primary School and 40/40 nursery	Q2 2012	2,910	120	3,030	£2,350	230	270	17.39%	£2,759	<b>£8,358,848</b>	0	0	0	£8,358,848	£626,913.59	<b>£8,985,761</b>
New 7 class Primary School and 30/30 nursery	Q2 2012	2,440	120	2,560	£2,350	230	270	17.39%	£2,759	<b>£7,062,261</b>	0	0	0	£7,062,261	£529,669.57	<b>£7,591,930</b>
<b>Primary School Extension</b>																
Reference source - Rising Rolls Phase 3																
1 Class Extension	Q1 2015		0							<b>£325,581</b>	0	0	0	£325,581	£24,418.58	<b>£350,000</b>
2 class extension	Q1 2015	213	0	213	£2,171	270	270	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	Q1 2015	276	0	276	£2,290	270	270	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	Q1 2015	412	0	412	£2,006	270	270	0.00%	£2,006	<b>£826,447</b>	100,702	40,000	11,589	£978,738	£73,405.37	<b>£1,052,144</b>
5 class extension	Q1 2015	445	0	445	£2,006	270	270	0.00%	£2,006	<b>£892,643</b>	108,607	50,000	12,516	£1,063,766	£79,782.47	<b>£1,143,549</b>
6 class extension	Q1 2015	667	0	667		<b>270</b>	<b>270</b>	0.00%				60,000	17,509	£1,478,209	£110,865.68	<b>£1,589,074</b>
<b>Secondary School Extension</b>																
Reference source - Cost plan for 1,160m2 extension to Liberton (Option 2b)																
Additional capacity @ 10m2 per pupil	Q3 2014	10	0	10	£2,864	259	270	4.25%	£2,986	<b>£29,856</b>	0	0	0	£29,856	£2,239.23	<b>£32,095.60</b>
<b>New Secondary School</b>																
Reference source SFT Cost Metric																
600 capacity secondary school	Q1 2015			7,800					£2,301	<b>£17,947,800</b>	0	0	0	£17,947,800	£1,346,085.00	<b>£19,293,885</b>

Note: The capital and land costs in the Statutory Guidance for school projects are currently estimates based on established rates for extensions and new builds. As each specific project is taken forward through the design and delivery phases and transfer of land it is recognised that the actual costs of each project could vary from the estimates currently provided. **The cost of extending a secondary school equates to a pro-rata contribution of £6419 per house and £963 per flat (as at Q1 2015). In Zones where contributions are only required towards extending a Roman Catholic secondary school the pro-rate contribution is £963 per house and £128 per flat (as at Q1 2015).**



**Education Infrastructure - Pupil Generation Rates (per dwelling type):**

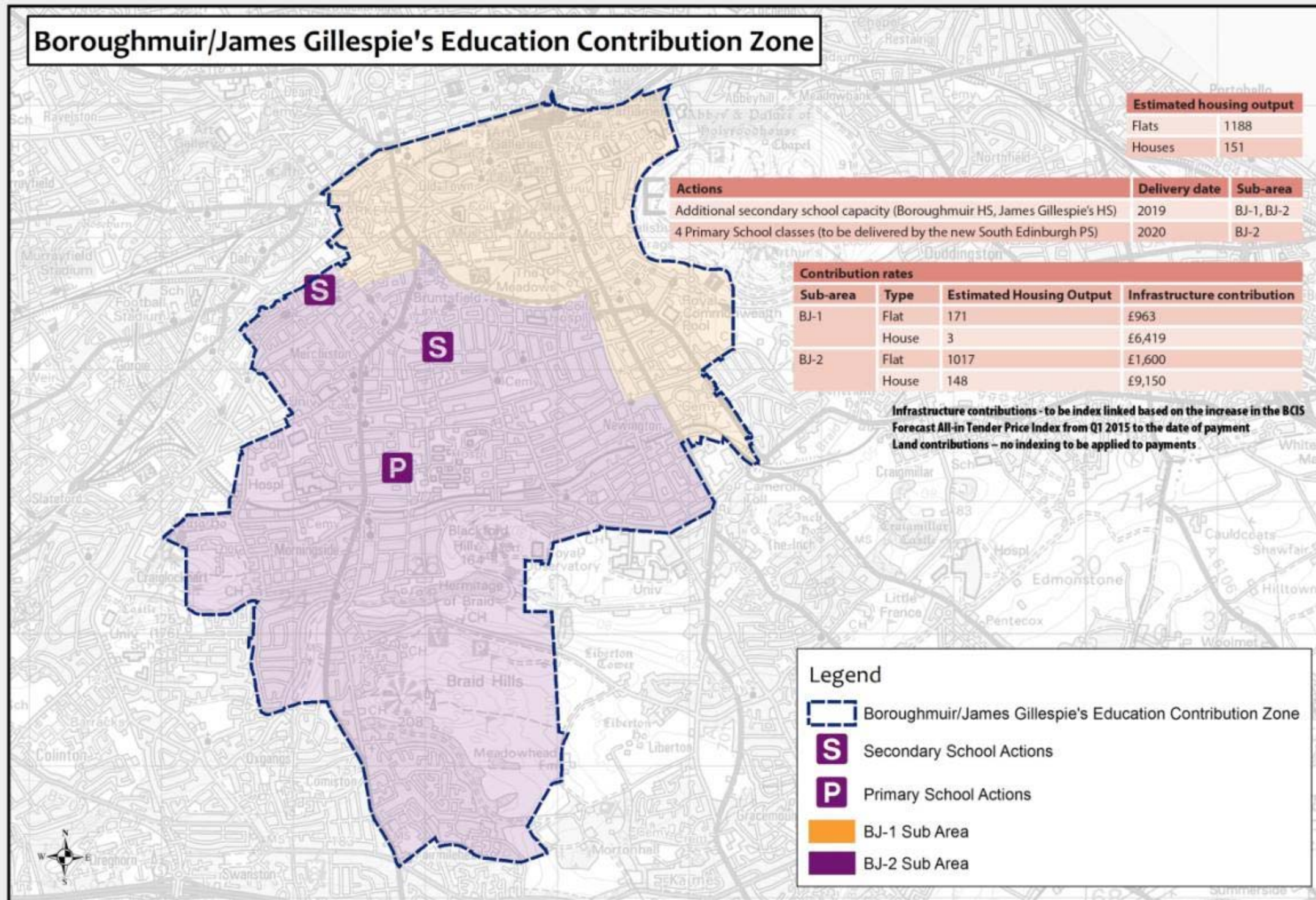
	Primary School			Secondary School		
	<b>Total</b> <sup>1</sup>	ND <sup>2</sup>	RC <sup>3</sup>	<b>Total</b>	ND	RC
Per Flat	<b>0.07</b>	0.06	0.01	<b>0.03</b>	0.026	0.004
Per House	<b>0.3</b>	0.26	0.04	<b>0.2</b>	0.17	0.03

<sup>1</sup> The number of additional pupils expected to be generated by a development;

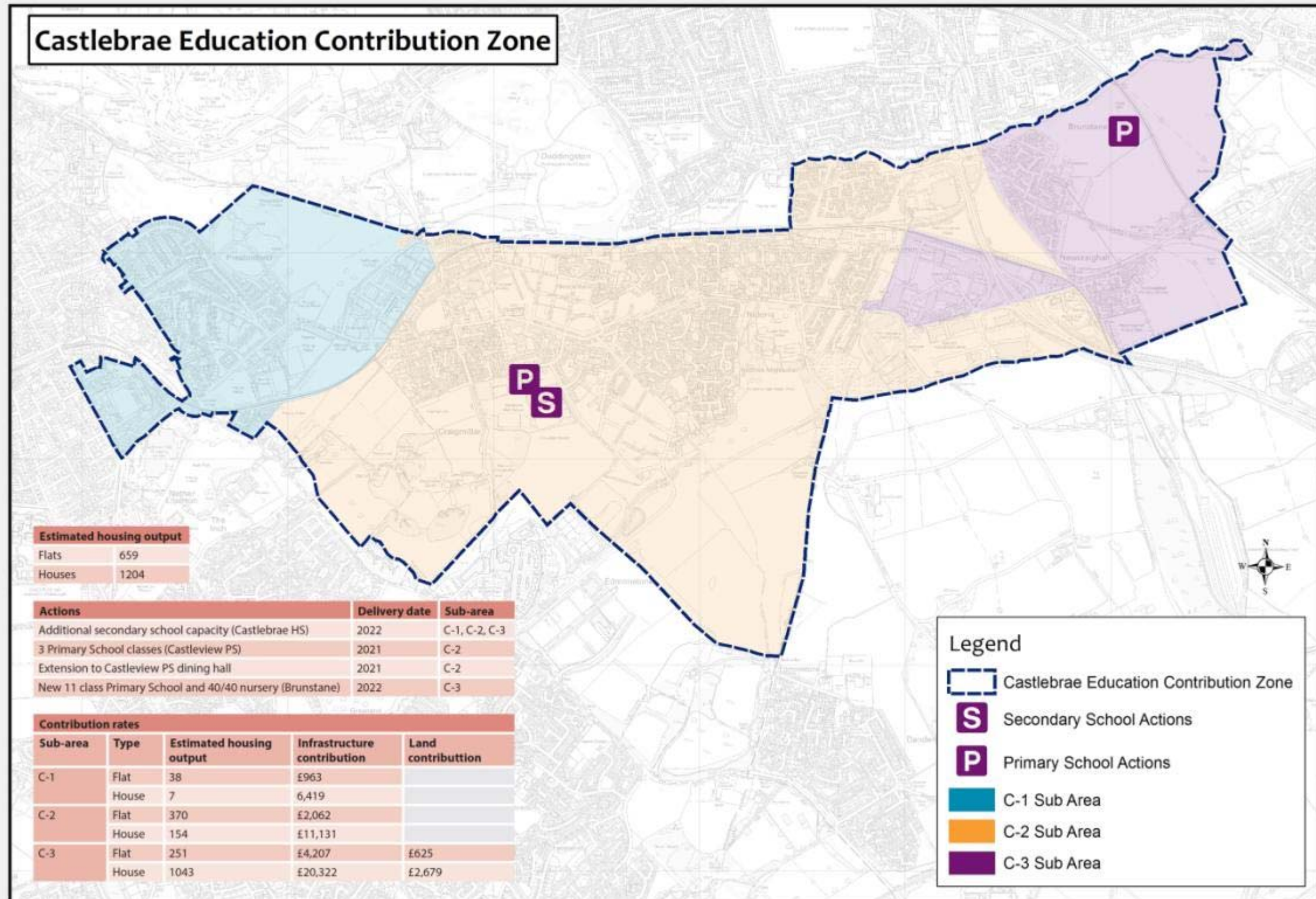
<sup>1</sup> The proportion of additional pupils that will attend a non-denominational school, based on Council area information for 2012/13;

<sup>1</sup> The proportion of additional pupils that will attend a Roman Catholic school, based on Council area information for 2012/13.

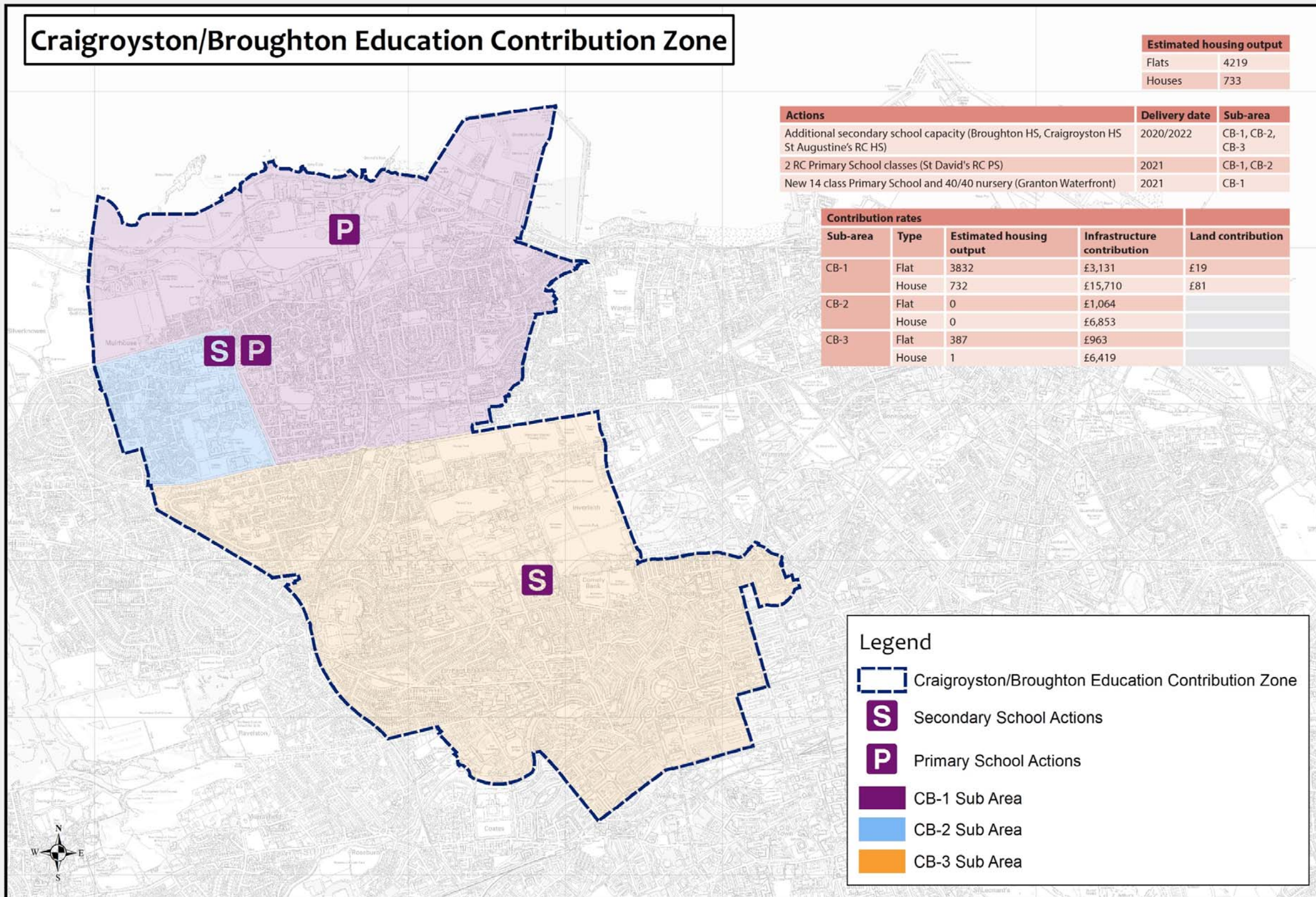
Education Contribution Zones



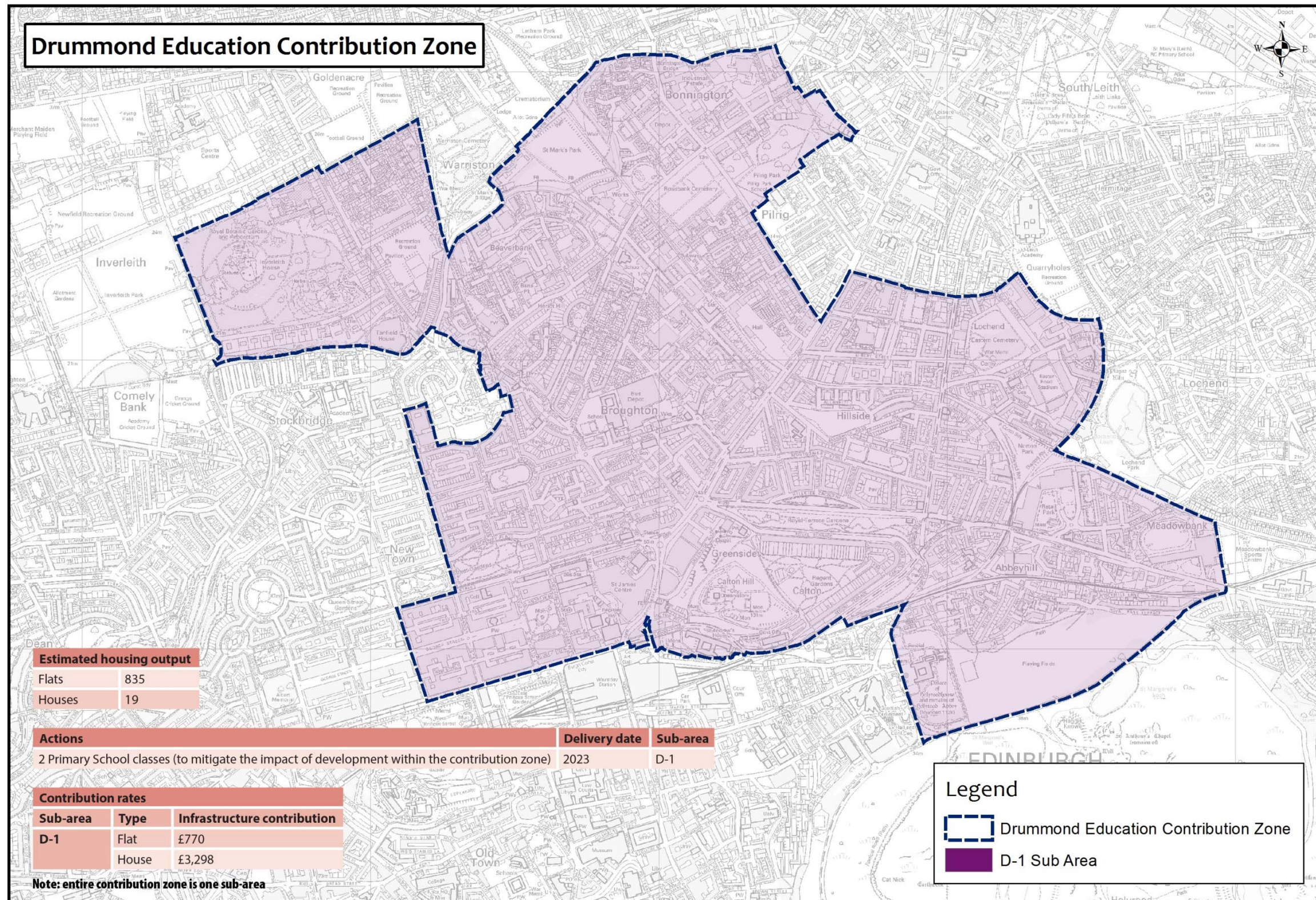
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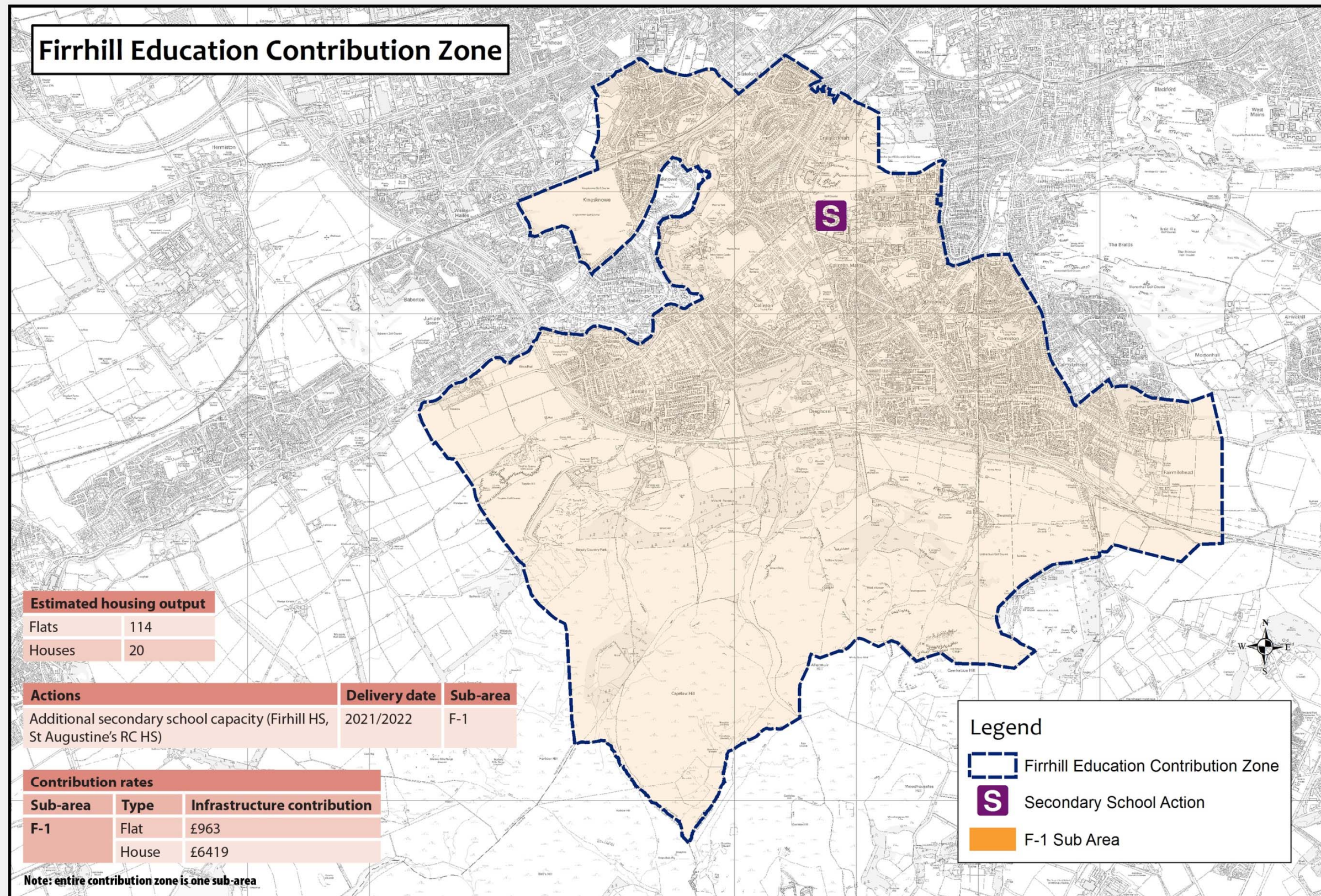
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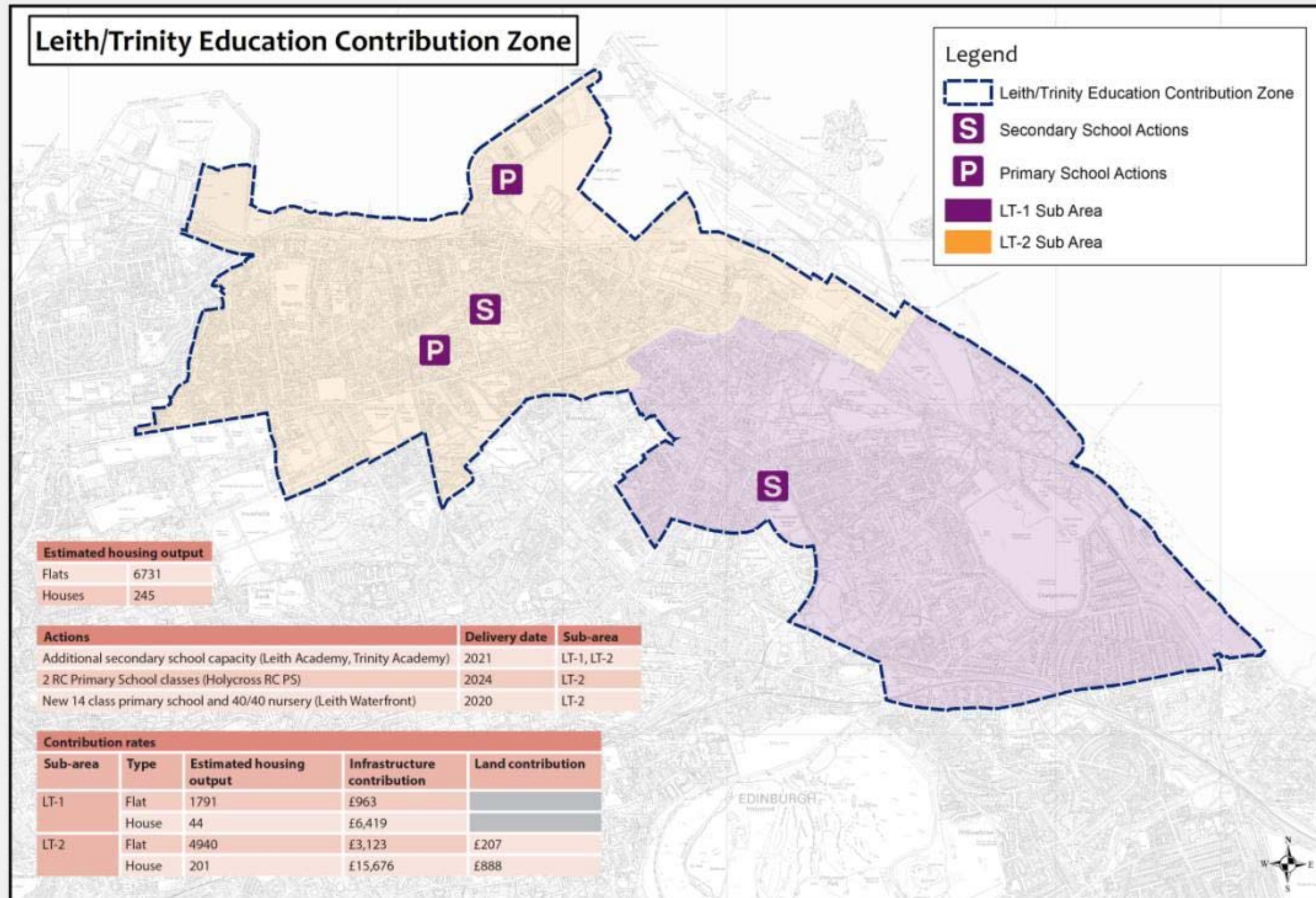
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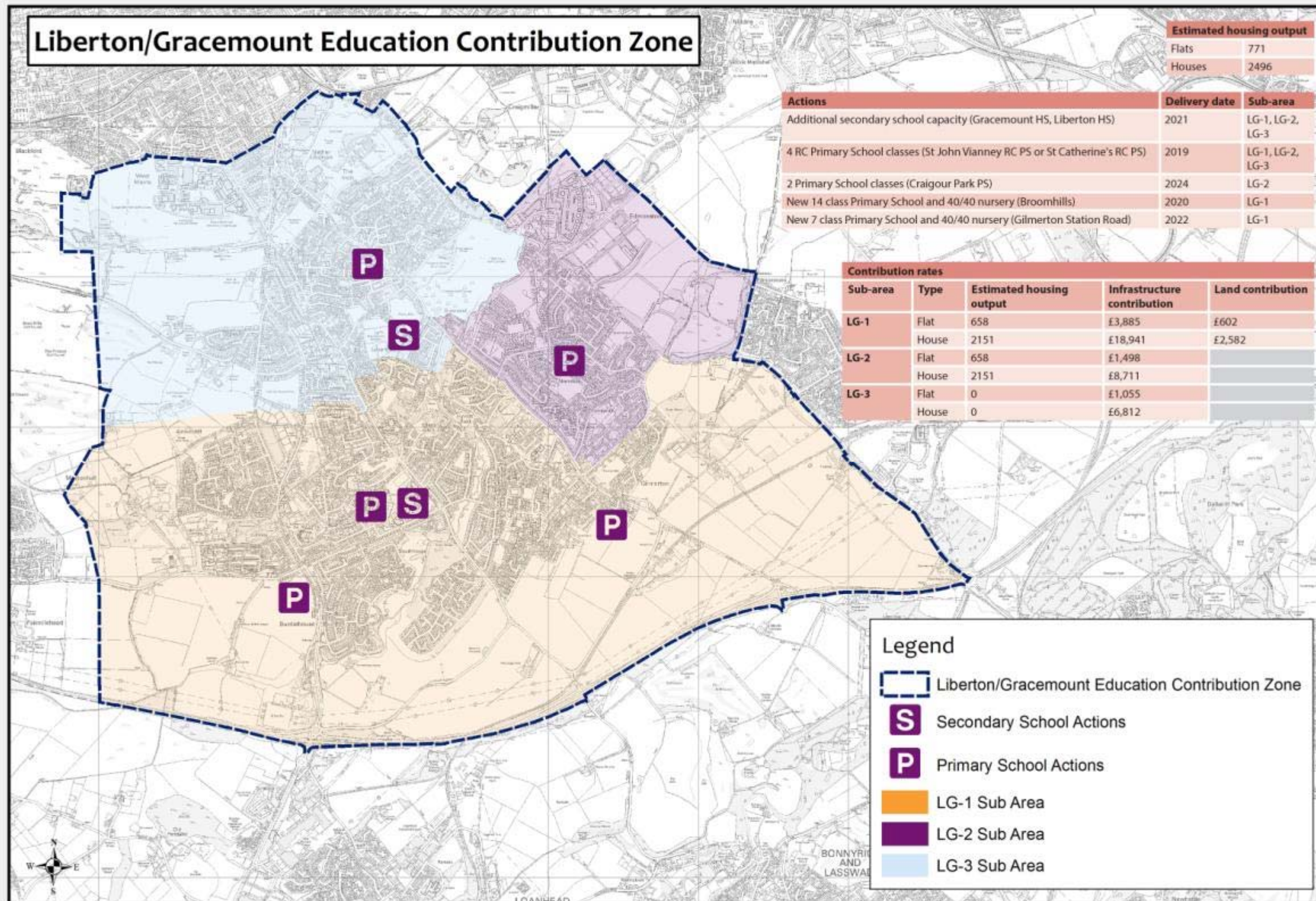
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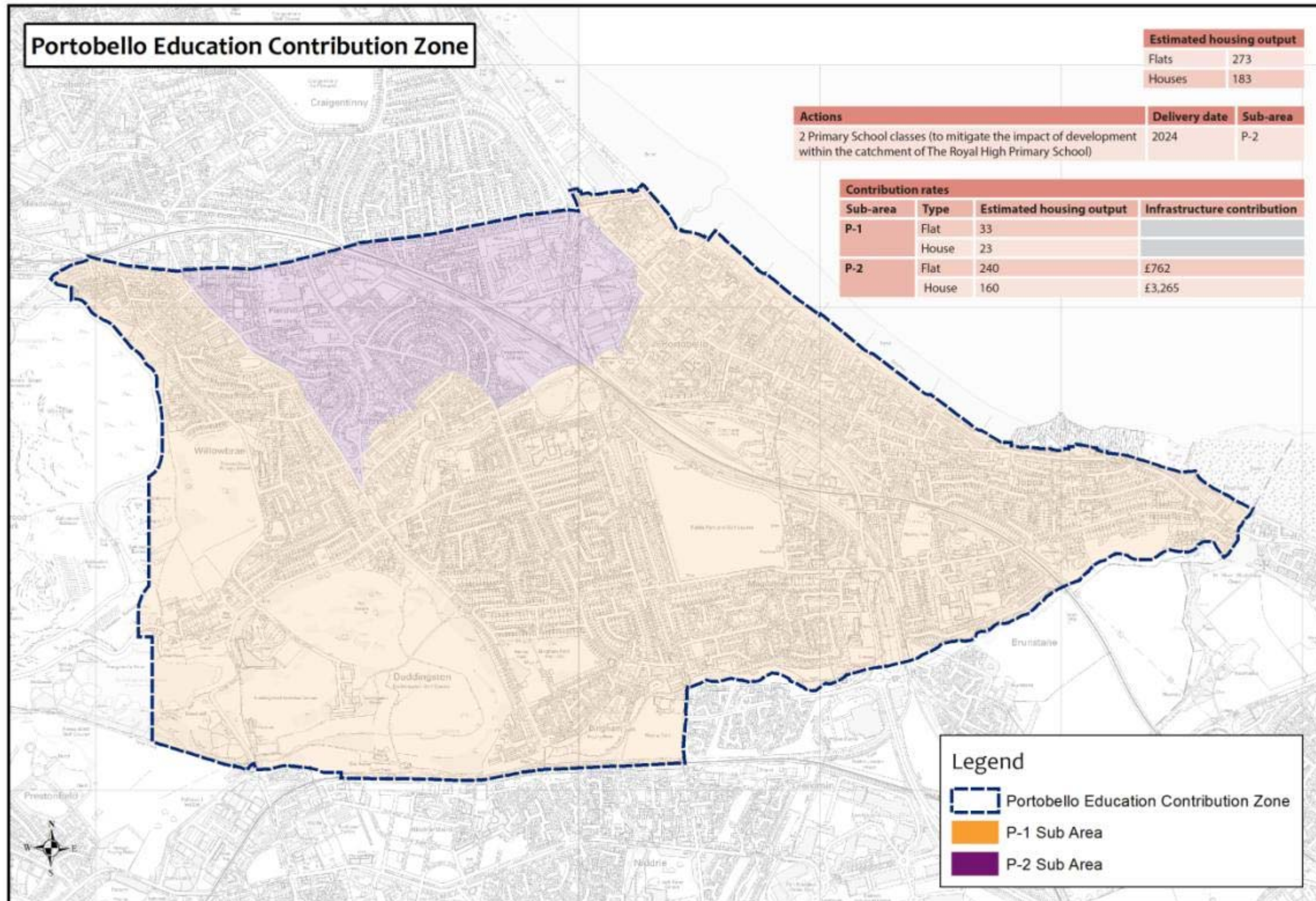


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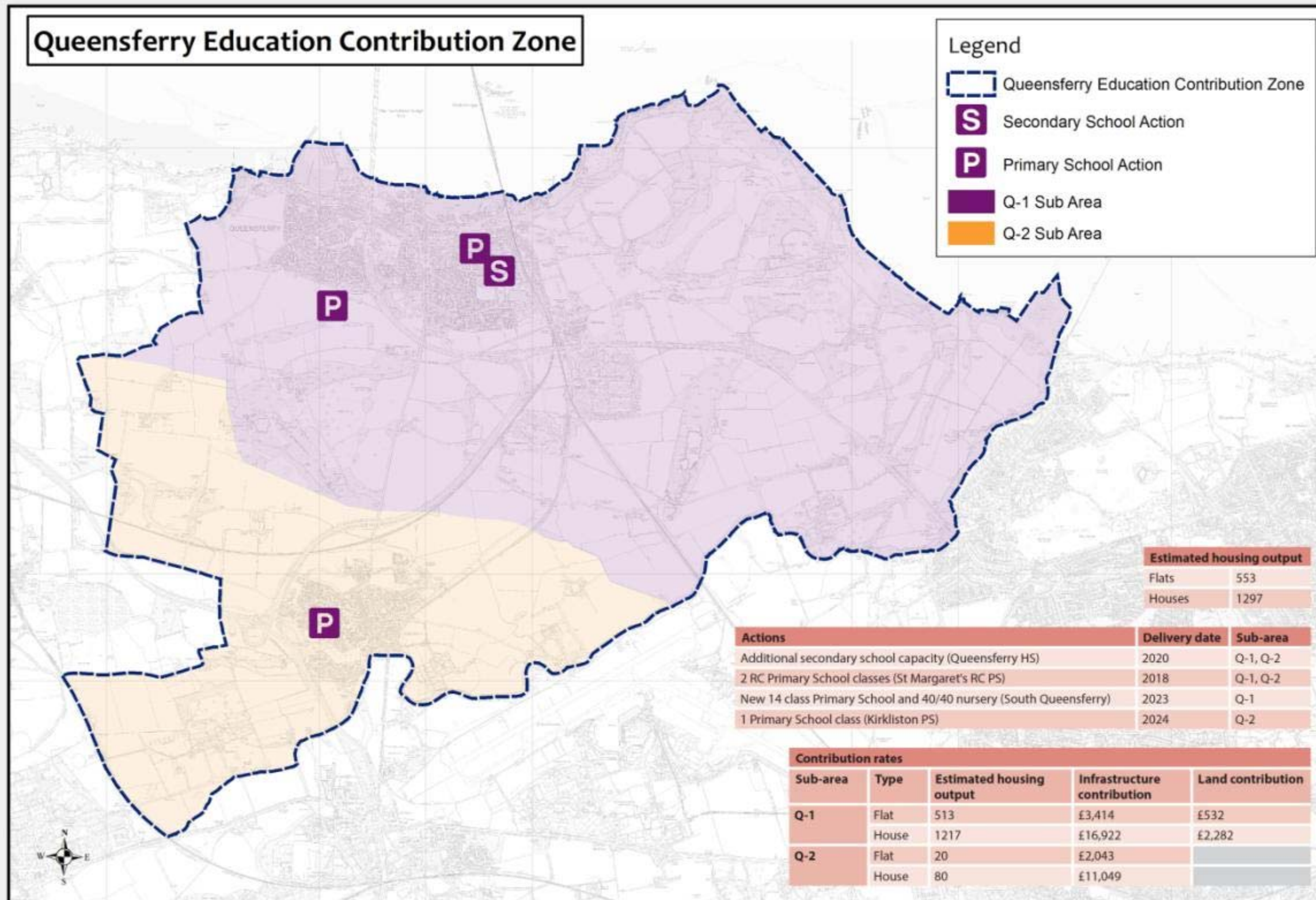


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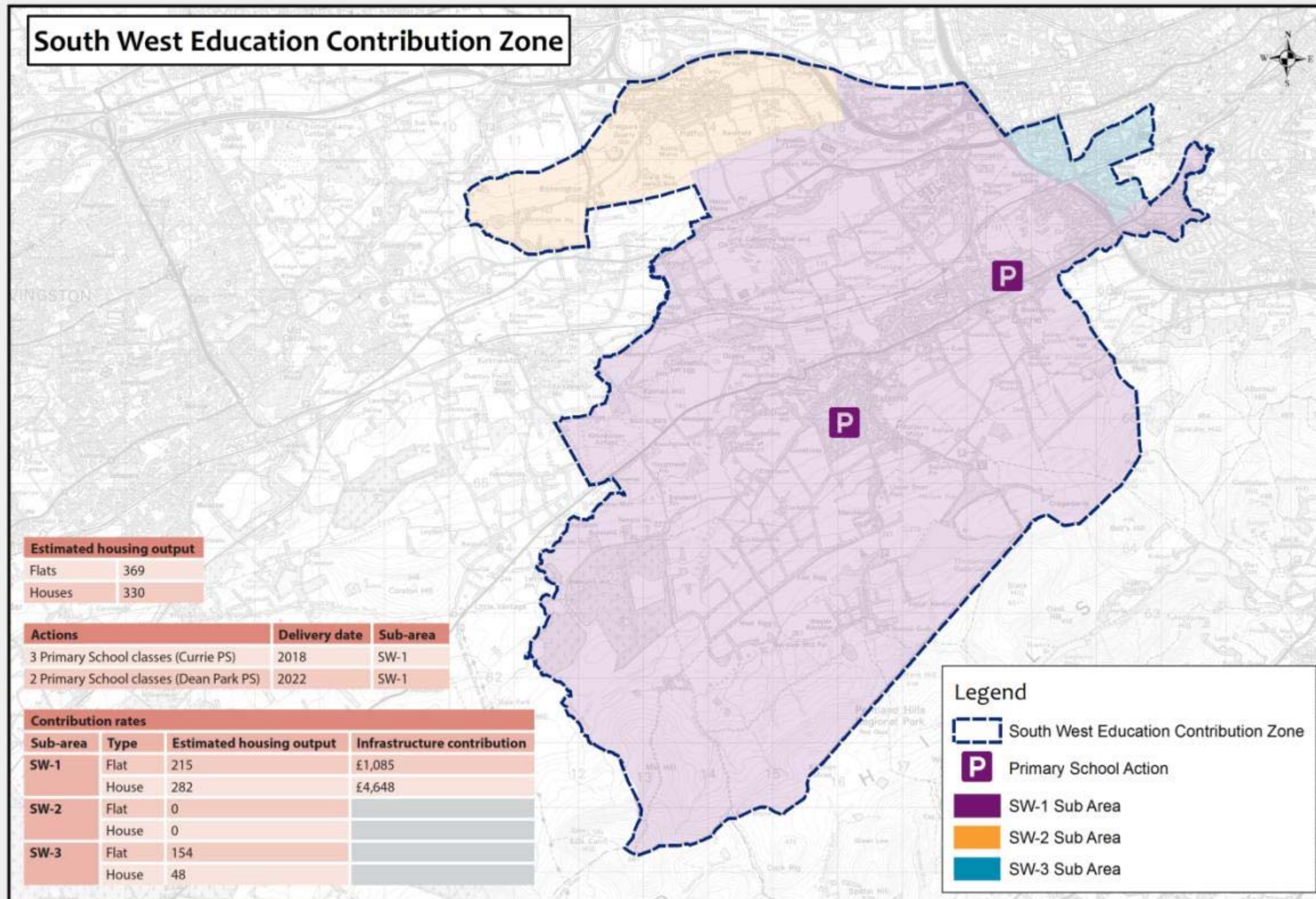




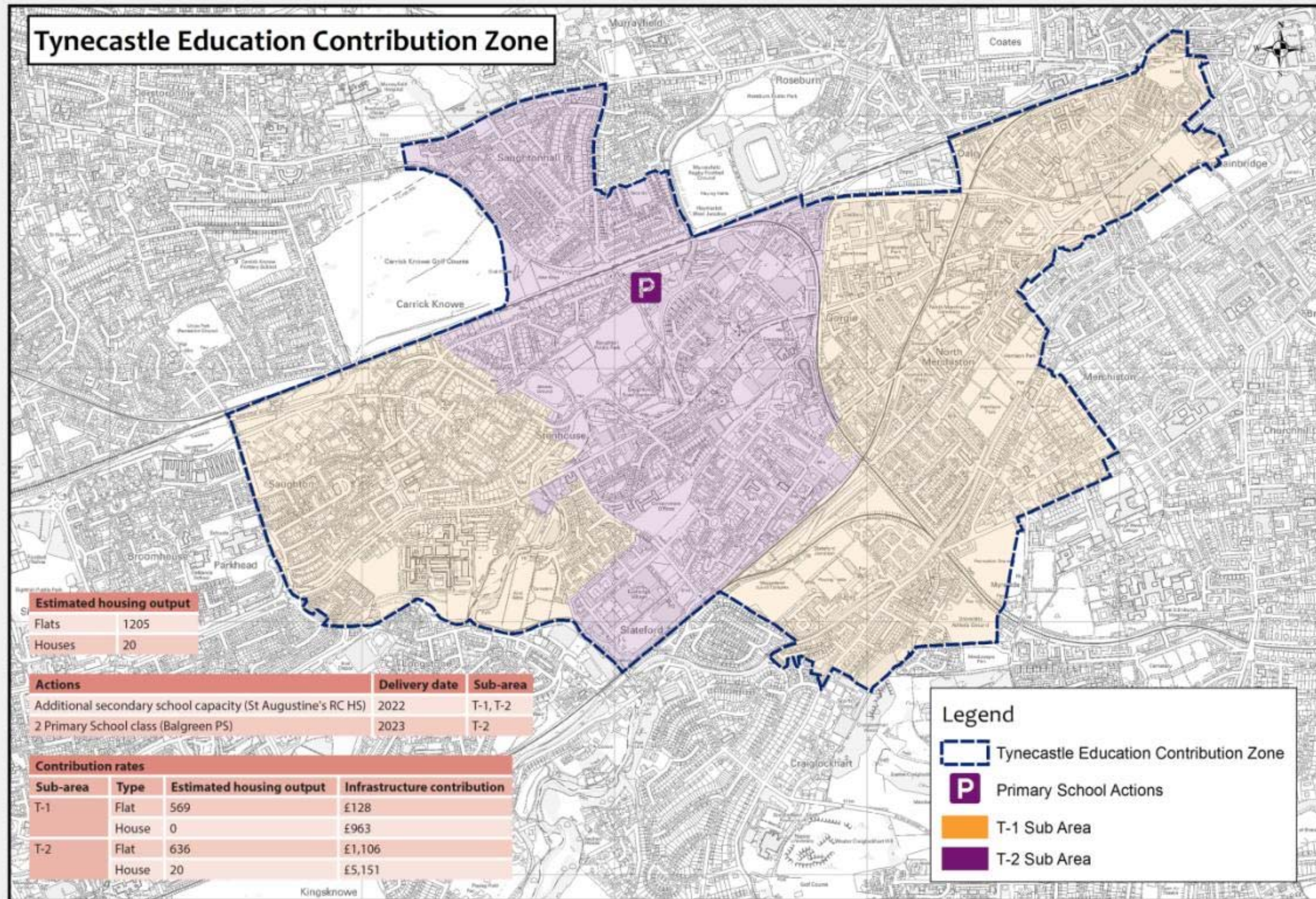
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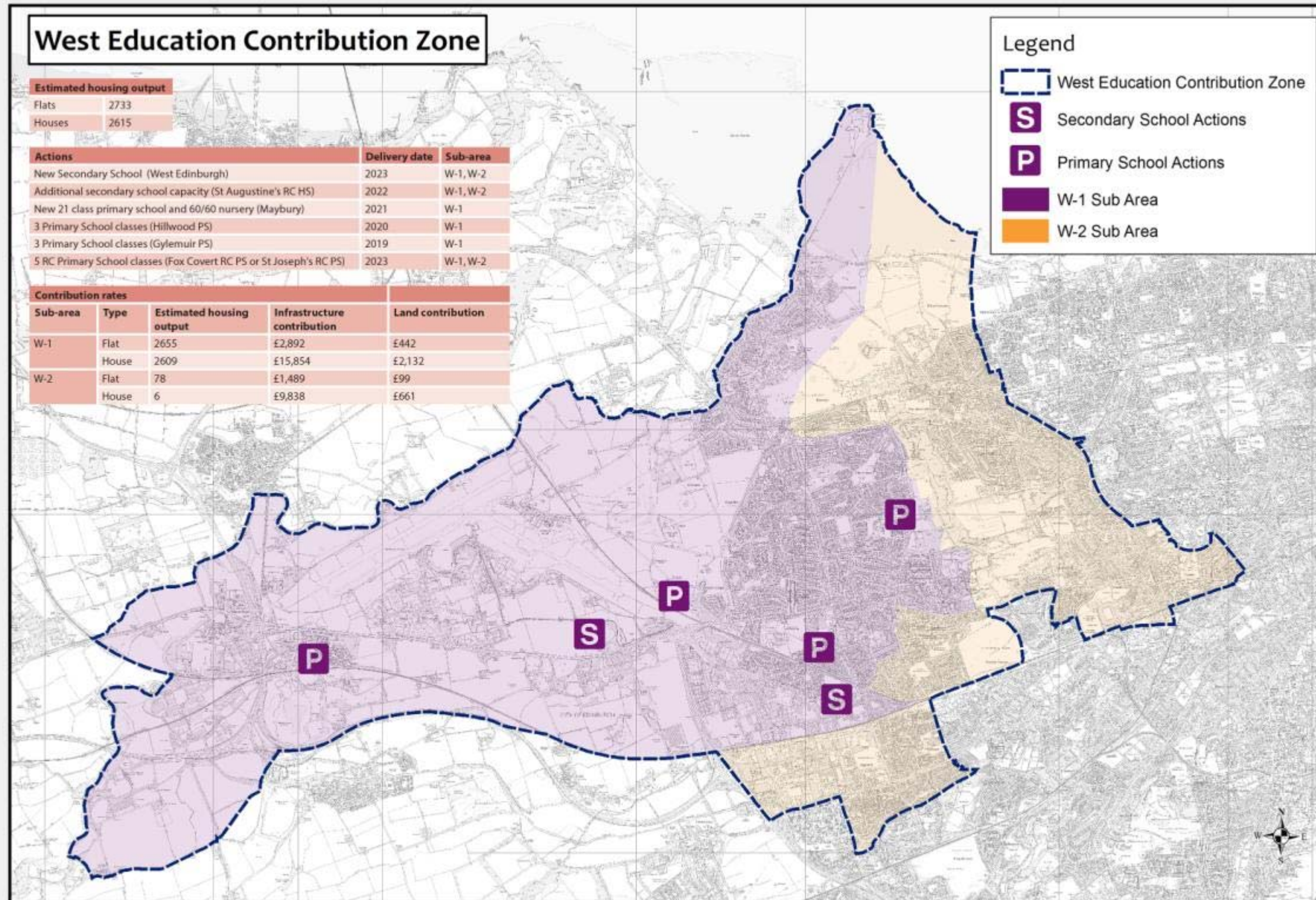
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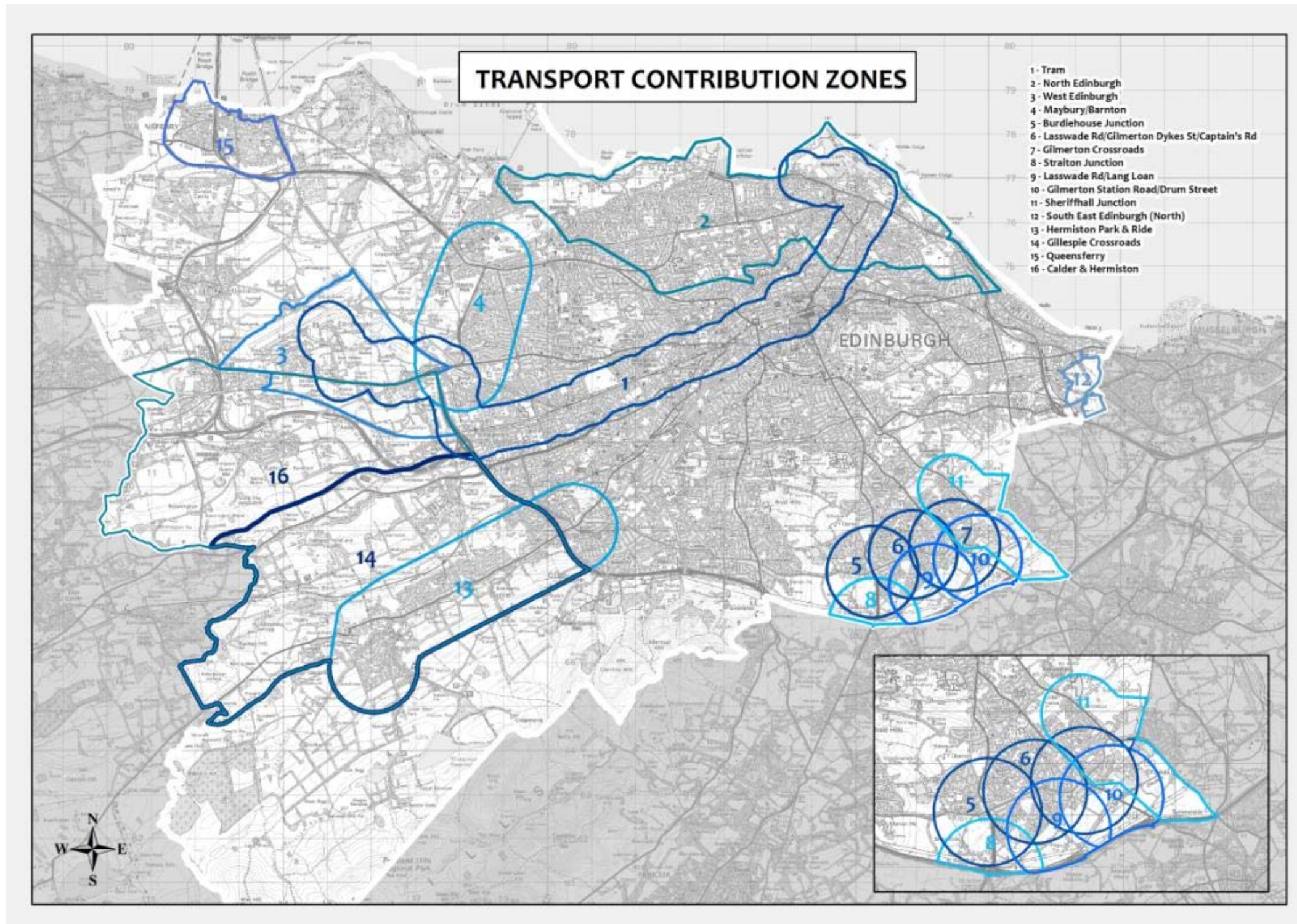
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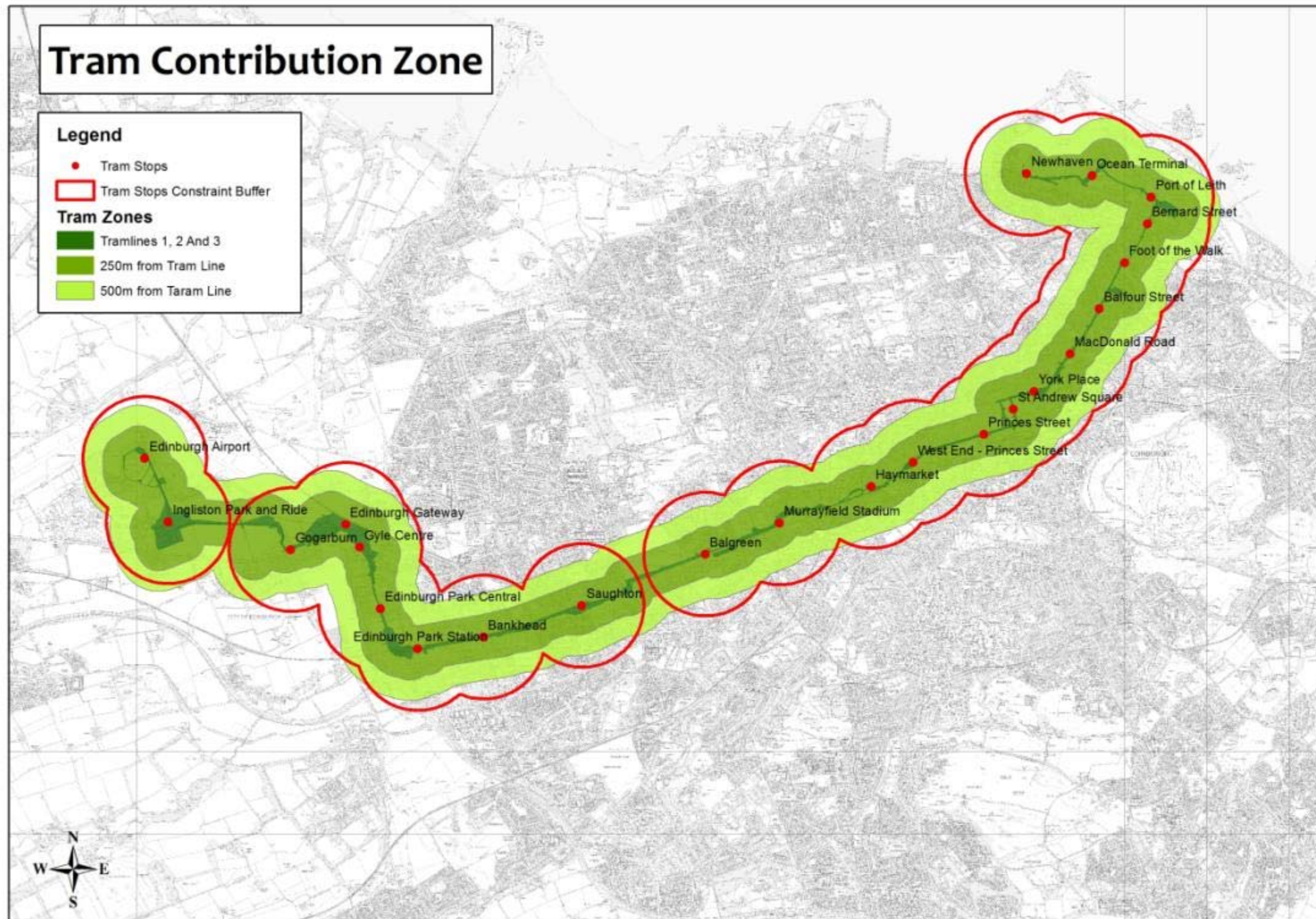


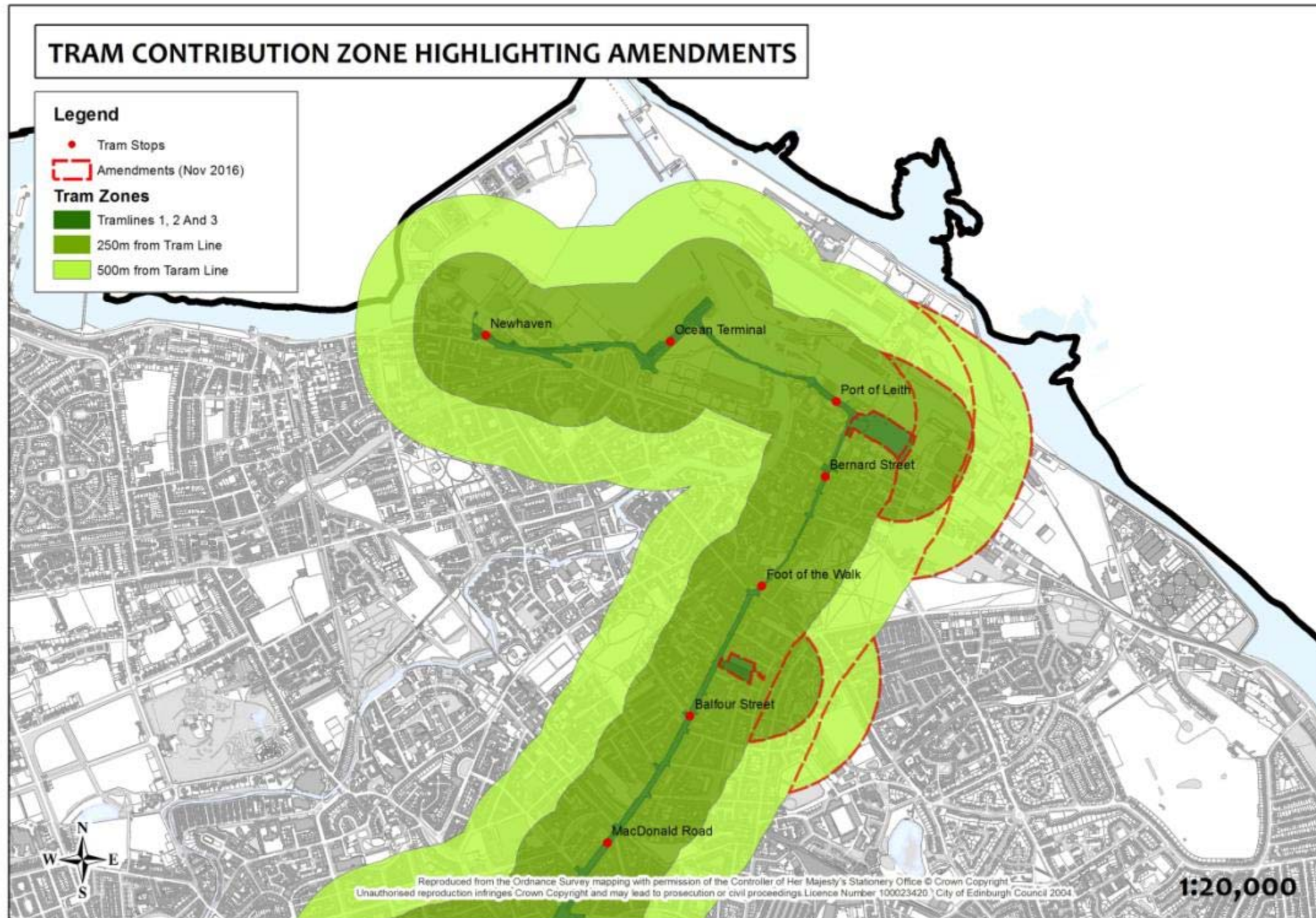
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## TRANSPORT

### MAPS OF TRANSPORT ZONES









Tram Developer Contribution - Calculations

TABLE 1 - IDENTIFICATION OF SCALE FACTOR															
PROPOSALS BY LAND USE (Gross External Floor Area)															
scale factor	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Retail (sqm)	250-499	500-999	1,000-1,499	1,500-1,999	2,000-2,499	2,500-2,999	3,000-3,499	3,500-3,999	4,000-4,499	4,500-4,999	5,000-5,999	6,000-6,999	7,000-7,999	8,000-8,999	9,000+
Offices (sqm)	250-499	500-999	1,000-1,499	1,500-1,999	2,000-2,499	2,500-2,999	3,000-3,499	3,500-3,999	4,000-4,499	4,500-4,999	5,000-5,999	6,000-6,999	7,000-7,999	8,000-8,999	9,000+
Residential (units)	5-19	20-34	35-69	70-104	105-139	140-174	175-209	210-244	245-279	280-314	315-349	350-384	385-419	420-459	460+
Pubs and Restaurants (sq m)	100-199	200-499	500-799	800-1,099	1,100-1,399	1,400-1,699	1,700-1,999	2,000-2,299	2,300-2,599	2,600-2,899	2,900-3,199	3,200-3,499	3,500-3,799	3,800-4,099	4,100+
Business Park (sq m)	250-499	500-999	1,000-1,499	1,500-1,999	2,000-2,499	2,500-2,999	3,000-3,499	3,500-3,999	4,000-4,499	4,500-4,999	5,000-5,999	6,000-6,999	7,000-7,999	8,000-8,999	9,000+
Industry (sq m)	500-999	1,000-1,999	2,000-2,999	3,000-3,999	4,000-4,999	5,000-5,999	6,000-6,999	7,000-7,999	8,000-8,999	9,000-9,999	10,000-10,999	11,000-11,999	12,000-12,999	13,000-13,999	14,000+
Warehousing (sq m)	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)	1000-1,499	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)	1000-1,999	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	2,000-2,499	2,500-2,999	3,000-3,499	3,500-3,999	4,000-4,499	4,500-4,999	5,000-5,499	5,500-5,999	6,000-6,499	6,500-6,999	7,000+
Other Leisure Uses (sq m)	1000-1,499	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.)

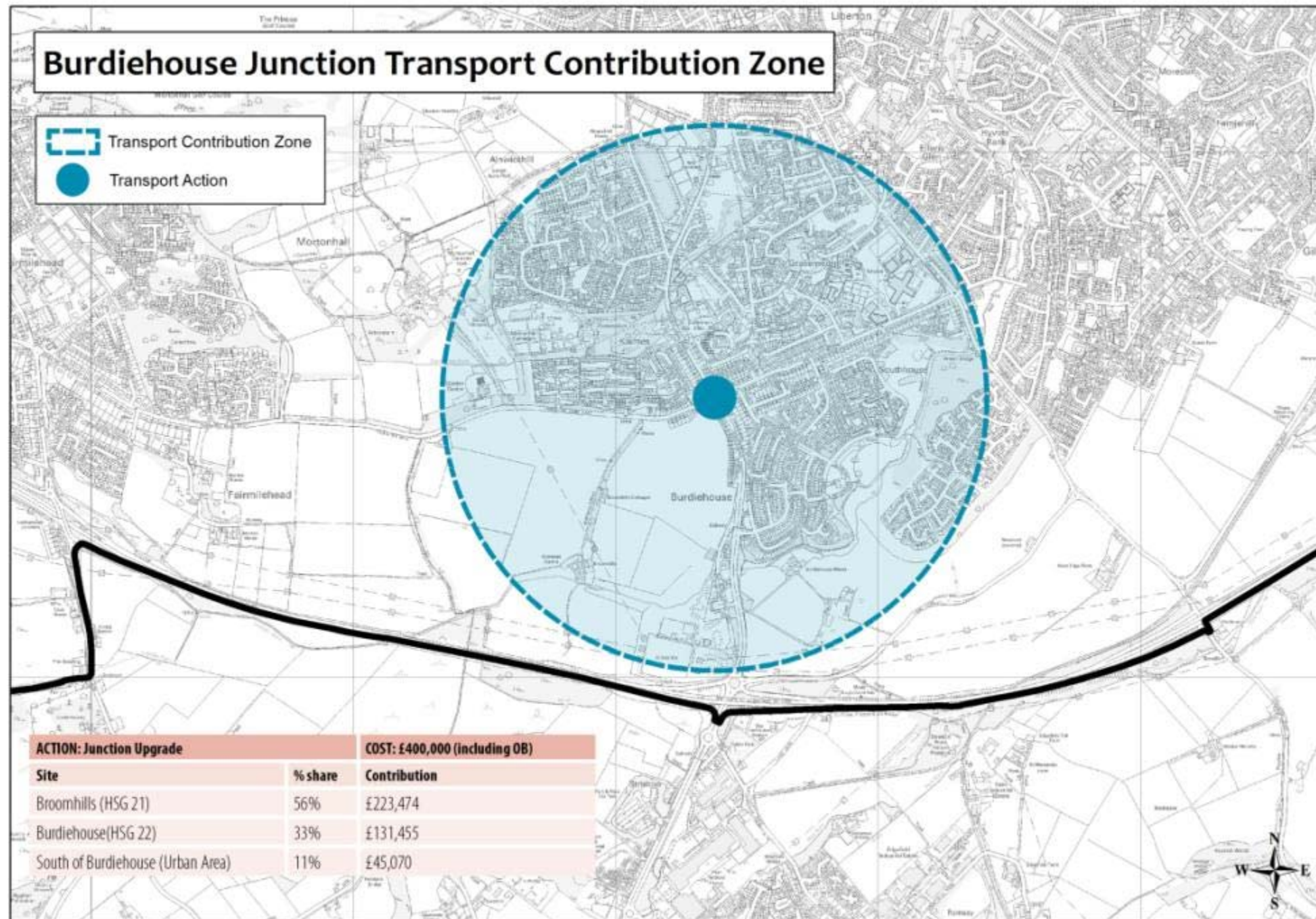
TABLE 2 - AMOUNT OF CONTRIBUTION IN £000s															
scale factors	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Zone 1 (up to 250m)	17-45	46-91	92-137	138-183	184-230	231-274	275-322	323-368	369-414	415-461	462-507	508-553	554-599	600-645	646+
Zone 2 (up to 500m)	12-33	34-68	69-102	103-137	138-172	173-206	207-231	232-276	277-310	311-345	346-380	381-414	415-449	450-484	485+
Zone 3 (up to 750m)	7-22	23-34	35-68	69-91	92-114	115-137	138-160	161-183	184-206	207-230	231-253	254-276	277-299	300-322	323+

\*Zones refer to those on appendix 1 plan

**Notes**

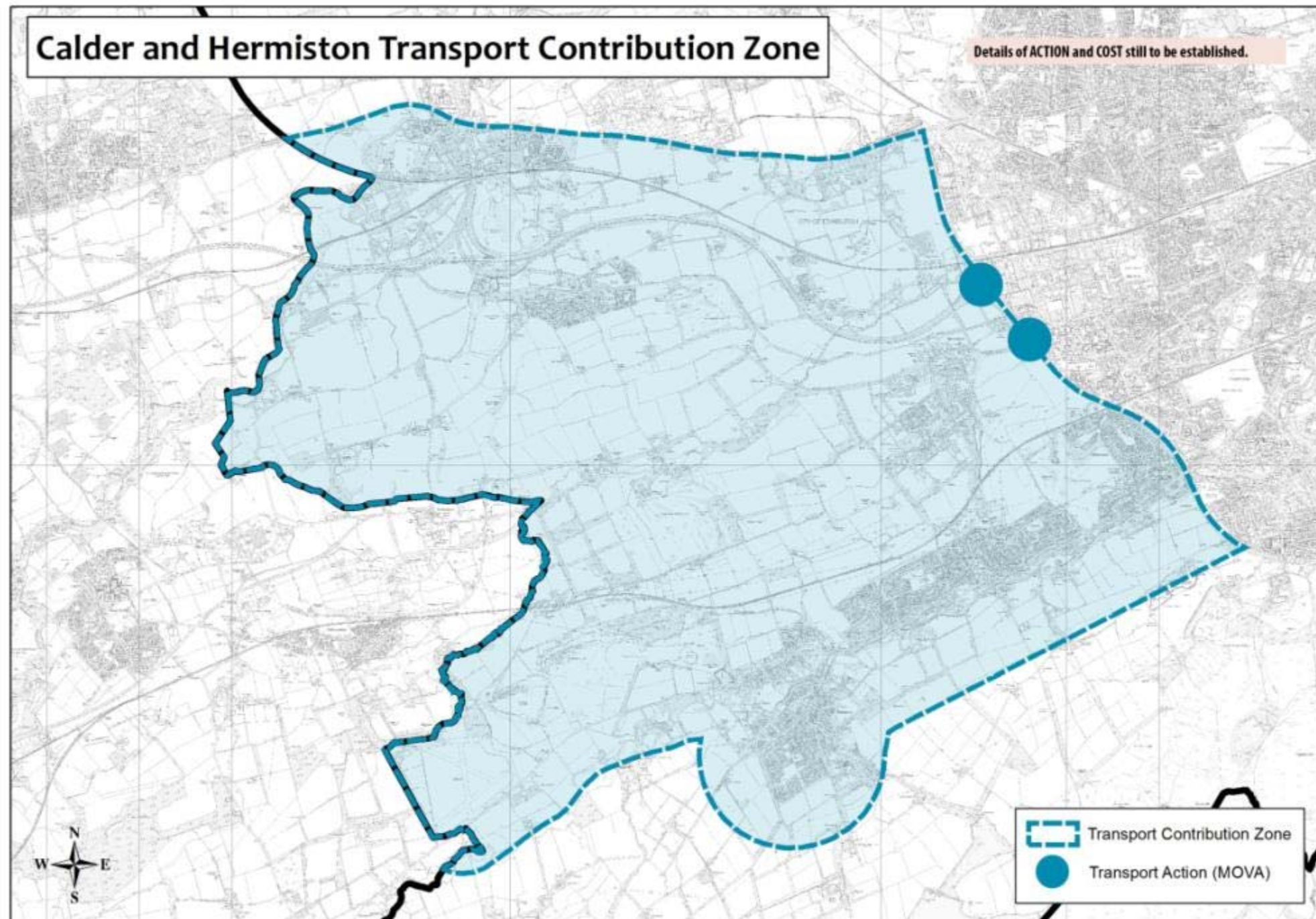
The amount of contribution attributable to any development will depend on the exact size of the development (sqm/number of units, etc). This table provides the range of financial contribution in each scale factor, which relates to the range of development sizes in each scale factor shown in the map in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

Developer Contributions and Infrastructure Delivery

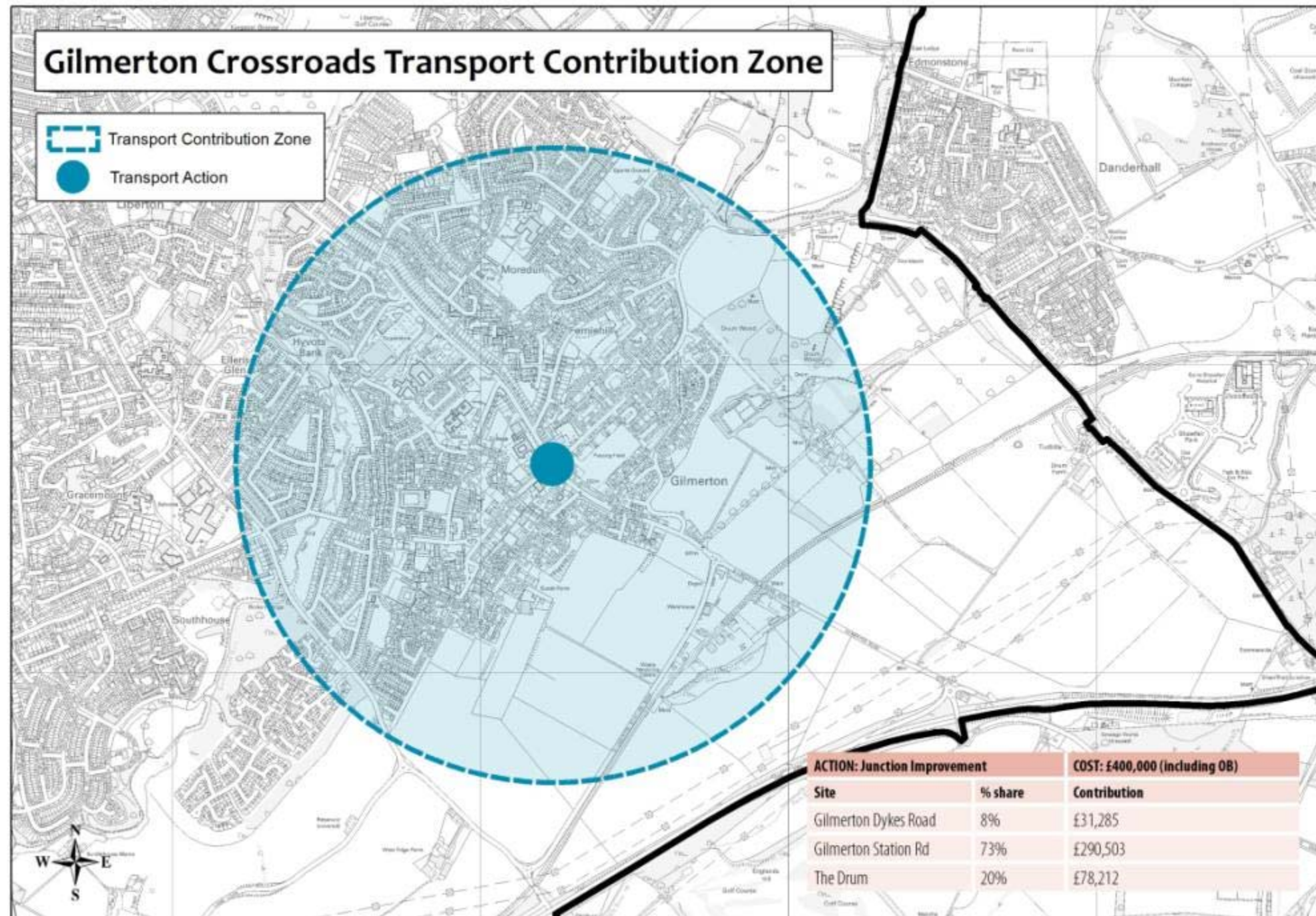


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Developer Contributions and Infrastructure Delivery

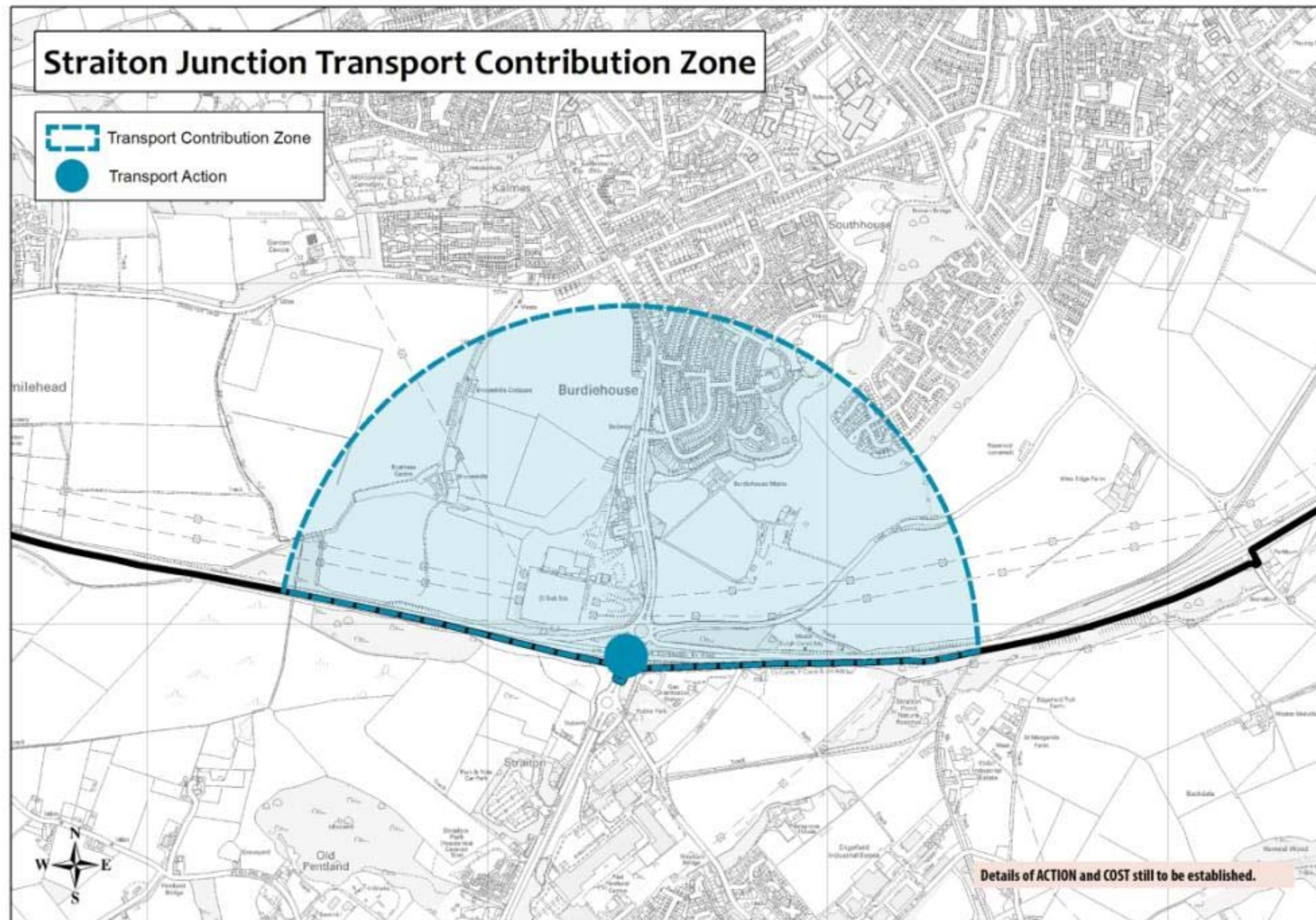


Developer Contributions and Infrastructure Delivery

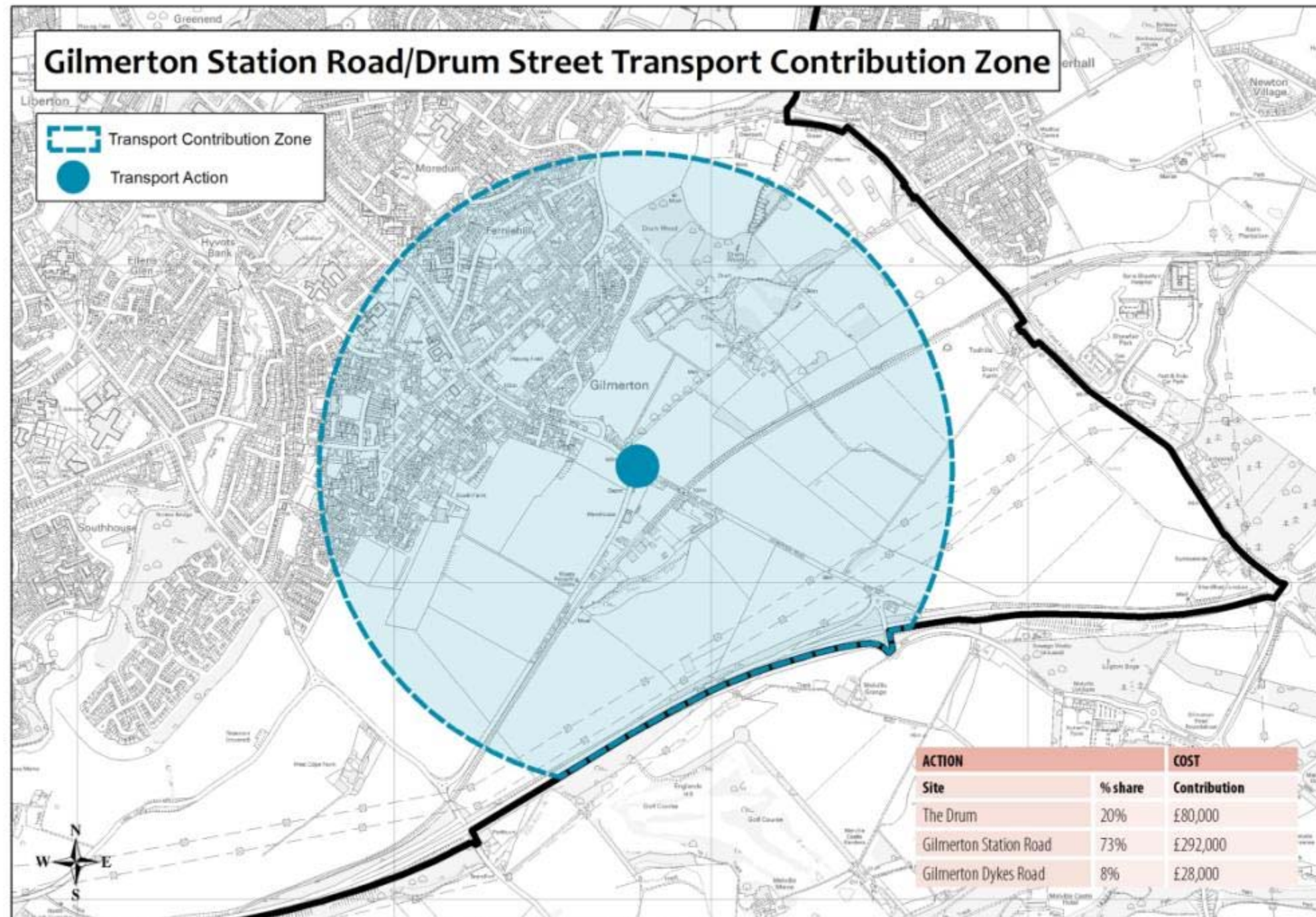


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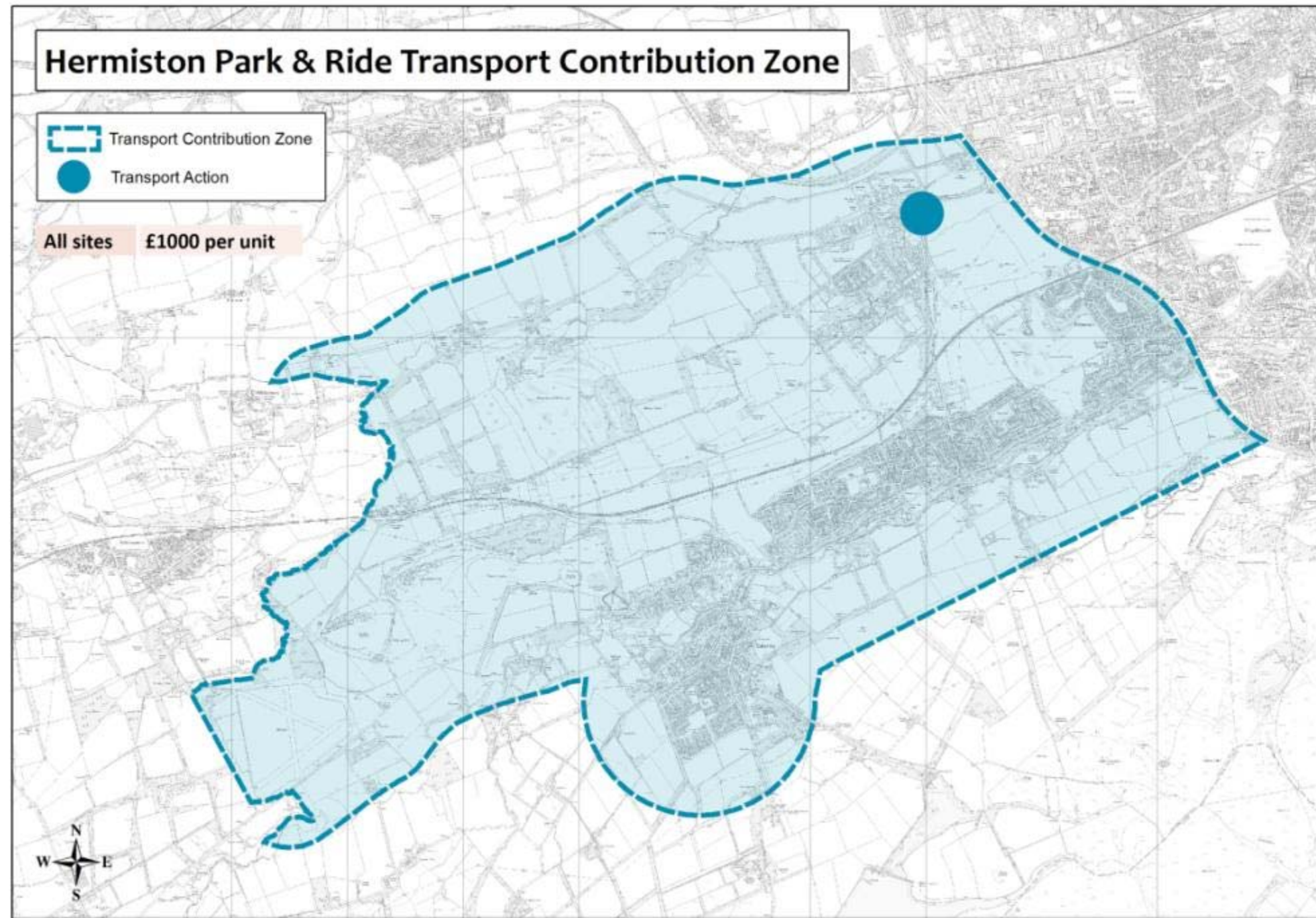


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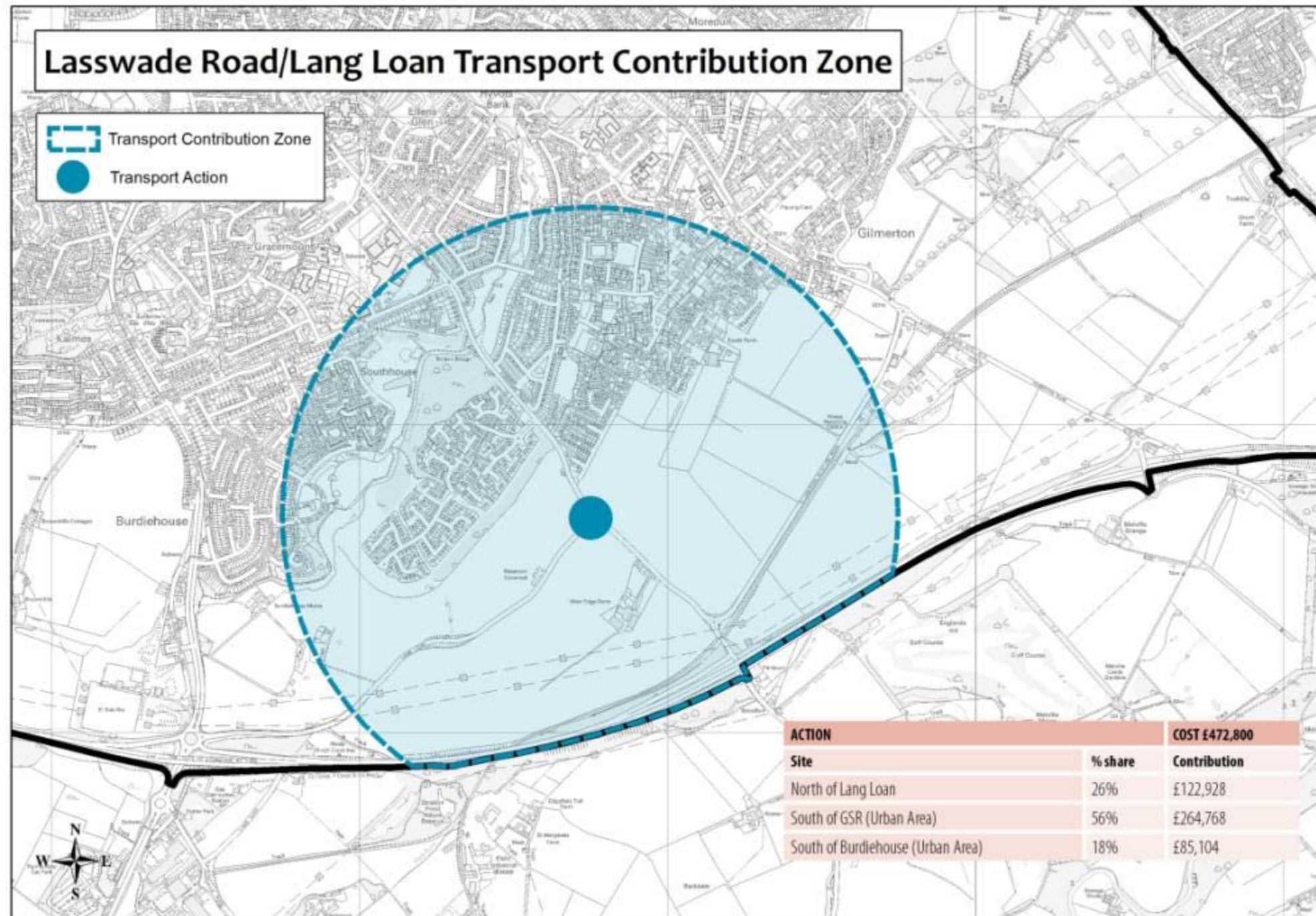
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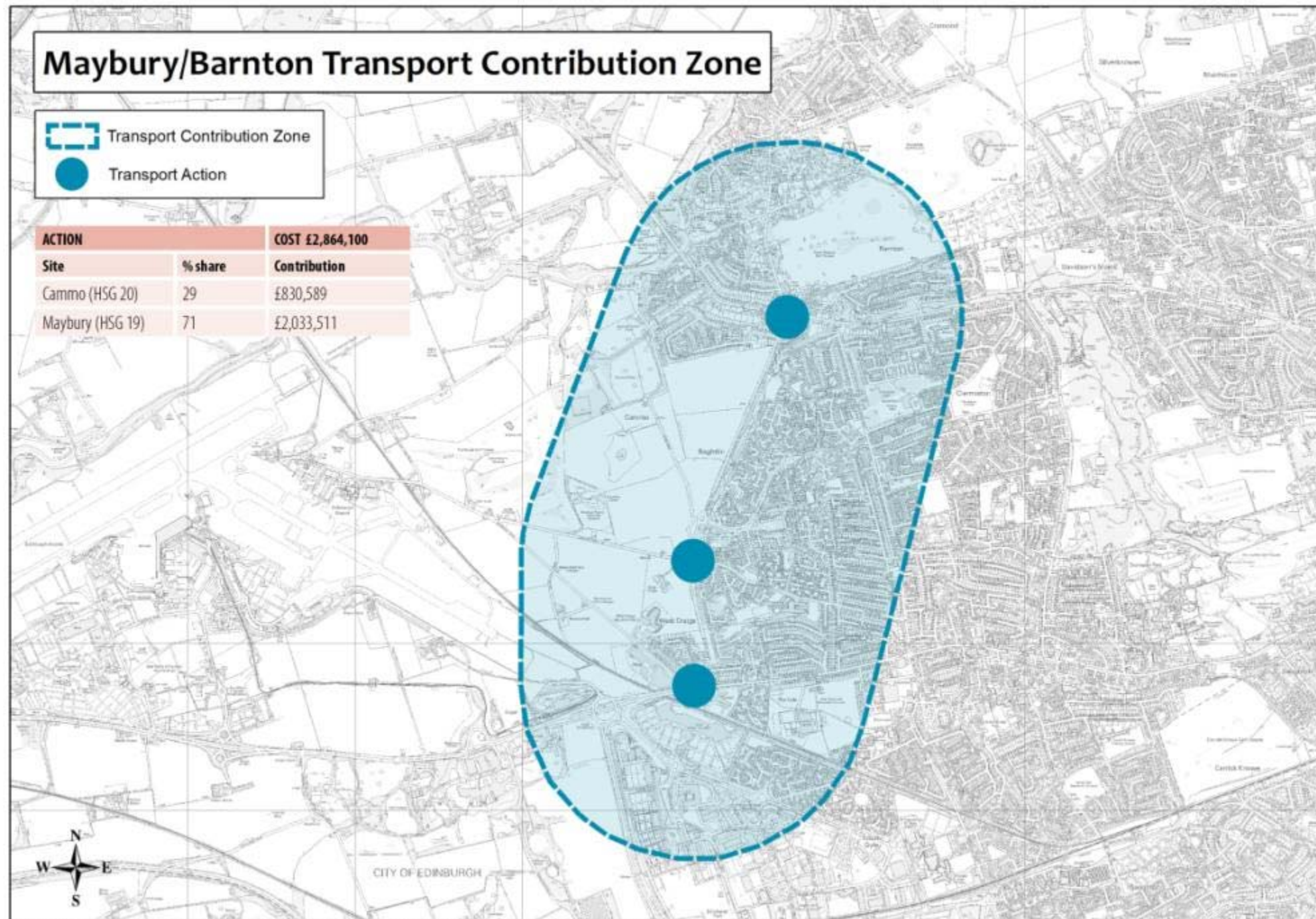


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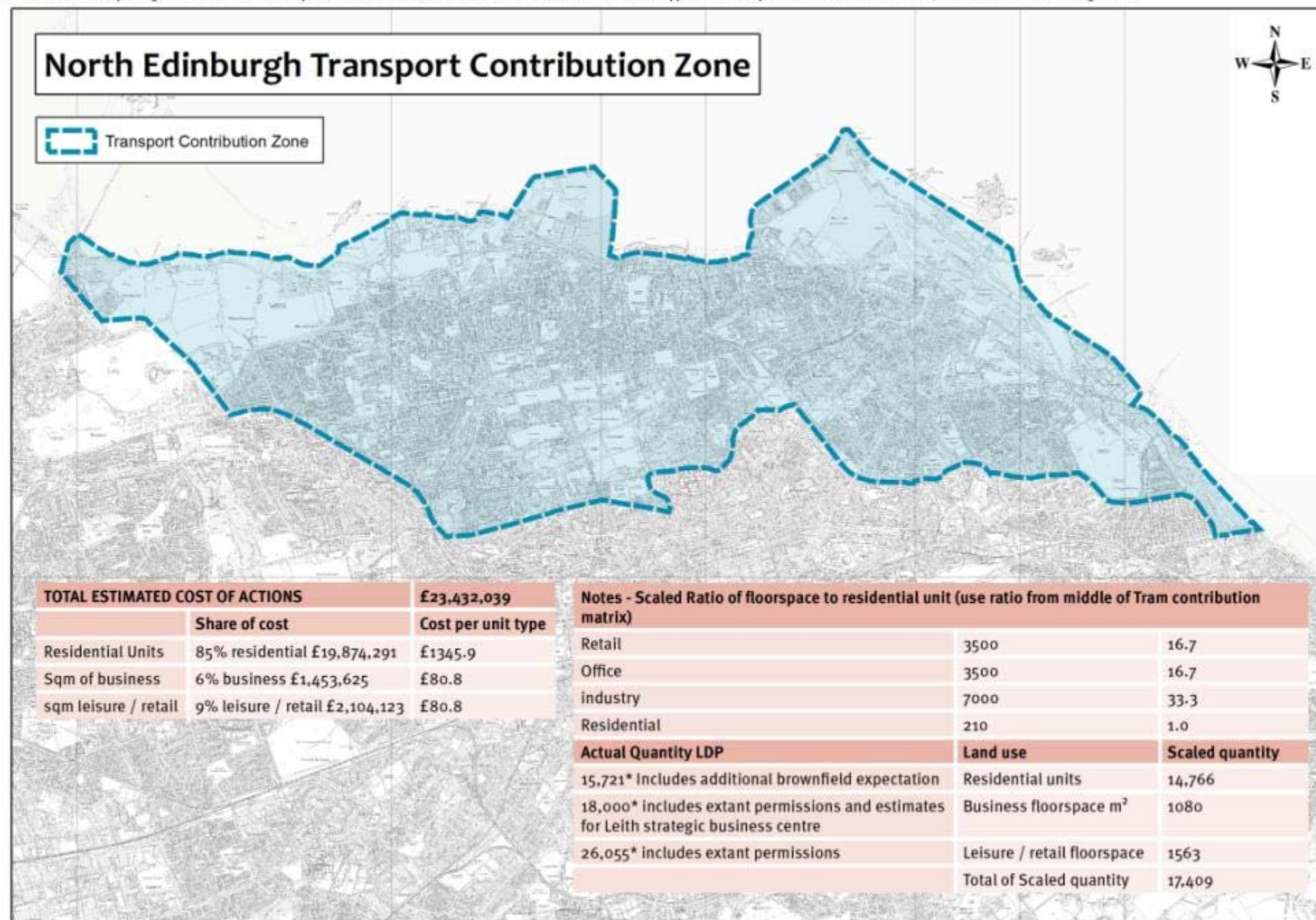
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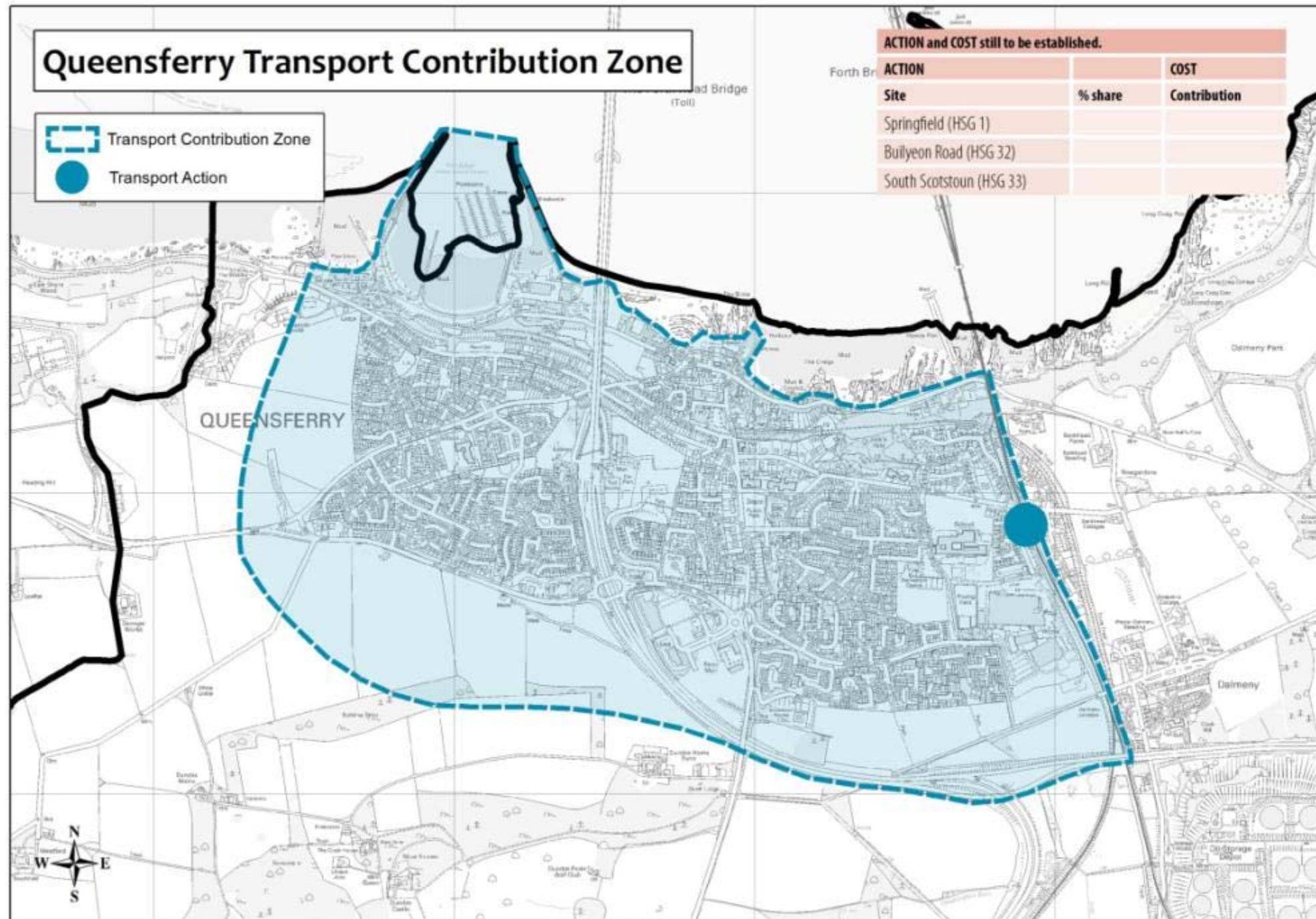
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Transport actions are currently being costed. The most recent update to costs was in Q3 2016 (October 2016). Indexation will be applied from the point that an action was costed, as set out in the Action Programme.



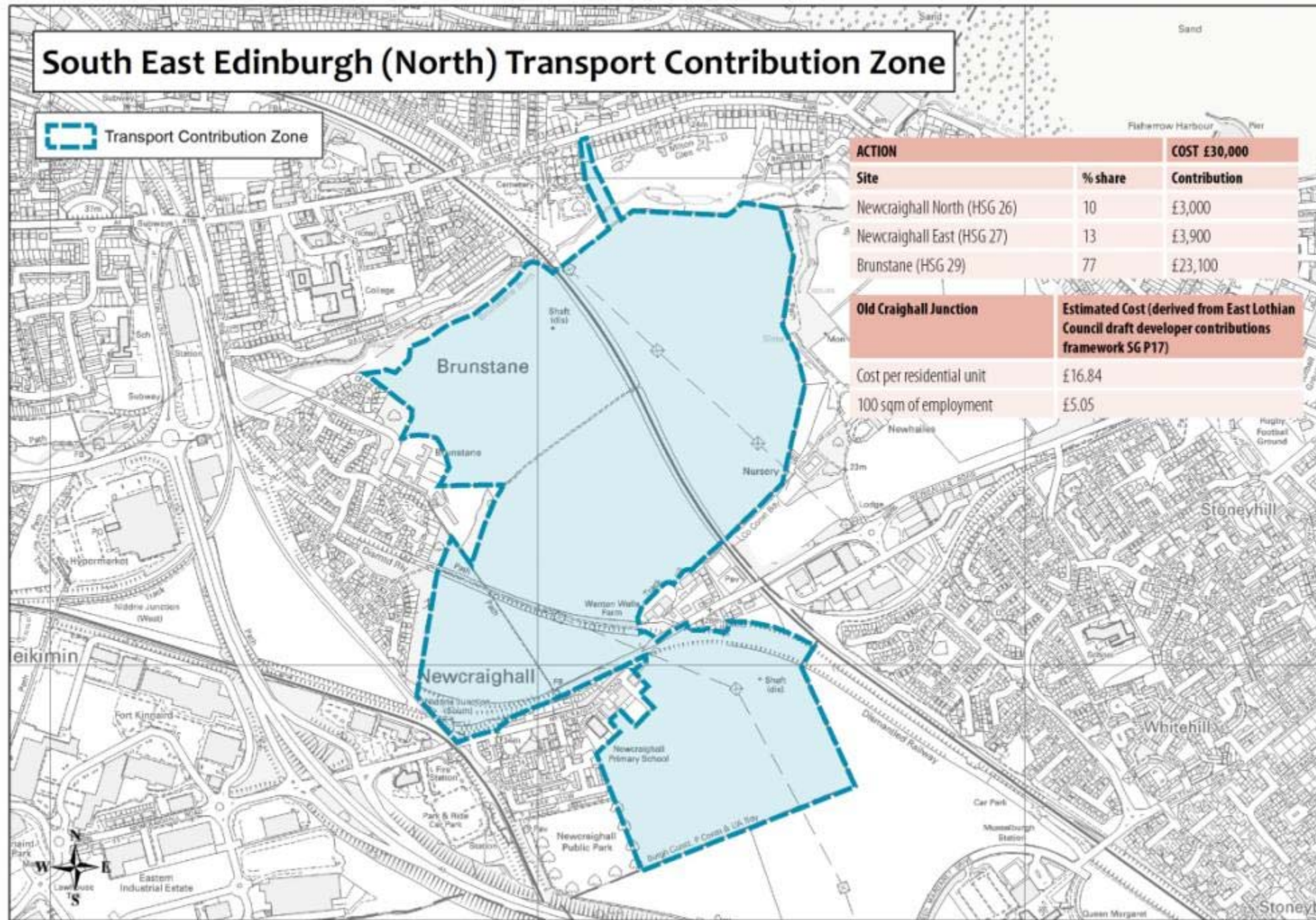
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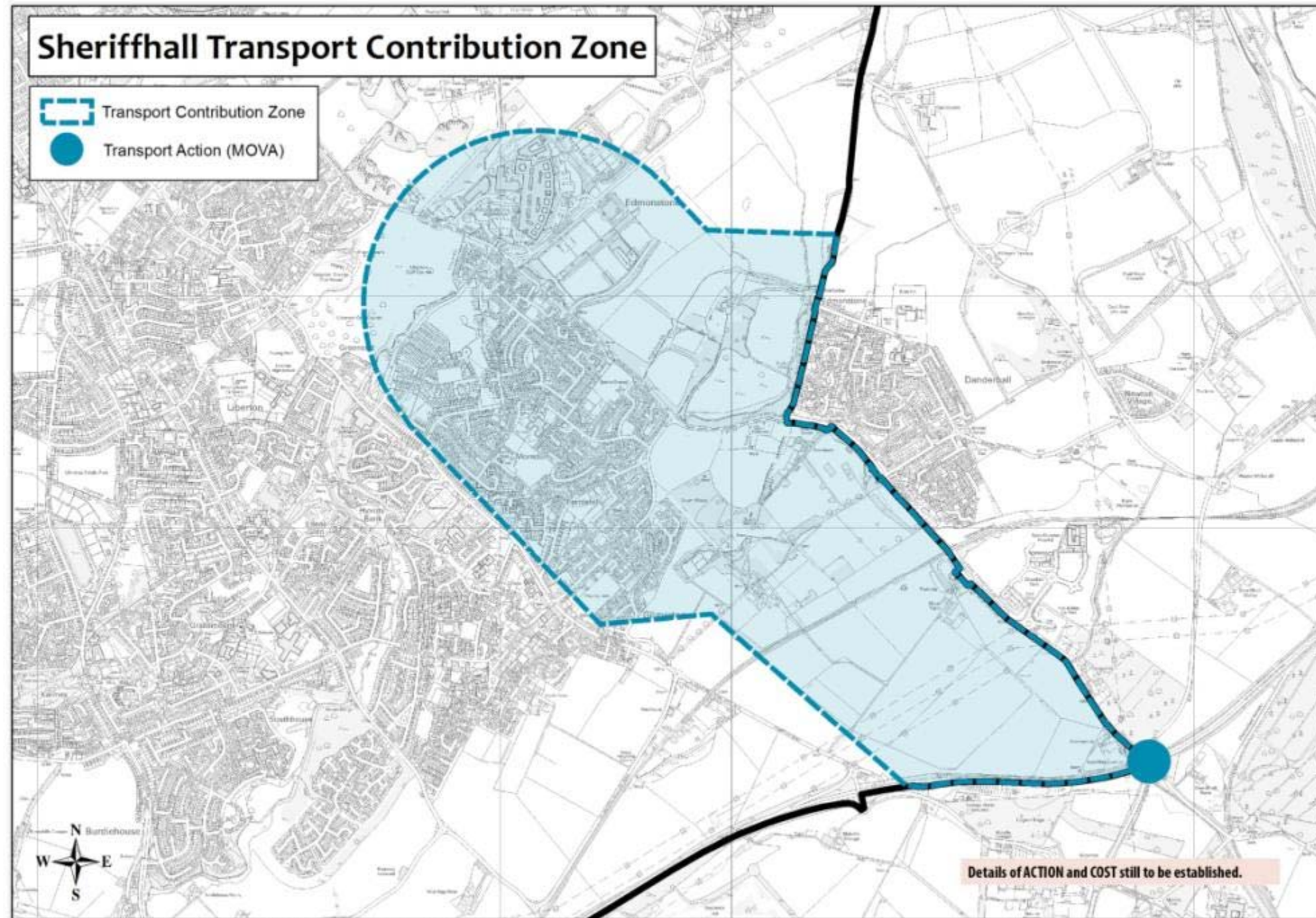


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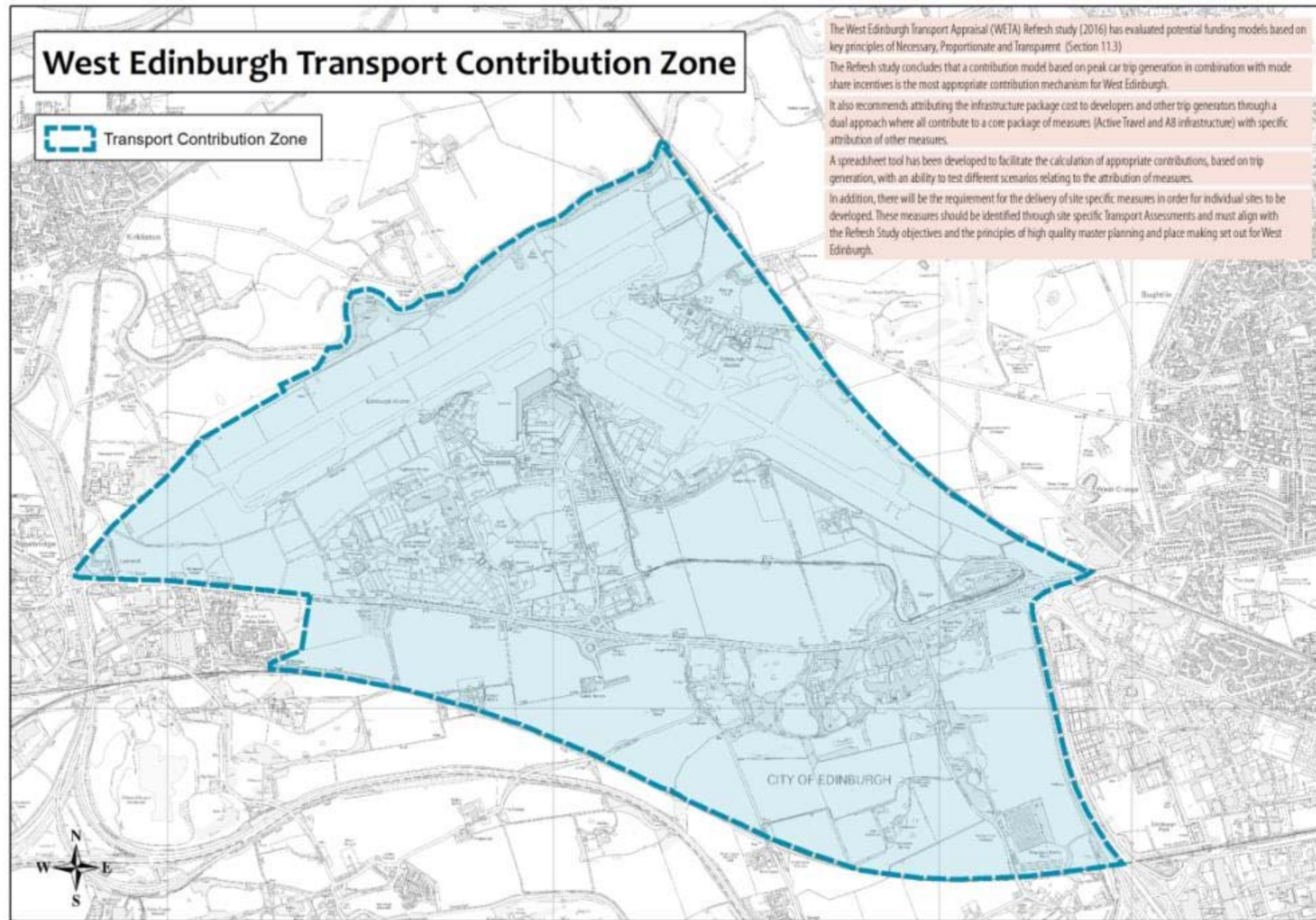


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<b>WEST EDINBURGH TRANSPORT ACTIONS</b>		<b>COST</b>
CYCLE	A8 North side missing link	£773,900
	Improvements to Gravel path (old railway line) from A8/M9 interchange north to Kirkliston	£457,300
	Cycle Connection from A8 along Eastfield Road into Airport Option A	£693,300
	Improved access between Ratho Station and A8 along station road	£659,800
	Improved Station Road/A8 bridge access for cyclists.	£634,800
PUBLIC TRANSPORT	Broxburn to Newbridge Roundabout	£2,249,800
	Station Road to Newbridge Interchange	£1,602,300
	A8 eastbound bus lane from Dumbbells to Maybury Junction	£3,697,400
	Bus Lane Under Gogar Roundabout	£92,300
	Improved bus priority linking SW Edinburgh with Gyle/IBG/Airport (inc ped/cycle facilities where appropriate)	£3,225,750
	Upgraded Bus interchange facility at Ingliston P+R	£4,320,000
	Kilpunt Park and Ride	£792,000
	New Tram Stop	£1,440,000
ROAD	Link Road Part 1 Dual Carriageway	£9,073,400
	Link Road Part 2 Single Carriageway	£4,052,000
	Segregated Link Road cycle route	£1,605,600
	Development Link Road main street carriageway	£8,114,300
	Dumbbells to IBG - Phase 1	£2,596,100
	IBG new access into Airport to include priority bus - Phase 2	£1,645,900
	Dumbbells Roundabout improvement	£1,732,400
	Dumbbells westbound offslip signals	£1,245,900
	MOVA improvements at Newbridge/Dumbbells Gogar/Maybury	£2,174,400
	Newbridge additional lane from M9 onto A8	£837,100
	A) A8 Gogar Roundabout – 4 Lane Northern Circulatory Improvements	£2,446,800
	B) Gogar to Maybury additional eastbound traffic lane	£30,000,000
Sum (Development Contribution)		£86,162,550



**HEALTHCARE**

**Developer Contribution Rates**

Scheme type	Cost range £m	Average cost per scheme £m	Additional population per scheme	Cost per dwelling (average household size 2.10***)	Per Student bedspace equivalent cost
Small scheme	£0.01m - £0.1m	£0.025	500	£105	£17
Intermediate	£0.1m - £0.5m	£0.25m	2000	£262.50	£42
Refurbishment/redesign entire practice premises*	----- £0.5-2m x 20%	(£1.5m) ----- £0.3m	(10,000 – total) ----- 2000 – extra 20%	(£315) ----- £315	(£50) ----- £50
New build **	Highly variable costs and premises solutions	£4m	8000	£1050	£170

**Key:**

\* - Using the example of an existing practice building with 8000 patients being refurbished to allow an increase to 10,000 then only 20% of total cost should come from developer contributions

\*\* - New build costs attributable to additional population from development only i.e. replacement of existing capacity would not be expected through developer contributions

\*\*\* - Based on 2015 Household estimates (NRS)

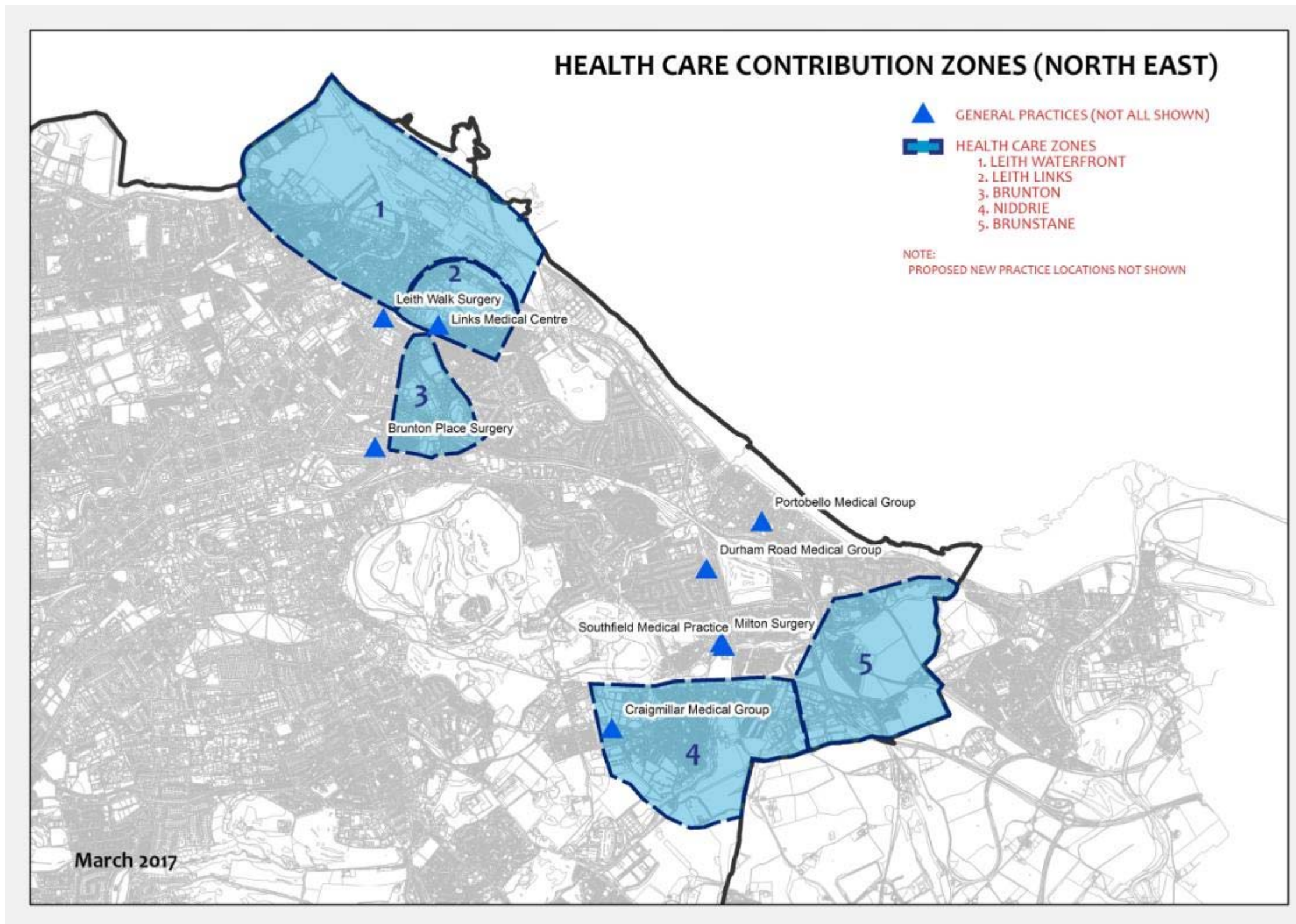
To ensure that the cost of delivering new healthcare infrastructure is shared proportionally and fairly between developments, healthcare developer contribution zones have been identified. These zones have been identified taking into account the following factors;

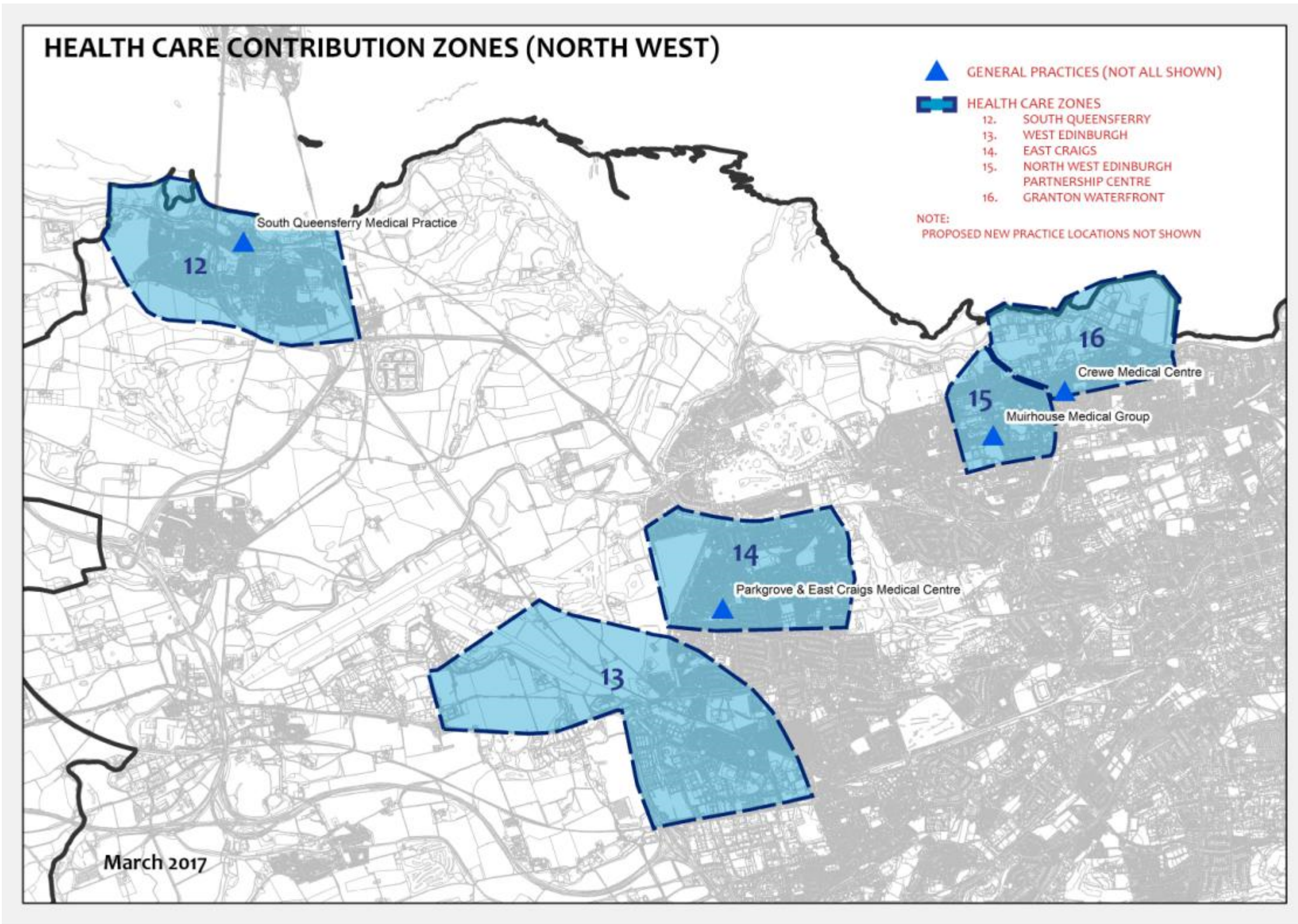
- Healthcare practices with capacity constraints
- Development proposals within the catchments of affected practices
- Distribution of practice's registered patients

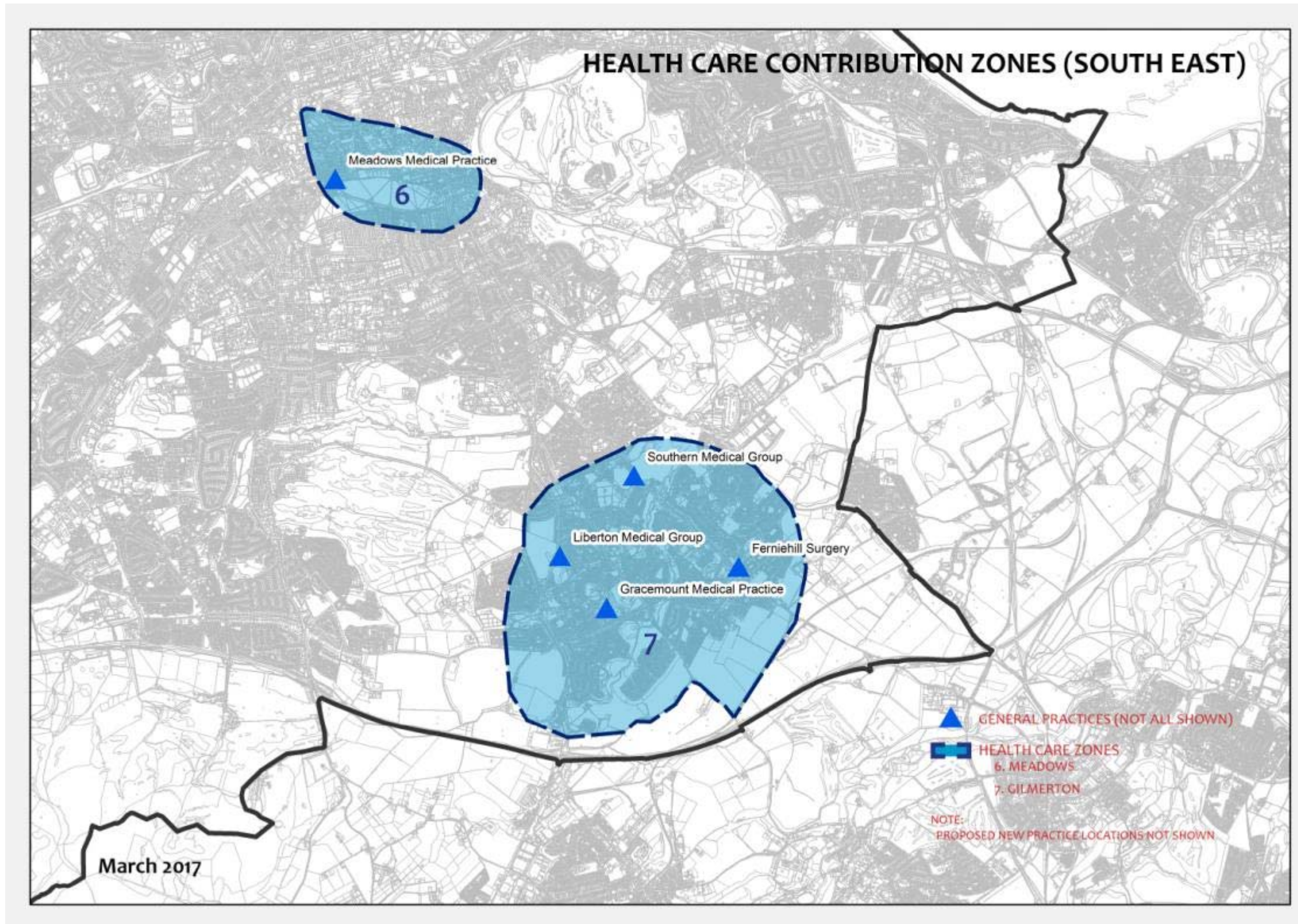
ACTION	REQUIREMENT / DETAILS	TIMESCALE	ESTIMATED COST	FUNDING	STATUS
<b>New medical practices</b>					
Granton Waterfront	New Practice to mitigate impact of new residential development in Granton Waterfront. Co-located with new waterfront primary school.	2021 -26	£5M	H&SC Partnership / Developer	Exploring Options
Leith Waterfront	New Practice to mitigate impact of new residential development in Leith Waterfront. Co-located with new Leith primary school.	2016 - 26	£7.5m	H&SC Partnership / Developer	Exploring Options
West Edinburgh	New Practice to mitigate impact of new residential development in West Edinburgh (Maybury, South Gyle, Edinburgh Park, IBG) Co-located with new Maybury Primary School	2018 -24	£6M	H&SC Partnership / Developer	Exploring Options
Gilmerton	New Practice to mitigate impact of new residential development in South East Edinburgh (HSG 21-40). Location to be confirmed.	2016 – 2022	£5/9m	H&SC Partnership / Developer	Exploring Options
Brunstane	New Practice to mitigate impact of new residential development in Brunstane. Location to be confirmed.	TBC	TBC (£5m est)	H&SC Partnership / Developer	Exploring Options
NWEPC	New Practice to mitigate impact of development at Pennywell, Muirhouse, City Park, Telford Nth + Granton waterfront (early)	2015-2021	Sunk Cost	NHSL	Underway

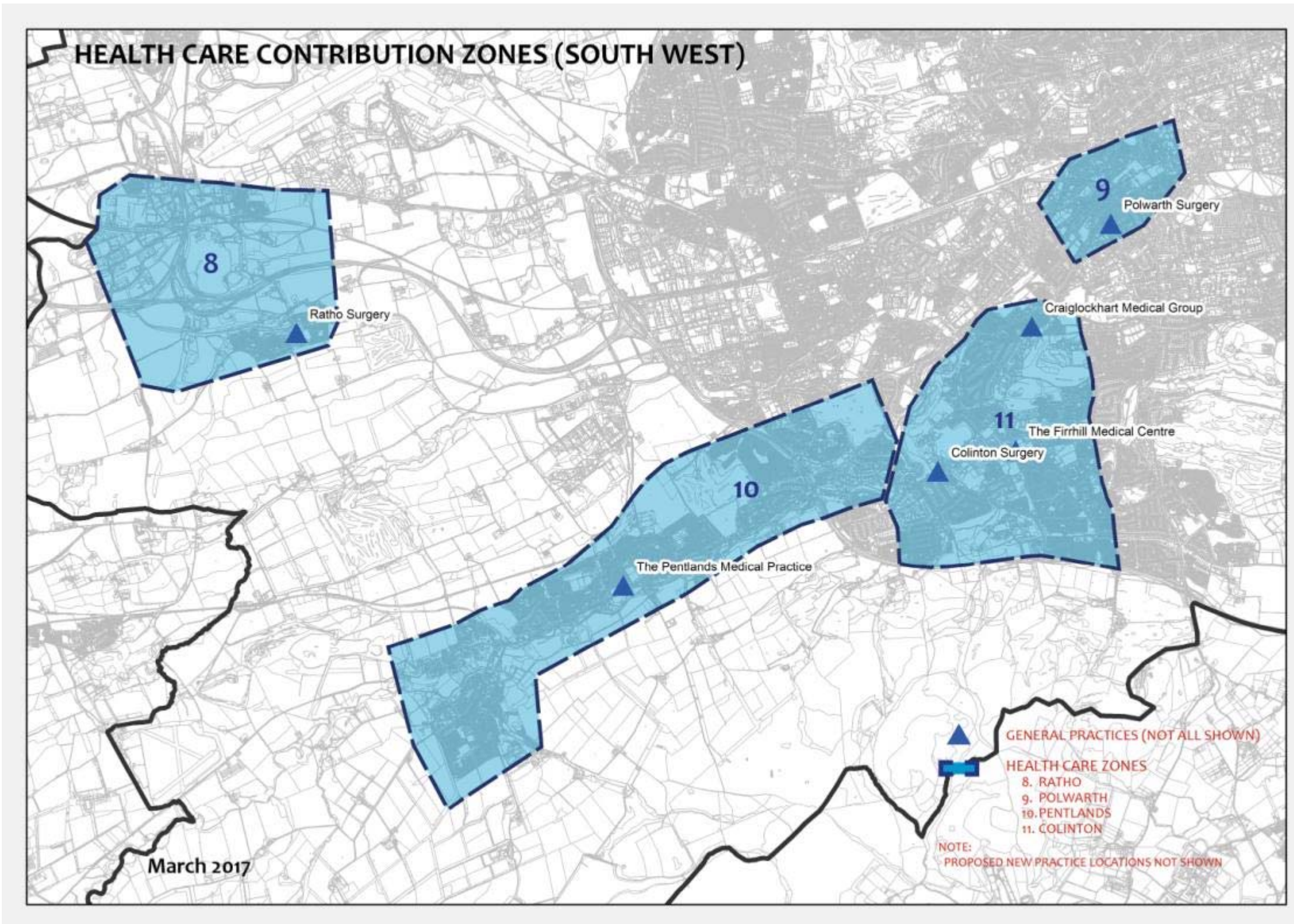
<b>Expansions</b>					
Parkgrove	Expansion to medical practice to mitigate impact of HSG 20 Cammo.	2018 - 24	£0.1m	H&SC Partnership / Developer	Exploring Options
Pentlands	Expansion to medical practice to mitigate impact of development in South West Edinburgh	2014 - 24	£0.5m	H&SC Partnership / Developer	Exploring Options
Ratho	Re- provision to medical practice to mitigate impact of development in Ratho	2014 -24	£2m Sunk Cost	H&SC Partnership / Developer	Underway
Niddrie	Expansion to medical practice to mitigate the impact of new residential development in Craigmillar.	2014 -24	£5M	H&SC Partnership / Developer	Exploring Options
Leith Links	Re-provision of medical services to mitigate impact of HSG 12 Lochend Butterfly	TBC	£3.5 (£70,000 - 20% for LDP/HLA sites)	H&SC Partnership / Developer	Exploring Options
Polwarth	Expansion to medical practice to mitigate impact of CC3 Fountainbridge	TBC	TBC	H&SC Partnership / Developer	Exploring Options
Meadows	Expansion to medical practice to mitigate impact of CC3 Quartermile	Up to 2021	£3m (£30000 - 10% for LDP/HLA sites)	H&SC Partnership / Developer	Exploring Options
Brunton	Re-provision of medical services to mitigate impact of Meadowbank	2018-2026	£5m (£1,000,000 - 20% for LDP/HLA sites)	H&SC Partnership / Developer	Exploring Options

Allermuir	Expansion to medical practice to mitigate Craighouse.	2014 -24	£7m (Sunk Cost)	NHSL Bundle	Underway
South Queensferry	Expansion to medical practice to mitigate impact of development in Queensferry	2014 - 24	£0.3m (Sunk Cost)	H&SC Partnership	Underway









## Appendix 2 - Changes to Supplementary Guidance on Developer Contributions and Infrastructure Delivery

### SECTION

#### 1. Introduction

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- No change

#### 2. Delivering the Edinburgh Local Development Plan

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- Text now reads: The Action Programme is a statutory document, which is **adopted by Planning Authorities and submitted to Scottish Ministers on at least a two yearly basis.**
- **Table 1 amended** to prioritise walking and cycling before public transport and then cars.

#### 2a. Education Infrastructure

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Clauses A – G have been re-organised and re-numbered to accommodate proposed changes

- Education Clause Dii) (now Clause C) now reads: If the education infrastructure actions identified in the current Action Programme are not sufficient to accommodate an increase in the cumulative number of new pupils expected in that area as a result of the development (**for example greenfield/greenbelt sites being considered under LDP Policy Hou 1, part 2**) the Council will consider if it is appropriate to revise the action(s) and associated Contribution Zones. ~~A contribution towards delivering the revised set of actions will then be required from the development, based on a new 'per house' and 'per flat' rate.~~ **The established 'per house' and 'per flat' contribution rates will be applied if they are sufficient to cover the cost of the notional new set of actions. If the established contribution rates will not cover the cost of the revised set of actions, the proposed development will be required to make a contribution that is sufficient to cover the revised set of actions, in order that the infrastructure requirements can be delivered. In some circumstances it may be appropriate to establish a new Contribution Zone or Sub-Area with its own contribution requirements, for example if a development comes forward that would require a new school to be added to the Action Programme. This will ensure that sites not allocated within the LDP do not contribute proportionally less to the delivery of new education infrastructure than housing sites allocated in the LDP.**
- Education Clause C (now Clause E) now reads - Development should only progress where it is demonstrated that required education infrastructure can be delivered, and at the appropriate time. The Council will assess whether new development will impact on the education actions set out in the Action Programme, and the current education delivery programme, as set in Appendix 1. **Third party delays in infrastructure delivery will not normally be allowed to prevent the granting of planning permission or the undertaking of development.**

#### Delivery of Education Infrastructure

- New section under Delivery of Education Infrastructure:
  - **If the number of additional classrooms that are delivered is no more than what is necessary to accommodate the number of pupils expected to be cumulatively generated from development sites, developer contributions from the relevant part of the**



Contribution Zone will be expected to cover the full cost of delivering the new infrastructure.

- The Council may identify a need to provide education infrastructure over and above what is required to accommodate the number of pupils expected to be cumulatively generated from development sites. This will be set out in the Action Programme, and the Council's appropriate share of the infrastructure identified. The Council will not seek developer contributions to deliver its share of this infrastructure; instead the Council will seek an alternative funding mechanism.

## **2b. Transport Infrastructure**

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- Clause B iv) insert -Cross boundary impacts, taking account of relevant developments in surrounding authorities. (except those for housing development in the Green Belt).
- Existing contribution zones updated as appropriate to reflect draft report of the Cross Boundary Transport Appraisal.
- Hermiston and Calder junction MOVA actions added as recommended in draft report of the Cross Boundary Transport Appraisal.
- Text added under the 'Delivery of Transport Infrastructure' heading on page 8, 'The Council will transfer any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed.'

## **2c. Greenspace**

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- Arrangements for ongoing maintenance of open space clarified.

## **2d. Public Realm**

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No change

## **2e. Primary healthcare**

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- Last paragraph amended to read: "LDP Policy Hou 10 sets out that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed. *Contribution zones and a formula for calculating developer contributions are set out in Annex 4.*"
- Annex 4 Healthcare Actions has maps of the Healthcare Contribution Zones and Costs Table.

## **3. Viability and Funding Mechanisms**

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No change

## **4. Legal Agreements and use of monies**

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- **Paragraph 4 amended-** Where a development site includes the land safeguarded for a new school, the site will be secured as part of a legal agreement. ~~The cost of land, and servicing and remediation, as set out in the Action Programme will be credited (contribution in kind) against the site's share of the contribution zone cost once the Council has confirmed that the new school will be delivered. In these circumstances, all contributions from other development sites which were attributable to land costs will be used towards delivering the required new infrastructure.~~ **The value of the land, as well as the cost of servicing and remediating the site (if**

appropriate), will be credited against that site's overall contribution requirement once the Council has confirmed that the new school will be delivered. It is likely that this will be following a statutory consultation process to establish the school location and catchment boundaries. All contributions from other development sites which are attributable to the cost of securing land for a new school will then be used towards the general cost of delivering the new education infrastructure that is required within the relevant Zone.

- Paragraph 5 amended: Whilst contributions may be required towards the delivery of a number of actions within a Zone, the Council may apportion money received from a particular development site to the delivery of infrastructure actions that have been prioritised in order to support early phases of development. Remaining or future monies received will then be used for the delivery of other actions set out within the Action Programme.
- Paragraph 6 – amended any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed.
- Indexing and repayment –text added - If the actual costs of delivering the new infrastructure are lower, S75 legal agreements can make provision for the repayment of unused contributions. In addition, applicants have the opportunity to ask the Council to consider modifying existing S75s to reflect contribution rates that have been updated to take account of up-to-date costs.

## 5. Audit and Review

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No change

### Annex 1 Education Infrastructure

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#### Education Infrastructure – Costings

- ~~text removed and amended text added to indexing and repayment section~~ - The capital and land costs in the Statutory Guidance for school projects are currently estimates based on established rates for extensions and new builds. As each specific project is taken forward through the design and delivery phases and transfer of land it is recognised that the actual costs of each project could vary from the estimates currently provided. ~~Where actual costs are available section 75 agreements will be based on these actual costs. Where section 75 agreements are concluded based on estimated costs the necessary clauses to allow payback to developers if appropriate will be included within the agreements.~~
- Add text In areas where new primary school infrastructure will be required but the estimated housing output has not justified including an action in the Action Programme, the required primary school contribution has been determined by sharing the cost of providing one additional classroom across an assumed housing output of 100 units (80 houses and 20 flats).
- Add Table of land costs

### Annex 2 Transport Infrastructure

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- Update each CZ to include further detail of actions (once Action Programme updated to include this information)
- Mapped zones for Straiton, Gilmerton and Sherrifhall junctions updated.

### **Annex 3 Greenspace Infrastructure Actions**

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- No change

### **Annex 4 Healthcare Actions**

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- Contribution zones for healthcare infrastructure and a formula for calculating developer contributions added to Annex 4 of the finalised SG.
- Text added to the Annex: To ensure that the cost of delivering new healthcare infrastructure is shared proportionally and fairly between developments, healthcare developer contribution zones have been identified. These zones have been identified taking into account the following factors; Healthcare practices with capacity constraints; Development proposals within the catchments of affected practices; Distribution of practice's registered patients.

## Report of Consultation and Council Response to Objections Received

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The Council has prepared draft Supplementary Guidance (SG) on Developer Contributions and Infrastructure provision. The SG sets out the Council's approach to infrastructure provision and improvements associated with development. The SG aims to ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvements associated with development. The Council consulted on the draft SG between 12 December 2016 and 3 February 2017. Consultees were asked the following questions:

1. Do you have any comments on the Council's approach to infrastructure provision and improvements associated with development?
2. Do you have any comments on how infrastructure has been assessed?
3. Do you have any comments on requirements for development and the transport, education, public realm and green space cumulative contribution zones?
4. Do you have any comments on the arrangements for Section 75 legal agreements?
5. Do you have any comments on how the Council will deliver the required infrastructure?
6. Do you have any comments on the council's approach, should the required contributions raise demonstrable commercial viability constraints?

41 responses were received to the consultation from the Scottish Government, Key Agencies and infrastructure providers, Community Councils, members of the public, land owners and developers. Responses were received from the following consultees:

Axcel Hospitality (Edinburgh) Limited	Royal Highland & Agricultural Society of Scotland
Barratt David Wilson Homes	RSPB Scotland
Builyeon Farms LLP	Scottish Government
CALA Homes (East)	Scottish Natural Heritage
Clarendon Planning & Development Ltd	Scottish Property Federation
Cockburn Association	SEPA
Cramond & Barnton Community Council	South East Edinburgh Development Company Ltd
Edinburgh Chamber of Commerce	Spindlehawk Ltd
Forth Ports Ltd	Sport Scotland
FSH Airport Services	Stewart Milne Homes
Hallam Land Management Ltd	Taylor Wimpey
Historic Environment Scotland	The Dalrymple Trust
Homes for Scotland	The EDI Group Ltd
IBG Stakeholders	The Trustees of The Foxhall Trust
Leith Central Community Council	Tollcross Community Council
Lord Dalmeny	Wallace Land Investments
Murray Estates	West Craigs Ltd
Network Rail	R Allen
New Ingliston Ltd	Sarah (No surname given)
NHS Lothian	Iain McKinnon
Ocean Terminal	

This report provides the Council's response to the objections received. A summary of the objections to the guidance is provided in Appendix 4. A list of the proposed changes is provided in Appendix 2.

## **Objections received to Consultation Questions and Council Response**

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### **Question 1 - Do you have any comments on the Council's approach to infrastructure provision and improvements associated with development?**

#### **General Developer Contributions Approach**

With regards to the general approach to developer contributions, responses were received on the following topics:

- The approach set out with the SG does not comply with Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The SG should include a statement of conformity with Circular 3/2012.
- Planning obligations should not be used to resolve existing deficiencies in infrastructure and that required infrastructure should relate in scale and kind to the proposed development.
- The Contribution Zone approach does not directly links to the impacts of developments, or to the scale and kind of contributions sought.
- Contribution zones should be established in supplementary guidance rather than the action programme which is subject to annual review and which would not achieve the required degree of clarity or certainty.
- Community organisations and members of the public have raised concerns that the current approach is on a piecemeal basis.

In response, the Council's approach implements the principles of the Circular in a way which allows consideration of more than one development, or cumulative impact. This allows for good overall infrastructure planning. the Council's cumulative assessment approach is supported by Scottish Planning Policy, Circular 3/2012 Planning Obligations and the approved Strategic Development Plan.

The finalised guidance and supporting assessments set out how the evidence base is established, actions are identified and how costs are to be shared proportionately in terms of scale and kind, meeting the tests of the Circular. It is unnecessary to repeat national advice at local level. Contribution Zones are set by the SG, not within the Action Programme. No change is proposed to the finalised SG in this regard.

However, Section 2 of the SG has been updated to reflect that Action Programmes are not approved by Scottish Ministers but adopted by planning authorities.
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#### **Use of draft SG for determining planning applications**

Responses have stated that the implementation of the draft Supplementary Guidance is contrary to legal precedent regarding policy formulation and consultation requirements. Responses have requested that the Council 'dis-apply' the use of the draft SG. Responses have requested that in the interim period, the need for developer contributions must be considered by on a case by case basis, without regard to the contribution zones and tariffs set out in the draft SG.

The Council has adopted the LDP and Action programme as its plan-led response to housing development pressures facing the city. The SG has been prepared to support the revised policy context for funding infrastructure provision set out in the Local Development Plan (Policy Del 1). 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. The draft SG is a material consideration until it becomes part of the development plan. No change is proposed to the finalised SG.

### **Matters to be dealt with in Supplementary Guidance**

The Scottish Government and other consultees have objected to the SG on the basis that supplementary guidance may only deal with the provision of further information or detail in respect of the policies or proposals set out in an LDP, and then only provided that those are matters which are expressly identified.

The objection relates to the LDP Action Programme including an action for a new secondary school in west Edinburgh, for which the SG sets out the required contributions. Consultees' to the consultation state that the new high school is not supported by the LDP and cannot therefore be included in Supplementary Guidance. Consultees assert that as the new high school was not included in the LDP it has not been subject to due statutory process and subject to SEA requirements.

In response, the LDP states clearly that contributions may be sought towards increases to 'school capacity, including new schools' (LDP Para 141 and Appendix C). Appendix C of the plan does not list the school capacity actions, nor could it as to do so would require a level of detailed infrastructure planning which is inappropriate for a LDP which covers a 10 year period. Para 143 states that further detail of anticipated requirements will be set out in Supplementary Guidance. Part 2 of Policy Del 1 itself states that the Guidance will cover 'a) the required infrastructure in relation to specific sites and/or areas'.

Accordingly, the matters expressly identified in the LDP itself cover school capacity, including new schools, but do not prescribe or limit what those school capacity or new school actions should be. Instead, they clearly set that as a matter for the Guidance itself to set. The LDP does not include any provisions which 'do not support' a new secondary school in West Edinburgh. The Supplementary Guidance has gone through a Strategic Environmental Assessment screening process which concluded that such an assessment is not required. No change is proposed to the finalised SG.

### **Housing Land**

Consultees have requested that Council's assessments which support the SG should recognise the full extent of the new infrastructure that will be required in relation to a 'Shortfall in the Housing Land Supply amounting to some 7,000 new homes'. Consultees are concerned that the Council will feel obliged to reject Green Belt development proposals on the basis that there is no infrastructure programmed to accommodate them or that their development would undermine infrastructure provision made for allocated sites.

In response, the figure of 7,000 referenced by Consultees was the shortfall in delivery in the period 2009-2019. It arose because delivery rates on the established land supply were too low in the early part of that period. The land capacity, and associated infrastructure requirements, have already

been identified. The Action Programme (December 2016) includes infrastructure actions identified to support the housing sites identified in the adopted LDP; sites otherwise identified in the established housing land supply; and, for education infrastructure, other land within the Urban Area with potential capacity for housing development.

This capacity of housing is more than sufficient than required (as evidenced in the 2016 HLADP), accordingly, there is not a need for the Council to identify further infrastructure actions to support further, Green Belt, housing sites. No change is proposed to the SG in this regard.

However, the SG has been updated to clarify how developer contributions will be determined for sites that will increase the estimated housing output in an area.

#### Change

Education Clause Di) If the education infrastructure actions identified in the current Action Programme are not sufficient to accommodate an increase in the cumulative number of new pupils expected in that area as a result of the development (for example greenfield/greenbelt sites being considered under LDP Policy Hou 1, part 2) the Council will consider if it is appropriate to revise the action(s) and associated Contribution Zones.

The established 'per house' and 'per flat' contribution rates will be applied if they are sufficient to cover the cost of the notional new set of actions. If the established contribution rates will not cover the cost of the revised set of actions, the proposed development will be required to make a contribution that is sufficient to cover the revised set of actions, in order that the infrastructure requirements can be delivered. In some circumstances it may be appropriate to establish a new Contribution Zone or Sub-Area with its own contribution requirements, for example if a development comes forward that would require a new school to be added to the Action Programme. This will ensure that sites not allocated within the LDP do not contribute proportionally less to the delivery of new education infrastructure than housing sites allocated in the LDP.

#### **Exemptions to policy**

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

- Deliver of development on land owned by Network Rail
- Private rented sector or 'build-to-rent' projects

In planning terms, development on land owned by Network Rail and the private rented sector will have an impact on services and infrastructure and therefore is not exempt for contributions. The private rent sector is a form of residential development with occupants who may have impacts on infrastructure. No change is proposed to the finalised SG.

#### **Reform of the Planning System**

Consultees have identified that the reform of the planning system in Scotland is underway and has an emphasis on development delivery and 'growth'. With this in mind, the SG should be drafted in this spirit. In addition, consultees have raised the question of prematurity in relation to the current Scottish Government consultation on the future of the Scottish Planning System.

The SG and the LDP it relates to have a particular emphasis on supporting fast delivery of growth by actively planning necessary infrastructure enhancements. The use of the Action Programme as a vehicle for coordinating infrastructure investment to support timely delivery of development is an example of this. The national planning review will be ongoing for several years until legislative change is enacted. In contrast, the SG must be progressed in a shorter timescale. No change is proposed to the finalised SG.

**Table 1 – Financial and Other Contributions**

Scottish Natural Heritage have asked that Table 1 should prioritise walking and cycling before public transport and then cars to reflect paragraph 273 of Scottish Planning Policy (SPP), information based on the transport hierarchy.

In response this has been noted and Table 1 has been updated to reflect this change.
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## **Question 2 - Do you have any comments on how infrastructure has been assessed?**

### **Education: Infrastructure Assessment**

With regards to the Education Appraisal, consultees have requested an explanation as to how the assumptions in the Education Appraisal were reached. Responses were received on the following topics:

- Consultees have generally objected on the basis that residential development should only be required to contribute towards the cost of education infrastructure where it has been confirmed that there is insufficient capacity available in a primary school within the catchment of that development,
- Consultees have requested that the Council clarify the number of pupils in all of the eight new schools and the proposed school extensions which will be from the allocated sites in the LDP and those pupils from existing homes,
- A number of consultees appended an alternative approach to assessing education infrastructure requirements prepared by a planning consultant.

In response, the Education Appraisal and SG explain the Council's methodology for determining developer contributions for new education infrastructure. The Education Appraisal has been informed by up-to-date school roll projections.

The methodology for determining the school roll projections is set out in the report entitled 'Developing a Vision for the Schools and Lifelong Learning Estate' December 2016.

The Education Appraisal is based on the cumulative impact of new housing development within different parts of the city. As outlined above, cumulative assessment is supported by Scottish Planning Policy, Circular 3/2012 Planning Obligations and the adopted Strategic Development Plan.

The suggestion that a 'first come first served' basis should be used is not accepted. This does not follow the cumulative approach to mitigating the impact of new development. School roll projections are the basis for determining if there is capacity within a school to accommodate the cumulative number of additional pupils from new development, not the current school roll. No change is proposed to the finalised SG.

Cumulative Assessment Areas have been identified which are based on the catchment area of one or more secondary schools. Where areas of new housing development will have an impact on more than one catchment area, larger Assessment Areas are established. In some parts of the city, Assessment Area sub-areas that are based on primary school catchment areas have also been identified.

Where projections indicate that there will be insufficient capacity to accommodate the number of pupils expected to be generated by new development in an Assessment Area, education infrastructure actions have been identified.

It is acknowledged that some accommodation pressures that are identified by projections may be attributable to rising rolls from existing housing. Therefore, in order that development is not required to contribute to the provision of additional capacity that is over and above what is required to mitigate the cumulative impact of new development, the education infrastructure actions reflect the number of additional pupils expected to be cumulatively generated from new development only. There is a separate process for providing additional infrastructure to deal with rising school rolls from existing housing.

Where additional capacity is identified as being required, and this may not be achieved through reconfiguration of existing accommodation, extending existing schools is considered in the first instance. However, given the scale and location of proposed housing developments, in some areas the only realistic option is the provision of a new school.

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

The roll of a new school will not be known until it is operational. However, it is normal practice to include a school roll estimate in a statutory consultation paper proposing a new catchment area.

In some circumstances catchment reviews may help to alleviate school accommodation pressures (for example, the Education Appraisal suggests that the housing site at Curriemuirend could move to the Clovenstone Primary School catchment area), however it could not be known if a potential catchment change could be implemented until it was approved by the Council following a statutory consultation. No change is proposed to the finalised SG.

Consultees have stated that if existing pupils are to attend new schools as a result of catchment reviews, then the Council must accept some responsibility for its share of the costs.

The catchment area of a new school identified within the Action Programme will not necessarily cover all new housing sites expected to contribute to the cost of its delivery and it may take in areas of existing housing. One reason is that including existing housing areas will free up space within existing primary schools so that they can accommodate pupils from new development not within the catchment area of the new school, but it could also be to reflect community boundaries or to ensure that a school is accessible to its catchment population. No change is proposed to the finalised SG.

However, the SG has been updated to add the following principles under Delivery of Education Infrastructure:

Change

If the number of additional classrooms that are delivered is no more than what is necessary to accommodate the number of pupils expected to be cumulatively generated from development sites (as set out in the Action Programme), developer contributions from the relevant part of the Contribution Zone will be expected to cover the full cost of delivering the new infrastructure.

The Council may identify a need to provide education infrastructure over and above what is required to accommodate the number of pupils expected to be cumulatively generated from development sites. This will be set out in the Action Programme, and the Council's appropriate share of the infrastructure identified. The Council will not seek developer contributions to deliver its share of this infrastructure; instead the Council will seek an alternative funding mechanisms.

As an example:

The Action Programme identifies a need for a new 14 class primary school and a new 7 class primary school within the Liberton Gracemount Cumulative Assessment Area to ensure that there is sufficient school capacity in the area to accommodate the additional number of pupils expected to be generated by new development.

A statutory consultation has been undertaken proposing delivery of the 14 class primary school at the 'Broomhills' housing site. The proposed catchment area includes some areas of existing housing.

By including areas of existing housing, capacity at existing primary schools will be made available so that new pupils from development sites not within the new school's catchment can be accommodated.

For example, capacity at Gracemount Primary School will be made available so that new pupils from the Ellen's Glen Road housing site can be accommodated without having to provide more classrooms.

It is therefore appropriate for developments, such as at Ellen's Glen Road, to contribute to the cost of the 14 class primary school as it will mitigate its impact on education infrastructure.

If the proposed catchment area meant that a 16 class school would have to be delivered – this would be included in an updated Action Programme. The Council would be expected to seek an alternative funding mechanism to cover the additional cost of providing the two extra classrooms if these would not be attributable to the number of new pupils expected to be generated in the area by new development.

Consultees have also requested an explanation as to what provision has been made for windfall, specifically, what assumptions are taken from:

- the last Housing Land Audit and which HLA was used,
- any permissions issued since, and,
- any live applications.

Consultees have asserted that the scale of new housing development in the adopted LDP which is taken into account in the SG is nearly 6,200 homes, asserting that it is highly unlikely that all of the 4,700 homes from the windfall requirement set out in the LDP have been factored into the education infrastructure requirements and included in the 2016 School Projections.

Consultees also requested an explanation as to how the Council's Housing Land Study (June 2014) has been used as an evidence base. Consultees have also asserted that the SG does not make

reference to the mechanism which would apply to obtaining financial contributions from homes on windfall sites.

In response, it should be noted that the LDP makes... an assumption about how many units will be completed on 'windfall' sites ((4,656 between 2015 and 2026). This assumption was based on both an extrapolation of past trends and an estimate of potential capacity in the Urban Area made in the Housing Land Study (June 2014). The latter was used to inform the 'Urban Area – assumed capacity' figures in the Education Appraisal, together with consideration of the 2016 HLADP to avoid double counting. Accordingly, the total potential housing capacity appraised in the Education Appraisal amounted to over 29,000 units.

Sites not in the 2016 HLADP which subsequently get planning permissions will be dealt with in the 2017 HLADP, which in turn will inform the nature, scale and timing of actions in the next edition of the Action Programme (due December 2017).

Proposals for sites outwith the Urban Area are therefore not planned for in the current Action Programme. Provision for consideration of the education infrastructure impact of such sites is made in parts D to F in the education section of the Supplementary Guidance. No change is proposed to the finalised SG.

### **Pupil generation rates**

Consultees' have request that further detail is provided on the Council's pupil generation rates and are concerned that they may be projecting too high a number of pupils from new housing.

In response, Table 1 of the Education Appraisal outlines that pupil generation rates 'reflect the different impact of houses and flats and are based on the average number of primary and secondary pupils generated from a mix of housing developments across the Council area completed or part completed over the last ten years. The pupil generation rate for denominational schools is based on the proportion of pupils in the Council area attending denominational schools in 2012/13'. The housing sites used to determine the pupil generation rates can be provided on request.

To generate the number of pupils, the midpoint of the unit number capacity range for new housing sites within the LDP are used, as well as the housing capacity assumptions used in the Housing Land Audit. In some cases, information from detailed planning applications has also been used. Future updates to the Education Appraisal will reflect updates to the Housing Land Audit and further detailed planning permissions. No change is proposed to the finalised SG.

Consultees have also queried the methodology adopted in the SG which applies pupil generation rates to the number of new houses based on the mix of flats and houses within each development. Consultees have highlighted that if this assumption proves to be incorrect when the house builders confirm their preferred housing mix to meet market demand then the proposed educational requirements will differ.

To generate the number of pupils, the midpoint of the unit number capacity range for new housing sites within the LDP are used, as well as the housing capacity assumptions used in the Housing Land Audit. In some cases, information from detailed planning applications has also been used. Future updates to the Education Appraisal will reflect updates to the Housing Land Audit and further detailed planning permissions. No change is proposed to the finalised SG.

#### **Use of school extensions only**

Consultees have objected to the SG not including 'Option 2' (school extensions only) from the 2014 Education Appraisal and instead in Liberton / Gracemount Contribution Zone requiring the provision of two entirely new non-denominational primary schools.

In response, the updated Education Appraisal (December 2016) includes new housing sites within the adopted LDP **and the potential capacity from other sites within the urban area**, as set out above. The 2014 Appraisal was based on the impact of fewer new homes. Due to the increased number of pupils expected to be generated in the area, only expanding primary schools in the area is no longer an option. No change is proposed to the finalised SG.

#### **Cost per Secondary School Pupil**

Consultees have objected to the guidance in that it seeks to apply a cost per Secondary School pupil generated regardless of whether there is an identified need.

In response, the Education Appraisal has been informed by the latest primary and secondary school roll projections (published December 2016). Contributions are required towards additional secondary school capacity only in areas where there is an identified need for additional secondary school capacity. No change is proposed to the finalised SG.

### **Q3 – Do you have any comments on the education, transport, green space, and healthcare requirements and contribution zones?**

#### **Education**

##### **Application of policy to 1 bed flats**

Responses have outlined concerns that the draft guidance does not appear to make it clear that the contributions will not be applied to studio or one bedroom properties.

Clause D iv) in the education section makes provision for developments which do not generate additional school pupils. In practice, the Council will take into account the presence of studios and 1 bed flats in the unit mix of a detailed proposal. However, since unit mix is subject to a number of different considerations and can change for any given site, it is not appropriate to go into such detail in the development plan. No change is proposed to the finalised SG.

##### **Developer Contributions for Education Infrastructure – clauses A-G**

Responses have been received in respect of the Education Contribution clauses set out on pages 4-5 of the SG as follows:

Responses have objected to **Clause C** at it would suggest that third party delay could be a factor in the determination and issue of planning permissions. This is unacceptable and must be clarified. It is suggested that an additional sentence be inserted at the end of the Clause stating “However, third party delays in infrastructure delivery must not be allowed to unnecessarily prevent the issue of planning permissions or undertaking of development”

In response, the Council aims to ensure that the aim of timely provision of infrastructure relative to development will not give rise to use of suspensive conditions unnecessarily. As part of this approach, the Council is taking on some of the responsibility and risk for infrastructure delivery itself. The current wording accurately describes the key principle. The proposed additional wording is not in alignment with this approach.

However, it is noted that Clause C could be phrased more positively and the SG has been updated to include the following statement ‘Third party delays in infrastructure delivery will not normally be allowed to prevent the granting of planning permission or the undertaking of development.’

Responses have objected to **Clause E** as it is considered inflexible and highlight that there is a ‘brownfield first’ priority imperative clearly articulated in national planning policy. Responses have suggested that Clause E be amended to read either:

- Development is likely to give rise to an impact which cannot be appropriately mitigated in line with the Council's cumulative approach “*or any reasonable alternative approach*”, it should be noted that planning permission will be refused.
- *Where a development proposal is likely to give rise to an impact, including cumulative impacts, on education infrastructure which cannot be appropriately mitigated, planning permission may be refused.*

In response, Clause E of the SG states that where development is likely to give rise to an impact which cannot be appropriately mitigated in line with the Council's cumulative approach, it should be noted that planning permission will be refused. This reflects Policy Del 1, Part 2 of the LDP in that development should only progress where sufficient infrastructure is already available, or where it can be demonstrated that it can be delivered at the appropriate time.

In this regard, it is considered that revised text submitted by consultees weakens policy Del 1 and the cumulative assessment approach set out in the SG.

However it is recognised that further detail should be provided on how impact can be 'appropriately mitigated'. Additional education infrastructure which will mitigate the impact of pupils coming from new housing development should:

- Be efficient in terms of class organisation, management and operation;
- Deliver a good learning environment with appropriate supporting facilities (gym, dining hall, outdoor space, general purpose space);
- Be adaptable to ensure that the school can respond to future changes in its catchment population;
- Be accessible and well located to serve the catchment population.

Where additional capacity is identified as being required, and this cannot not be achieved through reconfiguration of existing accommodation, extending existing schools is considered in the first instance. However, given the scale and location of proposed housing developments, in some areas the only realistic option is the provision of a new school.

The location of the school buildings, existing pupil flows, obvious geographical boundaries, public transport links and distances to and from a school are all factors taken into account when establishing new catchment boundaries. However, the principal driver is to ensure that the catchment populations for each of the schools affected are appropriate to their proposed capacity.

With regards to the delivery of 'brownfield land', the capacity of land within the urban area, on which the principle of development is supported by the plan, has already been assessed and actions to mitigate the impact identified in the Action Programme.

Responses have requested clarification in regards to **Clause F** that, for the purposes of education, where there is capacity in existing schools to accommodate children arising from new development then that would be taken up first on a first come, first served basis. Responses have stated that only the balance of the new development would be required to contribute to new infrastructure. It is suggested that the following sentence be added at the end of the Clause "Where there is capacity in existing schools to accommodate early phases of development then this must be taken up with the balance of development contributing to new infrastructure in line with Circular 3-2012."

In response, the suggestion that a 'first come first served' basis should be used is not accepted. This does not follow the cumulative approach to mitigating the impact of new development. School roll projections are the basis for determining if there is capacity within a school to accommodate the cumulative number of additional pupils from new development, not the current school roll. No change is proposed to the finalised SG.

### **Capital school build costs**

Responses have objected to the costs set out in the guidance for single class extensions to new primary schools. In this regard Consultees have requested clarification on the following:

- A single classroom extension at Gilmerton Primary has a floor area of 62-64sqm. this classroom then equates to a cost of £5,645 per square metre. This is excessive when compared to the cost of £2,171 for a 2 class extension.
- If a single classroom floor area is on average 62-64 square metres, then two classrooms will be an average of 124 square metres. However the guidance allows for 213 square metres for a 2 class extension. We therefore request evidence on this from the Council.

In response, it is highlighted that the two square metre costs set out in the comment above are not directly comparable. The square metre cost for a two class extension does not account for abnormal costs, FF&E, fees and contingency.

The estimated total costs for 2, 3 and 4 class extensions are based on the actual historic costs of delivering extensions of these sizes - an average of the actual costs of the various projects of these sizes which were completed in August 2015 has been used. Abnormal costs cover site specific anomalies such as, for example, the necessity for utility and/or drainage diversions or the use of an unusual foundation solution. FF&E represents the cost of the loose furniture, fittings and equipment which is necessary for a classroom including chairs, tables, storage and smart boards and is included at an assumed cost of £10,000 per class room. Internal fees represents the costs of project managing the delivery of the project which is undertaken by a different service area within the Council who charge for that service to be delivered, the assumed rate being 1.25% of the capital cost.

The provision of multiple extra classrooms may bring additional requirements for toilets, circulation and other ancillary space which will result in a larger overall floor area than would be required if only classroom space was provided.

The estimated cost for a single class extension remains very difficult to estimate as, unlike 2, 3 and 4 class extensions, we have no actual historic comparator projects on which to make an assessment. Were we to consider this at any school it would require a one-off bespoke solution and would be entirely dependent on the configuration of the existing building and services. The sum of £350,000 as at Q1 2015 including inflation to that point is very much an estimate but, whilst these costs are not shown separately for this option, it is intended that the £350,000 will also include provision for any abnormal costs, FF&E and internal fees. No change is proposed to the finalised SG.

Responses have also objected to the costs set out in the guidance for extensions to secondary schools. In this regard Consultees have requested clarification on the following:

- The SFT cost metric sets indicative costs for secondary schools at £28,000 per pupil (including allowances for abnormal, servicing and off site infrastructure), based on HubCo North Territory reporting. The Scottish Government awards funding at £25,893 per pupil (at 2 Q2 2015 prices) for new secondary school build projects.



- We expect secondary school extensions to offer cost savings – for example the typical cost for a new primary school per square metre is £2,759 and for an extension the typical figure is £2,118 metres squared.
- The draft guidance sets the indicative cost per square metre for a secondary school extension at £2,986 per square metre, however the cost within the draft guidance for a new secondary school is lower than that of an extension, at £2,301 square metres. There is no explanation given in the draft guidance as to the inconsistent cost projections for new schools and extensions for primary and secondary schools.

In response, the Education Appraisal (December 2016) states that ‘the capital cost of providing a new secondary school is based upon the cost metric applied by Scottish Futures Trust for new secondary schools of £2,301 per square metre based on Q1 2015 prices. Using this cost metric (while applying a 7.5% contingency) the cost for a 600 capacity school is estimated to be £19.294 million.

There is no current reference cost data available on the basis of which it would be possible to estimate the cost of delivering a significant extension to a secondary school. Large scale secondary school extensions will carry significant additional costs in terms of circulation space and providing extra communal support space. The estimated costs of extending secondary schools are based on an assumed requirement of 10 square metres of floor space per pupil at a cost of £3,210 per square metre (at Q1 2015 prices, excluding future inflation). At the appropriate time it will be necessary to undertake a feasibility study regarding the most appropriate way to deliver any additional capacity required in the secondary sector in each area.

The £3,210 per square metre figure is based on a cost plan for a 1,160m<sup>2</sup> extension to Liberton High School which estimated a cost of £2,986 per square metre (at Q1 2015) with 7.5% added for contingency. It should be noted that it can be proportionally more cost effective to comprehensively design and deliver a new secondary school rather than be constrained by an existing building, layout and space organisation. No change is proposed to the finalised SG.

Responses have also requested that the same approach and level of scrutiny should be applicable to the costs of development arising from the contributions that are being sought and paid, particularly given the concerns raised about the level of contributions set out in the Guidance and their relationship with costs from other published sources.

In this regard, the SG has been updated to clarify that ‘the capital costs in the Statutory Guidance for school projects are currently estimates based on established rates for extensions and new builds. As each specific project is taken forward through the design and delivery phases and transfer of land it is recognised that the actual costs of each project could vary from the estimates currently provided. If the actual costs of delivering the new infrastructure are lower, S75 legal agreements can make provision for the repayment of unused contributions. In addition, applicants have the opportunity to ask the Council to consider modifying existing S75s to reflect contribution rates that have been updated to take account of up-to-date costs.

### **Contingency**

Consultees have queried the inclusion of 7.5% contingency.

In response, this provision enables the Council to manage the risk of the developer contributions received not meeting construction costs due to inflation uplift. No change is proposed to the finalised SG.

### **Land Value**

With regards to land value, the consultees have queried the use of generic assumption for land costs and servicing remediation requirements. In response, the Guidance has now been updated with costs for the school sites provided by the District Valuer.

### **Site specific - International Business Gateway**

The Scottish Government, have objected to the SG in regards to the housing units attributed to the International Business Gateway, in that the figures are not supported by the recently adopted LDP.

In response, the December 2016 Education Appraisal was derived from the working figure of 2,000 homes, In response, the December 2016 Education Appraisal was derived from the working figure of 2,000 homes, but omitted 800 flats on the basis that a high proportion are not anticipated to generate additional pupils as they would be one bedroom or studios (connected to business development and the airport) and so made an assumption of 1,200 units, of which 400 might be houses.

The IBG masterplan is still emerging, and yet to be determined by CEC or, potentially, called-in by Scottish Ministers. There is therefore uncertainty as to how much housing will be built there. That uncertainty will continue even as the early phases of such a large development get underway.

In the context of such uncertainty, it would be prudent to avoid under-planning the education infrastructure elements of the overall West Edinburgh development corridor. Accordingly, it is appropriate to retain identification of a new secondary school in this area until such time as the need for it can be confidently ruled out. To assume the opposite, then later belatedly identify the requirement for such a school would be inefficient, and fails to recognise the importance of infrastructure planning to placemaking. No change is proposed to the finalised SG.

### **Site specific - 'Unallocated greenbelt release sites'**

A respondent has objected to the inclusion of 'unallocated greenbelt release sites' within the latest LDP Education and Transport Appraisals (November/December 2016). The respondent states that these sites, "East of Burdiehouse" and "South of Burdiehouse" are by definition not housing allocations and therefore should not be considered when assessing cumulative impacts from housing sites identified within the LDP and should be removed.

In response, the infrastructure appraisals carried out to inform the Action Programme have sought to make use of the best available information as to the potential housing capacity supported by the LDP within the Urban Area. This made use of the potential sites identified in the 2014 Housing Land

Study, and also the areas of land released from the Green Belt and brought into the Urban Area by the post-examination modifications recommended by the LDP reporter.

The sites referred to as ‘East of Lasswade Road’ and ‘East of Burdiehouse’ are supported by the LDP within the urban area as defined on its Proposals Map. LDP Policy Hou 1 supports housing on suitable sites in the urban area, provided proposals are compatible with other policies in the plan where housing development would be supported in principle. Since they have potential for housing development and associated cumulative impact, it represents good infrastructure planning to include them in the scope of the appraisals. No change is proposed to the finalised SG.

## **Transport**

### **Transport Contribution Zones**

Consultees have recommended that justification be provided for each transport infrastructure contribution zone and details of proposed infrastructure upgrades should be inserted within the finalised Supplementary Guidance.

In response, the SG has been updated to include further detail on each of the transport contribution zones.

Transport Scotland have objected to the SG as the Action Programme is not up to date [in respect of the Cross Boundary Transport Appraisal] yet links with and comprises an important element of the Supplementary Guidance.

In response, the SG has been updated having regard to a draft of the Cross Boundary Transport Appraisal (March 2017). Existing contribution zones have been updated as appropriate, and a new one added for the Hermiston and Calder junction MOVA actions recommended in the draft study report. The LDP Action Programme is formally updated on an annual cycle. The next edition will include any updates arising from the final study report as appropriate.

Transport Scotland have objected to the SG as the trunk road network ‘Transport Contribution Zones’ do not appear to follow any specific land use or development boundaries including those already in the development management system.

In response, the identified zones have a simple 1 km radius and were provided in the draft Guidance as placeholders. However, the SG has been updated to remove the mapped zone for Gilmerton A720 junction, as the draft Cross Boundary Transport Appraisal report does not identify any requirement for an action there.

### **Cross Boundary Transport Actions**

Transport Scotland have objected to the SG in regards to the trunk road junctions ‘actions’ set out in the SG, these include:

Gilmerton and Straiton Junctions have not been specifically identified in the cross boundary appraisal study as requiring upgrading. Consequently, Transport Scotland have requested further

information from the Council on the potential cumulative impact from developments on these junctions and what mitigation is proposed. If, as a result of work already done or further study it is identified that Gilmerton and Straiton do not require to be improved as a result of development impacts, then it is recommended to remove these junctions from the Supplementary Guidance.

These junctions were identified in the draft SG because the LDP as adopted makes specific reference to them on page 65. These additions were post-examination recommendations made by the reporter in response to Scottish Government representations. As specific provisions of the LDP, they need to be included in the Action Programme.

The description of the action at Straiton has been updated to refer to local approach road widening as recommended in the draft study report. Reference to Gilmerton A720 junction has been removed (see above)

Old Craighall is not included within the SG document and It is recommended that further information pertaining to Old Craighall is included, specifically referring to the way in which contributions will be gathered and managed taking cognisance of the contributions collected from East Lothian Council, Transport Scotland and the City of Edinburgh Council.

In response, this comment is noted, however, Old Craighall is included as an Action on Page 3 of the Action Programme and on P38 of the SG. The costings in the SG are derived from those in East Lothian Council's LDP documents. As such, they have been retained in the absence of costings for the action as identified in the draft Cross Boundary Transport Study report.

Sheriffhall, Straiton and Gilmerton on the A720, where Transport Scotland will keep the Council updated on progress.

In response, this is noted and will potentially inform future updates to the LDP Action Programme.

### **Other transport contributions**

Transport Scotland has objected to the approach set out in Clause B (page 8) in that is contrary to the position promoted by Transport Scotland in relation to CEC identifying impacts on infrastructure in surrounding authority areas as a result of developments in the CEC area.

In response, the current wording is consistent with that in the LDP, and does not suggest that impacts on infrastructure in surrounding authorities as a result of development in CEC's area should not be assessed. No change is proposed to the finalised SG.

Consultees have responded that the 6 criteria which a Transport Assessment (TA) will require to take account of are onerous.

Consultees have responded that, whilst cumulative assessments to take account of committed development is generally considered to be standard practice, Item (iii) valid applications, and (iv) Proposal of Application Notices is a concern. For example, the validity of an application does not offer any certainty of permission being granted. Similarly, the submission of a Proposal of Application Notice does not in all cases lead to the submission of an application for planning

permission / planning permission in principle. Allocations may never be progressed. In all situations, circumstances such as the parameters of proposed development could change; it is only the ability to implement permission when there is a need to take account of the cumulative effect.

In response, these comments are noted. However, it is not accepted in the case of proposals which accord with the LDP. The definition of 'cumulative impact' in SPP includes development in valid applications which have not been determined. Given the scope for valid PANs to become such applications, it is reasonable to include them within scope. Doing so ensures that cumulative impacts are assessed – a particular concern identified in the LDP as adopted. However, the SG has been updated to include the following text after Clause B iv. (except those for housing development in the Green Belt).

### **Tram Contributions**

Consultees have highlighted that the proximity of the tram route and associated infrastructure should be a key consideration in supporting ambitious sustainable mode share targets in new development. For example, the presence of a tram stop directly adjacent to a site means the Council should be accepting low(er) impact on the road network and in turn the developer should pay a lower share of road contributions as a result.

In response, junction improvements are important for supporting public transport accessibility and active travel connectivity as well as mitigating increases in private motorised vehicular traffic. Such sustainable modes will also be used by some occupants of development adjacent to tram stops, and so it is reasonable that such developments contribute to non-tram actions. No change is proposed to the finalised SG.

Consultees have objected to the principle of using tram contributions to payback the loan used to construct the tramline.

In response, as highlighted in the guidance, in relation to the completed Phase 1A of the project, the Council has constructed the tram line and its associated public realm. As part of the funding strategy money has been borrowed against future contributions from developers. Given the amount of public money that has been spent and the fact that many developers have already contributed towards the project this approach is an appropriate mechanism for 'front funding' essential infrastructure. No change is proposed to the finalised SG.

### **Site specific transport requirements**

The landowner for HSG 19 Maybury has raised the contribution towards a railway bridge and extensive footpath and underpass works linking HSG 19 to The Gyle, via the now completed Edinburgh Gateway.

In response, this figure identified within WETA and the Action Programme includes: access infrastructure to/ from both sides of bridge, associated costs with permissions/ restrictions when working over a live railway line and 44% Optimism Bias. It assumes formation of paths to extend from those provided as part of the Edinburgh Gateway station project. It is highlighted that the HSG

19 proposal would not have been released from the Edinburgh Green Belt and allocated for development if the bridge action were not identified. It therefore must meet the cost of delivering it. No change is proposed to the finalised SG.

Cramond and Barnton Community Council are concerned that specific infrastructure requirements required to service the Maybury and Cammo Developments (HSG19 & 20) are not included within the tables (e.g. introduction of traffic controls at Cammo Gardens to enable access/egress to 400+ households at Cammo and Strathalmond onto Maybury Road which will have increased traffic loads)

In response, these road junction actions are site specific to Maybury and Cammo (HSG 19 & 20) and are requirements to be delivered as part of the planning permission for the development site. No change is proposed to the finalised SG.

The landowner has sought clarity on two actions “Dalmeny to Echline, Queensferry (HSG32 and HSG33)” with a cost of £1.2m and a 450m extension of NCN1 “in to the Agilent Site” (at a cost of £110,250).

In response, these actions relate to the greenspace requirements in the development principles for the two sites HSG 32 and HSG 33 and requires coordination between the two sites to ensure what is delivered is a continuous corridor and landscape buffer/green belt boundary with a cycle/pathway joining the two sites. A bridge over the two A90 is required to link the pathway / make the corridor continuous and this is a separate transport action. No change is proposed to the finalised SG.

### **Healthcare**

Consultees have objected to the principle of contributions towards community facilities including healthcare practises.

In response, Policy Hou 10 of the LDP states that “planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed. NHS Lothian, in partnership with the Council has appraised the cumulative impact of new the new housing development on healthcare infrastructure, and actions to mitigate this impact are set out in the Action Programme.

The SG has been updated to include contribution zones for healthcare infrastructure.

P.11 Change final paragraph to the following:

“LDP Policy Hou 10 sets out that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed. Contribution zones and a formula for calculating developer contributions are set out in Annex 4.”

It is proposed to add the Contribution Zones and a formula for calculating developer contributions to Annex 4 of the finalised SG. It is also proposed to add the following text to the Annex:

To ensure that the cost of delivering new healthcare infrastructure is shared proportionally and fairly between developments, healthcare developer contribution zones have been identified. These zones have been identified taking into account the following factors;

- Healthcare practices with capacity constraints
- Development proposals within the catchments of affected practices
- Distribution of practice’s registered patients

Consultees have requested evidence to justify the requirement for new or extended medical practices. As an outline guide, each 1,000 patients require approximately 90sqm of space so a practice of 5,000 will have an associated build at a cost of circa £2m and associated revenue costs.” This is significantly less than the projected costs set out in the Draft SG.

The information referred to in NHSL Strategic Plan is based on analysis of information from the preceding period (so likely to be 2012/3) and is difficult to use as a direct comparison to future requirements. The Council has been advised that NHS Lothian follow SFT guidance from 2013, which has metrics about the space required per GP but there is no specific up to date guidance on costs which will vary depending on the actual development and method of delivery.

In addition, as the list size reaches a certain number there is a wider impact on associated community services and size cannot be wholly attributable simply to numbers of GPs. Each practice will have attached staff – e.g. District nurses, community midwives – but at a certain size there may also be other services such as podiatry or physiotherapy, and the additional staffing numbers then has an implication on the office accommodation requirements so it is not quite as straightforward as simply doubling numbers. Each development will be different and strategically we would endeavour not to provide a small practice in isolation. No change is proposed to the finalised SG.

### **Green Infrastructure and Open Space**

RSPB Scotland have responded to the consultation with regards to the impact of developer contributions on biodiversity, that such expenditure should ensure that biodiversity and wildlife are delivered in addition to the recreational and other related needs of the local communities. RSPB requests that a proportion of funds should be awarded to appropriate community groups, such as “Friends of...” to help support biodiversity. RSPB Scotland specifically refers to tern rafts in the Firth of Forth.

In response, Local Development Plan policies Des 3 and Env 10 to Env 16 ensure development proposals protect and where possible enhance Edinburgh’s Natural Heritage.

Edinburgh’s Open Space Strategy, [Open Space 2021](#), sets out standards for open space provision in new developments based upon quality, quantity and accessibility from homes. To meet the standards, greenspaces will be expected to meet the needs of users, support health and well-being and enhance the natural environment. The forthcoming update to the Edinburgh Design Guidance will set this out in further detail.

Comments on the quality of new open space forming part of a current planning application can be made through the Council’s Planning and Building Standards online Portal. Improvement works to existing greenspaces will be co-ordinated through the Council’s Parks, Greenspaces and Cemeteries service, involving relevant communities of interest, including Friends Groups.

Edinburgh Biodiversity Action Plan 2016-18 action B11 includes measures to replace or create tern rafts at Port Edgar or Granton to increase the number of breeding sites available to terns in the Firth of Forth. No change is proposed to the finalised SG.

SportScotland have responded to the consultation requesting clarification on whether contributions will be sought for sports facilities as the SG simply refers to open space and what Policy ENV19 - will mean for developments. SportScotland have also highlighted that it is important that development which can increase demand is delivered with an increase in supply of indoor and outdoor sporting facilities. These should be directed in line with the Open Space Strategy, the playing pitches strategy or facilities strategy as appropriate. If proposals are to be judged on case by case basis with regards to sporting provision within communities then this should be detailed within the guidance.

In response, LDP Policy Env 19 Protection of Outdoor Sports Facilities, refers to the Council’s Open Space Strategy and its aspiration to create a series of multi-pitch venues, identifying potential locations where investment should be concentrated. Future demand and capacity for sports facilities will be examined through the preparation of the Council’s new Physical Activity and Sport Strategy. No change is proposed to the finalised SG.

Scottish Natural Heritage have responded to the consultation requesting clarity on the point that infrastructure would be delivered when the delivery is attributable to a number of development sites. SNH also recognise the difficulties inherent in collecting contributions for public realm actions in the absence of a finalised Public Realm Strategy and that this should be finalised as soon as possible.

In response, the delivery programme for actions is set out in the Action Programme, and or other strategies such as the Open Space Strategy. Infrastructure will be delivered at a time that is appropriate and balanced with receipt of contributions / and or other funding being available. Comments on the Public Realm Strategy are noted. No change is proposed to the finalised SG.



#### **Q4 – Do you have any comments on the arrangements for Section 75 legal agreements?**

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##### **S75 Credit Process**

Consultees have highlighted that the S75 ‘credit process’ should not necessarily be limited to “benefit in kind” given the costs associated with the delivery of new schools.

In response, where a development site includes land safeguarded for a new school, the Council will secure the site as part of a legal agreement attached to the planning permission.

However the SG has been updated to include the following text under Section 4. The value of the land, as well as the cost of servicing and remediating the site (if appropriate), will be credited against that site’s overall contribution requirement once the Council has confirmed that the new school will be delivered. It is likely that this will be following a statutory consultation process to establish the school location and catchment boundaries. All contributions from other development sites which are attributable to the cost of securing land for a new school will then be used towards the general cost of delivering the new education infrastructure that is required within the relevant Zone.

##### **Use of contributions within Contribution Zones**

Consultees have objected to the following “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” in that it does not accord with the Circular 2/2012.

In response, the SG has been updated now amended to read: Whilst contributions may be required towards the delivery of a number of actions within a Zone, the Council may apportion money received from a particular development site to the delivery of infrastructure actions that have been prioritised in order to support early phases of development. Remaining or future monies received will then be used for the delivery of other actions set out within the Action Programme.

Responses have objected to contributions being held for 30 years (for education infrastructure) and for payments being used for unitary payments.

In response, the funding mechanism for some new build schools means that the construction costs are repaid over a period of up to 30 years. This means that the financial impact of a new development may be spread for over a 30 year period. In view of this, the Council may need to hold developer contributions for up to 30 years to meet these costs. No change is proposed to the finalised SG.

Consultees have requested clarification on the proposed mechanisms for refunding/reimbursement of excess contributions.

In response, the SG has been modified to include: If the established contribution rates change following a review of the Action Programme or Education Appraisal, the Council will consider applications to modify existing S75s accordingly. No change is proposed to the finalised SG.

The Council notes general support for the preparation of a Model Legal Agreement.

**Q5 - Do you have any comments on how the Council will deliver the required infrastructure?**

**Minister for Local Government and Housing - letter 9 November 2016**

Responses have highlighted that The Minister for Local Government and Housing stated in his letter of 9th November 2016 that he expects “the City of Edinburgh Council to make decisions at the earliest opportunity which provide for or contribute to the infrastructure requirements identified in [the Local Development Plan]”.

In response, these comments are noted. The Council’s response to the Ministerial Feedback was reported to Planning Committee on 8 December 2016. It included a commitment to produce the draft Supplementary Guidance within 10 working days of adopting the LDP. This the Council did. The Council also noted the LDP requirement to finalise the Guidance within 1 year of LDP adoption. The timeous reporting of finalised Supplementary Guidance allows that to happen, and it is hoped that the Scottish Ministers will allow the adoption of the Supplementary Guidance at the earliest opportunity. No change is proposed to the finalised SG.

**Education – delivery of school infrastructure**

Responses have highlighted that new schools or extensions must be built in advance of the pupils actually being generated from the occupation of new home. Responses have requested that provision should be set out within the Supplementary Guidance to demonstrate any interim measures the Council intends to adopt to accommodate pupils arising from the ongoing completion of homes.

In response, education infrastructure will be delivered at a time that is appropriate to ensure that new pupils can be accommodated within their catchment schools. Temporary solutions will be identified if necessary. No change is proposed to the finalised SG.

Responses have requested further clarity should be provided the Council’s proposed approach to deal with the situation that may occur where a site earmarked to deliver a new school stalls or does not progress as programmed.

This can updated Action Programme and Education Appraisal. No change is proposed to the finalised SG.

Responses have requested clarity on the Council’s approach if the statutory process does not support the proposed changes to education catchment areas then the Council will be unable to take forward its education proposals.

This can be addressed in an updated Action Programme and Education Appraisal. No change is proposed to the finalised SG.

**Phasing**

Consultees have responded stating that if the Council seeks to impose restrictions on commencement, such restrictions may have a significant impact on development viability.

As a planning authority, the Council uses suspensive conditions sparingly. The approach taken with the Action Programme and Supplementary Guidance has been designed to support growth. In particular, this approach seeks to avoid entire sites being required to deliver, for example, a school or a junction improvement upfront. Nevertheless, the Council reserves its right to manage the phasing of development relative to infrastructure delivery where necessary. No change is proposed to the finalised SG.

**Q6 - Do you have any comments on the council's approach, should the required contributions raise demonstrable commercial viability constraints and/or where forward or gap funding may be required.**

### **Funding of infrastructure**

Responses have requested clarity and confirmation that the guidance expects that the Council will fund and deliver all of the education infrastructure requirements of new schools and extensions to schools; however it is not clear within the guidance how the Council will raise the capital funding for these works. Responses have also state that the Council has yet to assess the income it expects to receive from financial contributions; it therefore does not yet know how much it intends to borrow. This financial strategy by the Council is at best naïve but could be potentially damaging to the delivery of much needed housing. Responses have also highlighted that the Council will be required to front fund and deliver the education infrastructure to support the new development.

In response, it the purpose of the Supplementary Guidance to

- Set out the Council's approach to infrastructure provision and improvements associated with development;
- Set out how the required infrastructure has been assessed;
- address community concerns about the timeous delivery of the required infrastructure;
- Ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development;
- Provide details of cumulative contribution zones relative to specific transport, education, public realm and green space actions;
- Set out the arrangements for the efficient conclusion of Section 75 legal agreements; and
- Set out the council's approach should the required contributions raise demonstrable commercial viability constraints, and/or where forward or gap funding may be required.

It is not the purpose of the SG to provide fund the delivery of infrastructure associated with development or to provide a comprehensive report on the financial situations of all the capital projects it refers to. That is intended to be done in reports to the relevant committee of the Council. As stated in relevant reports on financial implications of the LDP and its Action Programme, the Council aims for full cost recovery from developments. The provision for viability tests to reduce such contributions ensures that this approach will not render any housing development unviable. Front funding and delivery of infrastructure will be carried out by the Council only if it is necessary and justified. No change is proposed to the finalised SG.

### **Funding of trunk road actions**

Transport Scotland has objected to the SG in that it is inaccurate to state that funding will come from the cross boundary study.

This objection is noted and the SG has been updated to include the following text under the 'Delivery of Transport Infrastructure' heading on page 8, and under Section 4 on Repayment. On page 8, add in second para '... or pass monies to others, such as Transport Scotland, for delivery.' And in Section 4, after the reference to 10 years, include a statement that the Council will transfer any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed.

### **Alternative sources of funding**

Consultees have highlighted that the Guidance does not refer to any alternative sources of funding i.e. City Deal. Reference in the Guidance should be made to alternative funding sources and set out the circumstances in which these can be utilised.

In response, it is the Council's opinion that the reference in section 3 is appropriate for Supplementary Guidance, as wider context of alternative funding sources is uncertain and subject to change. No change is proposed to the finalised SG.

Consultees have highlighted that certainty within the SG would be helpful to demonstrate that 'gap funding' and/or alternative funding mechanisms are available.

In response, it is the Council's opinion that such funding/mechanisms are actually necessary because of the uncertainty associated with developer contributions and planning decisions. No change is proposed to the finalised SG..

### **Community involvement in delivery of infrastructure and funding**

Community representatives have requested that there is more transparency and consultation with communities.

In response, the Council is currently preparing local neighbourhood plans, through which planning will liaise on spatial matters, in order to better align the planning process with neighbourhoods. No change is proposed to the finalised SG.

### **Viability**

Consultee have highlighted that there is an undue burden being placed upon housebuilders to provide increasing levels and types of contributions. At a time when delivery of homes is a national priority the development industry should be supported to do so.

This is noted. However, the transparent and predictable costs provided in the SG should allow house builders to factor these in when bidding for land. These costs are therefore a due burden on land values, and should not, in themselves, have any influence on delivery rates on land once it is acquired by house builders. No change is proposed to the finalised SG.

The SG should make further references to the circumstances where viability arises and the measures the Council will be prepared to waive to deliver a viable project. This could be facilitated by the developer providing a comprehensive viability assessment provided that could be independently reviewed by an appropriate company on behalf of the Council. One response has asked the words “,

wherever practical,” to be added to ‘there is an expectation that the applicant will enter into an open book exercise in order to prove viability concerns

The Council already operates an adequate process for assessing viability which is in line with the Royal Institution of Chartered Surveyors Guidance Note, Financial Viability in Planning (First Edition, 2012). Contributions cannot be reduced without an open book assessment. No change is proposed to the finalised SG.

## Q1 - Do you have any comments on the Council's approach to infrastructure provision associated with development?

Name or Organisation	Council summary of answers to Q1
R Allen	<ul style="list-style-type: none"> <li>Nowhere near enough</li> <li>Make a plan and stick to it not disregard when it suits a BIG developer.</li> </ul>
Sarah (No surname given)	<ul style="list-style-type: none"> <li>Not enough money towards building a bridge in Ratho to the climbing centre was collected. Also other commitments such as building bus stops haven't materialised.</li> </ul>
Iain McKinnon-Waddell	<ul style="list-style-type: none"> <li>Should concentrate on adequately maintain current stock to good standard before new provision</li> </ul>
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>Cramond &amp; Barnton Community Council supports the key principles underpinning this approach.</li> <li>There is a desperate need to have a structured and layered approach to planning incorporating infrastructure (in the broadest sense) starting with the strategic which may embrace a number of developments (as at LDP stage) and descending to the tactical at individual development level.</li> <li>The main thrust of the Planning process seems to be to approve house building without consideration of the infrastructure issues. Each application is considered in isolation and approved without consideration of the cumulative effect.</li> <li>The Community Council impacted by the development should have an input as to how the money is spent.</li> </ul>
Leith Central Community Council	<ul style="list-style-type: none"> <li>More care needs to be taken with such matters as pedestrians on pavements (around the entrance to new builds), shoddy barriers and uneven pavements.</li> <li>Increase in traffic needs to be considered when new developments are in development.</li> <li>Is there an overall plan of development and infrastructure in Edinburgh? There is an increase in population and especially in Leith area. Parking issues/ Pedestrians/ Cyclists all need to be looked after.</li> <li>More transparency and consultation with communities would be a good thing to prevent resentments building up. We should be saying to new developers that they are welcome to build if they want to make Edinburgh an exciting and vibrant place. What can these developers add to the area in terms of making it a better place rather than using cheap materials and trying to get out of payments? A better ethical relationship needs to be embedded in the culture of the council with future developer.</li> </ul>
Tollcross Community Council	<ul style="list-style-type: none"> <li>Overall the approach is sensible but there is an over emphasis on the tram versus other infrastructure.</li> <li>The 'get out' clause on page 12 will lead to developers making great efforts to thwart the provision.</li> </ul>
Cockburn Association	<ul style="list-style-type: none"> <li>The approach seems reasonable. We support the comprehensive approach to cover all issues likely to be affected by development.</li> </ul>
Homes for Scotland	<ul style="list-style-type: none"> <li>We suggest that a statement of conformity with Circular 3/2012 should be provided by the Council to clearly set out the evidence base for the contributions sought, and their compliance with the tests within the Circular.</li> <li>Do not consider that the Contribution Zone approach directly links to the impacts of developments, or to the scale and kind of contributions sought. We consider that contribution zones for school extensions should follow the relevant primary school catchment areas, and not be set wider than these.</li> </ul>
Network Rail	<ul style="list-style-type: none"> <li>As Network Rail is a public funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by new development.</li> </ul>
RSPB Scotland	<ul style="list-style-type: none"> <li>Developer contributions should not, be at the expense of biodiversity.</li> </ul>
Scottish Government	<ul style="list-style-type: none"> <li>Contribution zones should be established in supplementary guidance rather than the action programme which is subject to annual review and which would not achieve the required degree of clarity or certainty.</li> <li>Correct Section 2 to reflect that Action Programmes are not approved by Scottish Ministers but adopted by planning authorities.</li> <li>It is unclear that the document meets the statutory requirements of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, section 27 (2) - that supplementary guidance ... may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan, and then only provided that those are matters which are expressly identified in a statement in the plan as matters which are to be dealt with in supplementary guidance. This is on the basis that the supplementary guidance proposes a new secondary school in west Edinburgh, which is not supported by the LDP.</li> </ul>
Scottish Natural Heritage	<ul style="list-style-type: none"> <li>The approach set out here and in other plans and strategies sets a scale and ambition for greenspace and green infrastructure that is necessary to support city growth in the long-term.</li> <li>Note that Table 1 is described as having been revised to reflect the hierarchy of transport modes. As set out in paragraph 273 of Scottish Planning Policy (SPP), information based on the transport hierarchy should prioritise walking and cycling before public transport and then cars. We recommend that Table 1 is updated to more clearly relate to this hierarchy.</li> </ul>
Scottish Property Federation	<ul style="list-style-type: none"> <li>Developer contributions are required conform with the tests set out in Circular 3/2012. Planning obligations should not be used to resolve existing deficiencies in infrastructure and developers should not be required to provide such facilities or contribute to the cost of facilities where the responsibility for their provision lies within the health authority and central government.</li> </ul>
The Dalrymple Trust Builyeon Farms LLP	<ul style="list-style-type: none"> <li>Include the wording of Policy Del 1 in full to provide an appropriate context for it.</li> <li>Clarification is sought that best use is made of existing infrastructure before the need for new infrastructure is required. It is inappropriate to assume that all new development will automatically contribute to new infrastructure.</li> <li>Supports the application of the developer contributions mechanism to all housing types and tenures as all housing types and tenures impact upon infrastructure provision.</li> </ul>
Wallace Land Investments, Murray Estates, Taylor Wimpey	<ul style="list-style-type: none"> <li>The SG should fully explain what the Council wants in terms of financial payment and sets out an audit trail justifying how each allocated site in the LDP impacts on the available education infrastructure and justifies the financial contribution sought.</li> <li>The Council is required to demonstrate that the financial proposals in the SG comply with the five tests in Circular 3/2012.</li> </ul>
Hallam Land Management Ltd	<ul style="list-style-type: none"> <li>The 'Introduction' section should be modified to include a single subsection identifying the key principles which any developer contributions sought must satisfy. Hallam suggests that, as a minimum, the following should be identified as key principles: <ul style="list-style-type: none"> <li>Principle 1: Accordance with the Statutory Development Plan</li> <li>Principle 3: Alignment with the Adopted City of Edinburgh LDP Action Programme (December 2016)</li> <li>Principle 4: Conformity with Relevant Case Law</li> <li>Principle 5: Consistency with National Planning Policy and Relevant Appeal Decisions</li> </ul> </li> <li>The implementation of the Consultation Draft Supplementary Guidance is contrary to legal precedent regarding policy formulation and consultation requirements. The City of Edinburgh Council is requested to immediately 'dis-apply' the use of the draft SG. In the interim period, the need for developer contributions must be considered by assessing the predicted individual and/or cumulative impacts of the development proposal on a case by case basis, without regard to the contribution zones and tariffs set out in the draft SG.</li> </ul>
CALA Homes (East)	<ul style="list-style-type: none"> <li>Agrees with the principle that the impacts of new development should be mitigated through conditions or planning obligations to secure financial or in-kind contributions. Notes that planning obligations cannot be used to resolve existing infrastructure deficiencies.</li> <li>The Draft SG should be updated to set out a matrix or other method of demonstrating compliance with each of the five tests set out in Circular 3/2012.</li> </ul>

	<ul style="list-style-type: none"> <li>The Draft SG should be updated to state that “Where it has been confirmed that there is insufficient capacity available to accommodate pupils generated, residential development is required to contribute towards the cost of education infrastructure to ensure that the impact of development can be mitigated”.</li> </ul>
<b>Taylor Wimpey UK</b> <b>Lord Dalmeny</b>	<ul style="list-style-type: none"> <li>The SG (at Table 1) sets out the types of development form which contributions will be sought, and states that (in most cases) this will be “Local, national &amp; major development” which would appear to include all use classes including business, industrial and commercial uses. However, it is not clear in some cases, whether there has been any commercial development taken in to account in arriving at the shares shown.</li> </ul>
<b>Lord Dalmeny</b>	<ul style="list-style-type: none"> <li>We do not believe that the Council has adequately demonstrated compliance with the requirements of Circular 3/2012 in respect of their approach to infrastructure provision, in particular; <ul style="list-style-type: none"> <li>Compliance with the 5 criteria set out in the Circular;</li> <li>The absence of a baseline assessment of the current situation and what would be required if no development happened; “full cost” recovery of infrastructure from development;</li> <li>The absence of a clear approach to/mechanism for securing contributions from windfall housing sites coming forward during the Plan period;</li> <li>There are additional interventions identified in the SG (such as a new Secondary School in West Edinburgh) that were not identified in the LDP and should not be covered in the SG;</li> </ul> </li> <li>In addition to the above, the Council appear to have introduced their own Policy Tests which do not comply with the Circular and should be removed as they are unnecessary and unhelpful.</li> </ul>
<b>New Ingliston Ltd</b> <b>The Trustees of The Foxhall Trust</b> <b>The EDI Group Ltd</b> <b>IBG Stakeholders</b>	<ul style="list-style-type: none"> <li>It is important that existing deficiencies are not sought to be resolved via developer contributions. We therefore welcome the approach at section 2 insofar as it relates to ‘infrastructure requirements associated with new development’ (GVA emphasis).</li> </ul>
<b>West Craigs</b>	<ul style="list-style-type: none"> <li>The draft SG applies its own, alternative tests. The draft Guidance requires to be amended to include express reference to the five tests all planning obligations must meet to be valid. References to alternative approaches should be deleted to avoid confusion and the risk of legal invalidity. The Guidance should include a statement confirming that planning obligations will only be required where it can be shown the five tests in the Circular have been met.</li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>It is unclear how some of the conditions of the circular 3/2012 are met within the proposed guidance.</li> </ul>
<b>Royal Highland &amp; Agricultural Society of Scotland</b>	<ul style="list-style-type: none"> <li>Requirements to contribute to infrastructure must specifically relate to the impact of development being proposed. It is therefore critical that all contributions are consistent with the final paragraph of Page 2 of CEC’s Policy where it states under General Developer Contributions Approach - “Proposals will be required to contribute to the following infrastructure provision, as set out in Table 1, where relevant and necessary to mitigate* any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.”</li> </ul>
<b>Clarendon Planning &amp; Development Ltd</b>	<ul style="list-style-type: none"> <li>Planning obligations should accord with the 5 policy test provided in Circular 3/2012. Specifically, required infrastructure should relate in scale and kind to the proposed development.</li> </ul>
<b>NHS (as landowner)</b>	<ul style="list-style-type: none"> <li>It will be necessary to consider application proposals on their merits in the particular circumstances at the time of their determination.</li> </ul>
<b>Stewart Milne Homes</b>	<ul style="list-style-type: none"> <li>We suggest that a statement of conformity with Circular 3/2012 should be provided by the Council to clearly set out the evidence base for the contributions sought, and their compliance with the tests within the Circular.</li> </ul>



## Q2 - Do you have any comments on how infrastructure has been assessed?

Name or Organisation	Council summary of answers to Q2
R Allen	<ul style="list-style-type: none"> <li>Done piecemeal and often out of context</li> </ul>
Iain McKinnon-Waddell	<ul style="list-style-type: none"> <li>Poorly. Paving, cycle routes and roads alike very pot-holed and unsafe in places.</li> </ul>
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>Currently it appears that infrastructure needs are evaluated on a piecemeal basis.</li> <li>concerned that specific infrastructure requirements required to service the Maybury and Cammo Developments (HSG19 &amp; 20) are not included within the tables</li> </ul>
Leith Central Community Council	<ul style="list-style-type: none"> <li>How accurate these assessments are – e.g. in regards to traffic flow/ parking issues?</li> <li>Is there any consideration for a paid-parking underground car park somewhere in Leith? Just a thought.</li> </ul>
Tollcross Community Council	<ul style="list-style-type: none"> <li>This seems comprehensive.</li> </ul>
Cockburn Association	<ul style="list-style-type: none"> <li>The assessments seem logical. We agree if/when the contribution costs of cumulative impacts become excessive and cannot be mitigated; the planning consent should be refused e.g. Developer Contributions for Education Infrastructure</li> </ul>
Homes for Scotland	<ul style="list-style-type: none"> <li>Education Appraisal</li> <li>The Council's Housing Land Study (June 2014) is useful in analysing potential windfall development, but is not a reliable evidence base, particularly as many of the sites within the housing land study have permission for other uses. If requirements from windfall developments have been fully factored in, this is not clear and should be set out far more explicitly.</li> <li>The approach should be clear that residential development will only be required to contribute towards the cost of education infrastructure where it has been confirmed that there is insufficient capacity available in a school within the catchment of that development. If existing pupils are to attend new schools as a result of catchment reviews, then the Council must accept some responsibility for its share of the costs.</li> </ul>
Scottish Government	<ul style="list-style-type: none"> <li>For the IBG site, the figures are not supported by the recently adopted (24 November 2016) Local Development Plan (LDP) and have not yet been established via a masterplan or planning permission.</li> </ul>
Scottish Property Federation / South East Edinburgh Development Company Ltd	<ul style="list-style-type: none"> <li>There is a shortfall in the Housing Land Supply amounting to some 7,000 new homes. The Council's assessments may not recognise the full extent of the new infrastructure that will be required. Concerned that the Council will feel obliged to reject these proposals on the basis that there is no infrastructure programmed to accommodate them or that their development would undermine infrastructure provision made for allocated sites.</li> <li>Welcome the provision for the Supplementary Guidance to be reviewed and that the Action Plan will be reviewed on a yearly basis.</li> </ul>
Murray Estates	
The Dalrymple Trust	<ul style="list-style-type: none"> <li>Education Appraisal</li> <li>Representation is lodged to the use of assumptions on page 4 under education infrastructure to predict housing output in general. There is no clear explanation within the Draft Consultation Supplementary Guidance as to how the assumptions were reached. The Council could use the empirical information contained within current live planning applications and consents.</li> <li>Representation is further lodged to the generic housing / flatted development split assumption that is then applied on a wide geographical basis within cumulative impact zones.</li> </ul>
Builveon Farms LLP	
Wallace Land Investments	<ul style="list-style-type: none"> <li>Education Appraisal</li> <li>In addition to comments summarised below, see summary and response to Education Assessment submitted by Geddes</li> <li>The report should be consolidated along with the latest school projections (2016). The individual school projections should be aggregated with each primary school aligned with its secondary school. This would allow trends in schools to be examined and implications for future capacity to be readily assessed. This will allow management solutions such as catchment area reviews to be identified more easily. These projections should then be aggregated into Education Contribution Zones. This would create data sets, assumptions and projections which can be used to derive solutions to education capacity and ultimately, lay the foundations for supplementary guidance for each Education Contribution Zone.</li> <li>The Council's pupil generation rates may be projecting too high a number of pupils from new housing.</li> <li>The Council has omitted to clarify the number of pupils in all of the eight new schools and the proposed school extensions which will be from the allocated sites in the LDP and those pupils from existing homes.</li> <li>Additional rep from Strutt &amp; Parker We do not believe that the Council has adequately demonstrated compliance with the tests set out in Circular 3/2012 in respect of the approach set out in the SG to recover the full cost of all infrastructure in the Action Programme. We believe that there requires to be a baseline assessment of the current situation and what would be necessary to rectify existing deficiencies in the absence of any development happening (we do not believe this has happened). Following that assessment, a subsequent assessment of what additional infrastructure interventions are required as a result of development should be undertaken and it is this cost that would be recouped from developers in each area.</li> </ul>
Taylor Wimpey	
Hallam Land Management Ltd	<ul style="list-style-type: none"> <li>Objects to the inclusion of unallocated greenbelt release sites within the latest LDP Education and Transport Appraisals (November/December 2016). These sites are by definition not housing allocations and therefore should not be considered when assessing cumulative impacts from housing sites identified within the LDP. "East of Burdiehouse" and "South of Burdiehouse" should be removed.</li> <li>Any developer contributions payable from proposals to develop this site should be calculated on the basis of any predicted impacts, as until the principle of residential development is firmly established (i.e. after any planning permission is granted for residential development) the site should be considered as a windfall site.</li> <li>The latest LDP education or transport appraisals (November/December 2016) have not been subject to public consultation or external scrutiny.</li> <li>The draft SG should be modified to include a table / tables for each education and transport infrastructure contribution zone identifying: <ol style="list-style-type: none"> <li>1) The specific infrastructure which is predicted to be affected by individual and/or cumulative impacts;</li> <li>2) The nature, timescales and identified sources of predicted impacts on this specific infrastructure;</li> <li>3) The specific measure(s) identified to address predicted impacts and the rationale for deploying these; and,</li> <li>4) An explanation of the need for each allocated housing site identified within the relevant contribution zone to make a proportionate contribution towards to delivery of each required measure(s).</li> </ol> </li> <li>The finalised Supplementary Guidance should include direct website links to the Education and Transport Appraisals (November/December 2016).</li> </ul>
CALA Homes (East)	<ul style="list-style-type: none"> <li>Education</li> <li>Maximum use should be made of existing infrastructure capacity. Infrastructure capacity appraisals should be prepared at the very outset of the plan preparation process. This would enable the identification of locations where capacity exists and these locations could be identified for allocating land – for example making use of the available secondary school capacity in Currie and Balerno.</li> <li>The supporting Education Appraisal (December 2016) states of the assessment that "This takes account of new housing sites allocated in the LDP and other land within the urban area, including potential housing sites identified within the Council's Housing Land Study</li> </ul>

	<p>(June 2014)". The Council's Housing Land Study is not a reliable evidence base to inform the education assessment – for example many of the sites within it have permission for other uses.</p> <ul style="list-style-type: none"> <li>• Publish an Annex the assumed programme of house building based on the most recently agreed Housing Land Audit.</li> <li>• The Draft SG does not set out the Council's approach to windfall development.</li> <li>• The Draft SG confirms that the Council has not prepared any projections for secondary school infrastructure. It has assumed that any available capacity within secondary schools will soon be fully utilised because of assumptions about future population growth and increased primary school rolls. The Draft SG seeks to apply a cost per pupil generated regardless of whether there is an identified need. CALA is concerned that this approach is not in accord with Circular 3/2012.</li> </ul>
<b>Taylor Wimpey Additional rep from Strutt &amp; Parker</b>	<ul style="list-style-type: none"> <li>• There is a lack of clarity in the SG in respect of what is being delivered in some cases in respect of the HSG33 and we have set out below the areas where we would seek clarification and confirmation of what is expected and reserve our ability to provide a supplementary response when this information/clarification is received.</li> </ul>
<b>New Ingliston Ltd</b>	<ul style="list-style-type: none"> <li>• It is important that existing deficiencies are not sought to be resolved via developer contributions. We therefore welcome the approach at section 2 insofar as it relates to 'infrastructure requirements associated with new development' (GVA emphasis).</li> <li>• <b>Transport</b></li> <li>• We do however have some concern in relation to the assessment of roads infrastructure in the context of the cross boundary transport impacts study which does not yet appear to have been completed. In the absence of this, it would be helpful for some clarity within the SG in respect of how this will be taken into consideration and that the grant of planning permission will not be frustrated by the fact that this study has not been completed.</li> </ul>
<b>West Craigs</b>	<ul style="list-style-type: none"> <li>• Our clients recognise that the contribution zone approach may be capable of being used to address cumulative infrastructure requirements. However, this approach must accord with the Circular.</li> <li>• <b>Education</b></li> <li>• In addition to comments summarised below, see summary and response to Education Assessment submitted by Geddes</li> <li>• There is no evidence that the Council has considered the extent to which education infrastructure could be delivered through other mechanisms than the provision of new schools, for example, catchment reviews of existing schools.</li> <li>• The draft Guidance should not require developers to make contributions to achieve the Council's wider strategic objectives, e.g. the delivery of new schools where these might not be necessary for the particular development in question.</li> <li>• There has been no independent third party examination of the Council's Education Appraisal or any analysis of the assumptions which underlie the Appraisal. It cannot be relied on as the basis for calculating education contributions.</li> <li>• Representation refers to two appeal decisions for sites in the Liberton/Gracemount Education Contribution Zone.</li> <li>• <b>Transport</b></li> <li>• HSG 19 in the LDP it is set to contribute towards £4,320,000 towards a railway bridge and extensive footpath and underpass works linking HSG 19 to The Gyle, via the now completed Edinburgh Gateway. There are a number of issues with this, namely: <ul style="list-style-type: none"> <li>• Only the cost of the bridge and footpath linkage with the existing Tram Depot road and Edinburgh Gateway can reasonably be linked to LDP allocations, including HSG 19.</li> <li>• The IBG development and HSG 20 development requires this bridge link to support the overall educational needs within these allocations in regard to the location and accessibility of a new primary and a new secondary school.</li> <li>• In addition, HSG 19 is identified as paying £87,200 for the design fee towards the Maybury Junctions redesign for cycling and walking. This is not justified on two grounds. Firstly, changes at Maybury Junction are identified as Action T17 within the Maybury/Barnton Contribution Zone and as such should also be attributed to allocation HSG 20. Secondly, the T17 works include design, which must reasonably include any cycle/pedestrian facilities and operation.</li> </ul> </li> </ul>
<b>Barratt David Wilson Homes</b>	<ul style="list-style-type: none"> <li>• It is unclear how the existing capacity within schools has been accounted for and therefore how many of these pupils can be accommodated within existing infrastructure.</li> </ul>
<b>IBG Stakeholders  The Trustees of The Foxhall Trust</b>	<ul style="list-style-type: none"> <li>• It is necessary to keep technical infrastructure appraisals and assessments under review in order to ensure that infrastructure actions are based on accurate and up to date information, including costs.</li> <li>• <b>Transport</b></li> <li>• In the absence of the cross boundary transport impacts study, it would be helpful for some clarity within the SG in respect of how this will be taken into consideration.</li> </ul>
<b>Lord Dalmeny</b>	<ul style="list-style-type: none"> <li>• There requires to be a baseline assessment of the current situation and what would be necessary to rectify existing deficiencies in the absence of any development happening (we do not believe this has happened). Following that assessment, a subsequent assessment of what additional infrastructure interventions are required as a result of development should be undertaken and it is this cost that would be recouped from developers in each area.</li> </ul>
<b>NHS as landowner</b>	<ul style="list-style-type: none"> <li>• It is important that existing deficiencies are not sought to be resolved via developer contributions. We therefore welcome the approach at section 2 insofar as it relates to 'infrastructure requirements associated with <b>new</b> development' (GVA emphasis).</li> <li>• Concerns that windfall opportunities – which often involve the use of brownfield land and contribute to wider sustainability and regeneration objectives – could be constrained by infrastructure where appraisals have not made clear assumptions for such development. Education</li> <li>• Costs can vary significantly where extensions are proposed to school buildings which are listed and more modern school buildings which are not listed and easier to extent / alter. It would be helpful to have clarity that costs and contributions have and/or will take this into consideration.</li> <li>• It does not therefore appear that there is any provision for 'windfall development'. In the context of our comments above, this could potentially impose significant constraint on the future of the NHS Lothian estate should sites become surplus to requirement and / or be subject to relocation to other premises.</li> <li>• Whilst the SG does note in the second paragraph that the education appraisal takes account of new housing sites allocated in the LDP and 'other land within the urban area' it is not clear what this other land is. Clarity in this regard would be helpful.</li> </ul>

Stewart Milne Homes	<p>Education</p> <ul style="list-style-type: none"> <li>• There is a shortfall in the Housing Land Supply amounting to some 7,000 new homes. The Council's assessments may not recognise the full extent of the new infrastructure that will be required. Concerned that the Council will feel obliged to reject these proposals on the basis that there is no infrastructure programmed to accommodate them or that their development would undermine infrastructure provision made for allocated sites.</li> <li>• We note that there is provision for the Supplementary Guidance to be reviewed and that the Action Plan will be reviewed on a yearly basis. It is essential that these documents are kept actively under review to ensure that the necessary infrastructure keeps pace with development.</li> <li>• It should be a priority for the Council to identify any existing spare capacity within its schools and to include the potential for school catchment reviews to best use the existing available capacity to accommodate pupils from new developments. Any catchment review should set out the redistribution of pupils from one catchment to another.</li> <li>• The draft guidance confirms that the Council has not prepared any projections for secondary school infrastructure. It has assumed that any available capacity within secondary schools will soon be fully utilised because of assumptions about future growth and increased primary school</li> </ul> <p>Transport</p> <ul style="list-style-type: none"> <li>• The transport contributions do not appear to be fully finalised, as they are pending the publication of Transport Scotland's cross boundary study. The associated costs and actions are therefore absent from this consultation. Arguably, therefore the consultation document is incomplete.</li> <li>• cross boundary impacts, taking account of relevant developments in surrounding authorities.</li> <li>• In our view, it is only appropriate to include what is known as 'committed' development i.e. that which already has the support of the Council. Item (iii) and (iv) above should therefore be deleted.</li> </ul>
Geddes assessment	<ul style="list-style-type: none"> <li>• The Council has not assembled all necessary information in a comprehensive technical report. Data, assumptions and projections needs to be reported for each secondary school and its feeder primary schools and then assembled for each Education Contribution Zone.</li> <li>• The Council's pupil generation rates may be projecting too high a number of pupils from new housing and this needs to be investigated further by the Council.</li> <li>• The Council has omitted to clarify the number of pupils in all of the eight new schools and the proposed school extensions which will be from the allocated sites in the LDP and those pupils from existing homes. If existing pupils are to attend these new schools as a result of catchment reviews, then it is evident the sites in the Council's LDP development strategy are not directly responsible for all of the impacts arising on the existing school infrastructure. Any capacity provided in the SG's school infrastructure which is unrelated to pupils from sites in the LDP is the financial responsibility of the Council to provide on a proportionate basis.</li> <li>• The work which has been carried out to date should be consolidated into a separate report along with the latest school projections. The individual school projections should be aggregated with each primary school aligned with its secondary school. This would allow trends in schools to be examined and implications for future capacity to be readily assessed. This will allow management solutions such as catchment area reviews to be identified more easily. These projections should then be aggregated into Education Contribution Zones. This would create data sets, assumptions and projections which can be used to derive solutions to education capacity and ultimately, lay the foundations for supplementary guidance for each Education Contribution Zone.</li> </ul>

## Q3 - Do you have any comments on the requirements within the education, transport, public realm and green space contribution zones?

Name or Organisation	Q3 Summary
R Allen	<ul style="list-style-type: none"> <li>Mostly done as add-ons and green space often ignored or dealt with by lip service only</li> </ul>
Iain McKinnon-Waddell	<ul style="list-style-type: none"> <li>Should shy away from destruction of green spaces or expanding city out to green belt whilst lots of derelict land and empty buildings within current urban areas.</li> </ul>
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>It is pointless tinkering with the Barnton junction. The problem is traffic from Fife and major developments planned along the A 90 corridor.</li> <li>A fast ferry from Dalgety Bay to Ocean Terminal with trams to the city centre and a Bus lane all the way in from Cramond Brig to the West end is necessary but would be very unpopular and cause chaos for a month until Fife commuters gave up their cars in favour of public transport.</li> <li>Cramond and Barnton Community Council is concerned that specific infrastructure requirements required to service the Maybury and Cammo Developments (HSG19 &amp; 20) are not included within the tables (e.g. introduction of traffic controls at Cammo Gardens to enable access/egress to 400+ households at Cammo and Strathalmond onto Maybury Road which will have increased traffic loads)</li> </ul>
Leith Central Community Council	<ul style="list-style-type: none"> <li>The council should collect a lot more money from the developers and enforce the things that are outlined in the planning stage. Remember to factor in an increase of costs if the development takes years to build!</li> <li>There is going to be an increase in needs for schools, more parks - or better equipment for the parks. Also the need for health care - access to doctors is a priority as many are left without a surgery place. These issues will only get worse if developers do not make contributions.</li> <li>Many new developments seem to be blocks of boring architecture that have little or no thought for the surrounding landscape or children's play areas. There needs to be a more holistic approach to buildings and contributions.</li> </ul>
Cockburn Association	<ul style="list-style-type: none"> <li>Education Infrastructure - The requirements appear sensible and balanced.</li> <li>Transport Infrastructure - The proposals appear comprehensive and proportionate.</li> <li>Greenspace - It is important that CEC Open Space policies are rigorously applied. We consider that offsite provision of open space should only be allowed in exceptional circumstances. We also consider if planning consent is given for developments on Green Belt land, the Open Space requirement and associated developer contributions should be increased significantly.</li> <li>Public Realm - No comment</li> <li>Primary healthcare - No comment</li> </ul>
Homes for Scotland	<ul style="list-style-type: none"> <li>Annex 1 omits of figures for a 1 class extension, and a 600 capacity secondary school.</li> <li>Suggest 7.5% contingency fund is removed as there is no evidence to support such a high contingency;</li> <li>Query the total of £350,000 for a single class extension. A single classroom extension at Gilmerton Primary has a floor area of 62-64sqm. this classroom then equates to a cost of £5,645 per square metre. This is excessive when compared to the cost of £2,171 for a 2 class extension. These figures should be further explained and evidence provided.</li> <li>If a single classroom floor area is on average 62-64 square metres, then two classrooms will be an average of 124 square metres. However the guidance allows for 213 square metres for a 2 class extension. We therefore request evidence on this from the Council.</li> <li>The SFT cost metric sets indicative costs for secondary schools at £28,000 per pupil (including allowances for abnormal, servicing and off site infrastructure), based on HubCo North Territory reporting. The Scottish Government awards funding at £25,893 per pupil (at 2 Q2 2015 prices) for new secondary school build projects. We expect secondary school extensions to offer cost savings – for example the typical cost for a new primary school per square metre is £2,759 and for an extension the typical figure is £2,118 metres squared. The draft guidance sets the indicative cost per square metre for a secondary school extension at £2,986 per square metre, however the cost within the draft guidance for a new secondary school is lower than that of an extension, at £2,301 square metres. There is no explanation given in the draft guidance as to the inconsistent cost projections for new schools and extensions for primary and secondary schools.</li> <li>We have sought costing details for comparison – in Perth the project costs for the new 1,100 capacity secondary school at Bertha Park is £22,993 million – of £20,902.73 per pupil. In Edinburgh, the Council's projected cost for a 600 capacity secondary school is £19,293,885, or £27,593,885 including land costs of £8,300,000. Therefore the cost per pupil of a 600 capacity secondary school in Edinburgh is £45,989.81 including land costs, or £32,156.47 without land costs. Clarification should be provided to explain why it is much more expensive to build a school in Edinburgh than Perth, even assuming there is no land cost.</li> <li>We suggest an Annex should be included to the guidance to provide evidence for costings, and fully costed examples for clarity.</li> </ul> <p>Healthcare</p> <ul style="list-style-type: none"> <li>Homes for Scotland disagrees with the principle of charging the homebuilding industry for the provision of healthcare facilities. The draft guidance does not provide evidence to justify the requirement for new or extended medical practices. We do not believe that these contributions conform to the tests set out within Circular 3/2012.</li> </ul>
Network Rail	<ul style="list-style-type: none"> <li>In relation to the Maybury housing site (HSG 19), the associated adopted Action Programme (December 2016) identifies the "Maybury Edinburgh Gateway Station pedestrian / cycle route including bridge over railway". Network Rail are in discussion with the developer in relation to this. Consideration should be given to including this as a 'Transport Action' within the Draft SPG. The Draft SPG identifies Dalmeny Station as a 'Transport Action' within the Queensferry Transportation Zone and related to the development of housing sites HSG 1, 32 and 33. The extent of this contribution is still to be determined. The associated adopted Action Programme identifies these improvements as car and cycle parking facilities at the station.</li> <li>The provision of additional housing in these locations is likely to lead to more demand for vehicular and cycle parking at the station. The expansion of station parking and cycle facilities promotes and encourages more journeys by public transport. The concurrent development of station facilities with new development therefore represents a sustainable and integrated approach to planning. Network Rail would welcome involvement in the consideration of these Actions.</li> </ul>
Scottish Government	<p>Education</p> <ul style="list-style-type: none"> <li>Concerned with the identification of a new secondary school shown in the West Education Contribution Zone. Its location is shown within National Development 10 of NPF3, Strategic Airport Enhancements and the IBG to be created adjacent to Edinburgh Airport. Locating a new secondary school in this position has the potential to compromise the site for its intended purpose by creating ambiguity around the business-led role of the IBG and thereby potentially diminishing the business opportunities available at this prime location.</li> <li>The recently adopted (24 November 2016) LDP does not identify a new secondary school at the IBG or in West Edinburgh but instead refers to extensions to existing named High Schools. A new secondary school at the IBG site has therefore not been subject to all of the necessary consultation or assessment requirements that are expected to be undertaken as part of the plan preparation process, for example strategic environmental assessment.</li> <li>The mapped reference pre-empts the outcome of an updated masterplan, as required by the LDP, and consideration of any planning application for the site. It should therefore be removed from the supplementary guidance and its inclusion be subject to any future review of the document.</li> </ul> <p>Transport</p> <ul style="list-style-type: none"> <li>Approach B is contrary to the position promoted by Transport Scotland in relation to CEC identifying impacts on infrastructure in surrounding authority areas as a result of developments in the CEC area. It is therefore, recommended this bullet point is amended accordingly.</li> </ul>

	<ul style="list-style-type: none"> <li>• Comfortable that the assessment has been progressed to a sufficient level of detail to allow actual improvements and costs to be established.</li> <li>• Sheriffhall, Straiton and Gilmerton on the A720 - Transport Scotland will keep the Council updated on progress, which can feed in to updates to the LDP Action Programme.</li> <li>• In relation to Gilmerton and Straiton, these junctions have not been specifically identified in the cross boundary appraisal study as requiring upgrading. Consequently, we would request further information from the Council on the potential cumulative impact from developments on these junctions and what mitigation is proposed. If, as a result of work already done or further study it is identified that Gilmerton and Straiton do not require to be improved as a result of development impacts, then it is recommended to remove these junctions from the Supplementary Guidance.</li> <li>• Old Craighall is not included within the SG document. It is recommended that further information pertaining to Old Craighall is included, specifically referring to the way in which contributions will be gathered and managed taking cognisance of the contributions collected from East Lothian Council, Transport Scotland and the City of Edinburgh Council.</li> <li>• For all three junctions, the diagrams detailing the 'Transport Contribution Zone' do not appear to follow any specific land use or development boundaries including those already in the development management system. Request information on the evidence base underpinning the identification of the zones. Concern regarding the zones given the scale of the Sheriffhall zone and that it does not include the Bio Quarter development.</li> <li>• We also highlight the inconsistency between the individual Contribution Zone diagrams and the overall 'Transport Infrastructure' diagram in Annex 2, page 32. The contribution zones should remain consistent throughout the Guidance for clarity. It may be worth including a separate diagram specifically for the zones in the south east of Edinburgh due to their close proximity.</li> <li>• Sheriffhall, Gilmerton and Straiton Junction - it is inaccurate to state that funding will come from the cross boundary study. Concerned that the Action Programme is not up to date, yet links with and comprises an important element of the Supplementary Guidance.</li> </ul>
RSPB Scotland	<ul style="list-style-type: none"> <li>• The opportunity should be taken to enhance biodiversity in areas of relatively low environmental value and to protect, enhance and integrate existing high value habits, should any exist in the development area. Where a net loss of biodiversity resulting from development is identified, then commensurate offsetting measures should be required.</li> <li>• Annex 3. Greenspace Infrastructure Actions (p 51) High levels of funding are potentially being allocated to greenspace at a number of sites. It should be ensured that such expenditure delivers effectively for biodiversity and wildlife in addition to the recreational and other related needs of the local communities.</li> <li>• Plans for greenspace development and enhancement should be available for assessment by interested parties to ensure that appropriate measures are applied for the maximum biodiversity benefit.</li> <li>• At Leith Docks, the derelict jetty just east of 'Britannia' should be restored to provide secure nesting sites for terns.</li> <li>• In general, greenspace should not be of the traditional manicured lawns and isolated trees, apart from where required for recreation and reasons of public safety. We welcome the recent adoption of more wildlife-friendly greenspaces in Edinburgh through the provision of wildflower meadows, native-tree planting etc. We would wish to see this included in every area where greenspace is provided by developers in mitigation for any type of development. The maintenance and management of such areas should be carried out such that biodiversity enhancement features are maintained in perpetuity.</li> </ul>
Scottish Natural Heritage	<ul style="list-style-type: none"> <li>• it would be useful to clarify at what point infrastructure would be delivered when the delivery is attributable to a number of development sites. While similar situations are not explicitly set out in relation to greenspace, similar issues with connectivity and delay in delivering high-quality places could arise if an early, coordinated approach to delivery is not established. We recommend that this is clearly set out in the appropriate sections of the Supplementary Guidance.</li> <li>• We welcome the requirements set out under 'Open Space – Ongoing Maintenance' on page 9.</li> <li>• We recognise the difficulties inherent in collecting contributions for public realm actions in the absence of a finalised Public Realm Strategy, as set out on page 10. Given the importance of the public realm as place in its own right and as a network between destinations, the Strategy should be finalised as soon as possible to allow clear requirements for developer contributions to be established and these important and necessary contributions to be collected.</li> <li>• Transport Contribution Zones 5 to 12, as shown on page 32 (Annex 2: Transport Infrastructure) are complex when viewed in overview. We have some concerns about what this may mean for the practicalities of delivering required infrastructure timeously within overlapping areas, particularly where 4 zones overlap as at 5, 6, 8 and 9.</li> </ul>
The Dalrymple Trust Builyeon Farms LLP	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Representation is lodged to a generic assumption for land costs and servicing remediation requirements, every site will be different. It may also be more efficient for developers and / or landowners to service and / or remediate any land ultimately required.</li> <li>• Clause C would suggest that third party delay could be a factor in the determination and issue of planning permissions. This is unacceptable and must be clarified. It is suggested that an additional sentence is inserted at the end of the Clause stating "However, third party delays in infrastructure delivery must not be allowed to unnecessarily prevent the issue of planning permissions or undertaking of development"</li> <li>• Clause E is considered inflexible and a reasonable alternative solution may be available at the time of consideration of a planning application for a site or group of sites. It is suggested that the phrase "or any reasonable alternative approach" after "cumulative approach" in that sentence.</li> <li>• Clause F - clarify that, for the purposes of education, where there is capacity in existing schools to accommodate children arising from new development then that would be taken up first on a first come, first served basis. In this case, only the balance of the new development would be required to contribute to new infrastructure. It is suggested that the following sentence be added at the end of the Clause "Where there is capacity in existing schools to accommodate early phases of development then this must be taken up with the balance of development contributing to new infrastructure in line with Circular 3-2012."</li> </ul> <p><b>Transport Infrastructure</b></p> <ul style="list-style-type: none"> <li>• There is no requirement Newcraighall East for that site to make contributions over and above those set out in the Local Development Plan and accompanying Action Programme.</li> <li>• There is no action or cost associated with the Transport Action at Dalmeny Station in the draft document. Clarification and cost associated with this is required as soon as possible.</li> </ul> <p><b>Annex 1 and 2</b></p> <ul style="list-style-type: none"> <li>• Further justification is required for each of the infrastructure items costings and timings set out in Annex 1 and 2. The ability to clarify final costings through the submission of planning applications should be made clear in this Annex.</li> <li>• If the contribution rates and housing / flatted development split shown on the individual Contribution Zone Maps for Annex 1 – Education and Annex 2 – Transportation are to remain then these must be caveated as indicative only and to be clarified through planning applications.</li> <li>• Further clarification is requested for the figures contained with the Table entitled "Land – Estimated School Site Remediation &amp; Servicing Costs" for the cost indicated for South Queensferry and for the assumption of the £3m cost associated with the purchase of a two hectare primary school site.</li> </ul> <p><b>Greenspace</b></p> <ul style="list-style-type: none"> <li>• Clarification is requested over the proposed £1.2m cost associated with green space provision associated with Dalmeny – Echline as part of this process. The current planning permission in principle applications for Builyeon Road, South Queensferry show structural landscaping within the site and it is assumed that this is part of the green space provision referred to.</li> </ul> <p><b>Healthcare</b></p>

	<ul style="list-style-type: none"> <li>It is noted that the expansion to the medical practice at South Queensferry is underway and that the Supplementary Guidance refers to this as necessary to mitigate the impact of development in Queensferry. Given that this is the case, clarification is sought from the Council that this is not a direct requirement of the new land allocations in South Queensferry contained in the adopted Local Development Plan.</li> </ul>
South East Edinburgh Development Company Ltd Murray Estates	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>It is only reasonable to require contributions towards schools which are directly affected by a development. The sub-areas should be divided into individual primary school catchment areas.</li> <li>Site remediation and servicing costs are so excessively high that they act as an impediment to new residential development. The Council should consider, in discussion with developers and land owners, alternative locations for the proposed schools where remediation and servicing costs may be lower. In addition, it would be beneficial for the Council to provide greater clarity of what is included in the costs they have identified.</li> <li>We recommend that the wording in item E under the heading of ‘Developer Contributions for Education Infrastructure’ is amended. “Where a development proposal is likely to give rise to an impact, including cumulative impacts, on education infrastructure which cannot be appropriately mitigated, planning permission may be refused.”</li> </ul> <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>It is only appropriate to include what is known as ‘committed’ development i.e. that which already has the support of the Council. Item (iii) and (iv) should therefore be deleted.</li> </ul> <p><b>Health Care</b></p> <ul style="list-style-type: none"> <li>Do not agree that it is appropriate for developer contributions to be sought where the responsibility for their provision and funding lies with the Health Authority and central Government.</li> </ul> <p><b>Public Realm and Open Space</b></p> <ul style="list-style-type: none"> <li>Contributions should be sought only where clearly required to enable development to be acceptable in planning terms and that they will be proportionate and relevant to the scale and nature of development proposed.</li> </ul>
Wallace Land Investments Taylor Wimpey	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>The SG does not make reference to the mechanism which would apply to obtaining financial contributions from homes on windfall sites. It is unlikely that all of the 4,700 homes from windfall sites have been factored into the education infrastructure requirements and included in the 2016 School Projections.</li> <li>The Council has not highlighted any interim measures it intends to adopt to accommodate pupils arising from the ongoing completion of homes</li> <li>The Action Programme now includes a new secondary school for west Edinburgh. This proposal was not included in the LDP and therefore has not been subject to due statutory process. It has not been subject to SEA requirements including the consideration of alternative sites. For these reasons, this site should be removed from the Action Programme and therefore the SG.</li> <li>It is also apparent that as the Council does more detailed assessments for its education planning, different options emerge which impact on the solutions identified for the Action Programme.</li> <li>See additional summary of Education Assessment submitted by Geddes consulting under Q2.</li> </ul>
Hallam Land Management Ltd	<p><b>Education</b></p> <ul style="list-style-type: none"> <li>No clear justification of why the Liberton/Gracemount education infrastructure contribution zone has been amended to split the zone into two sub areas LG-1 and LG-2.</li> <li>“land east of Burdiehouse” and “land south of Burdiehouse” should be assessed as windfall sites and the procedure set out in Section E of the previous Supplementary Guidance (December 2015)</li> <li>This list of infrastructure requirements differs substantially from those identified within the previous guidance (December 2015) and the per unit tariffs have increased significantly.</li> <li>The reason for not including Option 2 from the 2014 Education Appraisal and instead requiring the provision of two entirely new non-denominational primary schools, is not clearly explained.</li> <li>The level of contribution required should be calculated taking account of actual impacts, namely assessing the number of pupils expected to be generated against the predicted shortfall in places at the current catchment area school, Gilmerton Primary School. This methodology is consistent with the approach taken at a PPA-230-2152 (Land 350 metres north-west of 328 Lasswade Road).</li> <li>Objects to the inclusion of New 7-class primary school at Gilmerton Station Road. The need for an additional new Primary School (beyond Broomhills Primary) has not been adequately identified and the timescales for delivery do not align with any development proposals.</li> <li>The ‘catch-all’ approach of the draft education contribution zones does not distinguish between predicted impacts from LDP housing allocations and other potential but uncertain impacts from the development of windfall (i.e. unallocated) sites.</li> <li>Does not object to the potential need to deliver four additional classrooms within Roman Catholic primary schools and for this to be funded by proportionate developer contributions. Hallam does object to the inclusion of unallocated and indeed undefined sites within education infrastructure contribution zones.</li> </ul> <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>Considers that the reconfigured contribution zones fail to satisfy Circular 3/2012. as the mapping provided for each zone does not identify the need for specific infrastructure upgrades, the level, timing and source(s) of predicted transport impacts or the need for specific sites to contribute towards the identified infrastructure upgrades. Recommends that a justification for the delineation of each transport infrastructure contribution zone and details of proposed infrastructure upgrades should be inserted within the finalised Supplementary Guidance.</li> <li>All of the proposed transport interventions listed within the Site Summary Sheet – East of Burdiehouse of the latest LDP Transport Appraisal (November 2016) are considered to fail all of the policy tests for planning obligations detailed within Scottish Government Planning Circular 3/2012.</li> <li>Unallocated greenbelt release sites are not housing allocations and, these sites should therefore not have been considered when assessing cumulative impacts from the adopted LDP (2016). The principle of residential development remains to be established, meaning that there is no clear relationship between potential residential development of these sites and the adopted LDP.</li> <li>The planning purpose of seeking developer contributions as listed on the Site Summary Sheet – East of Burdiehouse within the latest LDP Transport Appraisal (November 2016) has therefore not been clearly established and the requirements of this policy test have not been met.</li> <li>the inclusion of the three unallocated greenbelt release sites within the Transport Appraisal is fundamentally flawed as it does not provide reliable evidence to identify predicted impacts (individual and/or cumulative) from the development of these sites.</li> <li>Greenspace Infrastructure</li> <li>Content with Section 2c and Annexe 3 of the Consultation Draft Supplementary Guidance and does not wish to provide further comments regarding these sections.</li> <li>Public Realm Infrastructure</li> <li>concerned that the proposal to introduce a new methodology for securing developer contributions for public realm improvements remains undefined and, according to the Consultation Draft Supplementary Guidance, may be implemented at an unspecified future date, without any commitment given to prior public consultation. If this methodology is approved by the City of Edinburgh Council without consultation, this would mean that the finalised Supplementary Guidance, which the Council intend to adopt on a statutory basis, would fail the public consultation test for statutory Supplementary Guidance specified in section 22 of the Planning etc. (Scotland) Act 2006.</li> </ul>

	<ul style="list-style-type: none"> <li>Healthcare Infrastructure</li> <li>Concerned that the reference to ongoing work to identify healthcare infrastructure contribution zones does not provide sufficient clarity regarding either the principles which will be used to define these zones or the process which will be used to implement them. Concerned that healthcare infrastructure contribution zones could suffer from similar deficiencies which may render such zones contrary to the policy tests detailed within Scottish Government Circular 3/2012.</li> </ul>
Spindlehawk Ltd	<ul style="list-style-type: none"> <li>The draft guidance does not appear to make it clear that the contributions will not be applied to studio or one bedroom properties.</li> </ul>
CALA Homes (East)	<p>Education</p> <ul style="list-style-type: none"> <li>Comments on the projected costs as per Homes for Scotland response. Adds Proposed modification: Update the Draft SG to 1) Provide further clarity on the floorspace requirements of new school extensions (ie if a single class is 62 square metres, why is 412 square metres (and not 248 square metres) necessary for a 4 class extension); 2) Provide a robust justification for the costs for secondary school extensions and new buildings in relation to SFT and Scottish Government figures, and recent examples elsewhere; and 3) Confirm that the costs for all new school buildings and extensions will be undertaken on an open book basis with mechanisms to be included to ensure that unspent contributions are returned to applicants.</li> <li>Health Care Facilities</li> <li>The delivery of such facilities is the responsibility of Central Government, not the house building sector. The legitimacy of seeking financial contributions for new primary health care services is questioned, despite the link to LDP Policy.</li> <li>concerned with the projected costs set out in Annex 4 of the Draft SG for Healthcare Actions and the lack of information to justify costs.</li> <li>the NHS Lothian Strategic Plan 2014 – 2024 Our Health, Our Care, Our Future (Developing Person-Centred Primary and Community Services – Annex 2) states (page 5): “The capital build costs involved in building new practice premises, or extending existing, vary considerably. As an outline guide, each 1,000 patients require approximately 90sqm of space so a practice of 5,000 will have an associated build at a cost of circa £2m and associated revenue costs.”. This is significantly less than the projected costs set out in the Draft SG.</li> </ul>
Lord Dalmeny	<p>Education</p> <ul style="list-style-type: none"> <li>A new Secondary School at West Edinburgh was not considered as part of the LDP preparation, SEA or Examination. It is unclear what this is based on, or why it is required, given that extensions of existing schools appear possible for the level of development allocated. This option does not appear to have been fully considered, nor the response adequately justified, and does not seem to be necessary as a result of development nor the best value option for the Council or developers.</li> <li>Transport</li> <li>The SG (at pg33) provides no detail as to the costs of the Queensferry Transport Contribution Zone.</li> <li>Seek clarity on “Dalmeny to Echline, Queensferry (HSG32 and HSG33)” with a cost of £1.2m.</li> <li>Seeks clarity on 450m extension of NCN1 “in to the Agilent Site” (at a cost of £110,250),</li> </ul>
New Ingliston Ltd	<ul style="list-style-type: none"> <li>We do not object to the contribution zones insofar as they have been established in the current draft SG.</li> </ul> <p>Education</p> <ul style="list-style-type: none"> <li>It is noted that a new Secondary School is to be provided in West Edinburgh.</li> <li>We do not feel that the detailed analysis of land value, servicing and remedial costs for schools sites should be published. There is no clear factual basis to these figures. In earlier guidance, a more global figure was used purely as a guide to understand potential build up and likely total costs for the provision of education infrastructure.</li> <li>The land cost should not attempt to be set in the guidance. A site that is allocated for a school is likely to be in a residential area. In deriving the value of the site, values for residential land in the vicinity that will benefit from the provision of the school, should be used to calculate compensation for the loss of the site for school use. Clearly the need for any servicing or remediation of the site can be taken into account in calculating the compensation payable.</li> <li>We do recognise that in the notes on page 17, actual costs could vary and we would welcome further discussions as matters progress.</li> </ul> <p>Transport</p> <ul style="list-style-type: none"> <li>Would welcome confirmation that the spreadsheet tool will be made available.</li> <li>Greenspace</li> <li>Welcome that the exact figure will depend on the specific nature of the greenspace in question although the three examples upon which cost calculations have been made may require further scrutiny before any commitments can be made.</li> <li>The cumulative costs of infrastructure provision on projects will need to be taken into account and full consideration given to this in the determination of planning applications and the timing and phasing of infrastructure delivery and associated contributions.</li> <li>Healthcare</li> <li>We would welcome clarity in respect of this e.g. location, the estimated cost and how this will be delivered and funded (including apportionment of costs to relevant landowners and developers etc).</li> </ul>
Barratt David Wilson Homes	<ul style="list-style-type: none"> <li>Healthcare is not the remit of the Council to provide, funding is provided nationally to the NHS to deliver healthcare provision and developers should not be expected to fund healthcare provision.</li> </ul>
West Craigs	<ul style="list-style-type: none"> <li>Simple assumptions have been made about land and site servicing costs which may prove to be far off the mark.</li> <li>Future updates to the costings in the SG will be required. As noted in the Liberton/Gracemount Education Contribution Zone, a potential saving of £15M may be possible in this Zone if the second primary school is no longer required at Gilmerton Station Road.</li> <li>It is evident from the ongoing work being undertaken by the Council to finalise solutions in each Education Contribution Zone that future costs are likely to be substantially different from those proposed in the SG. This will mean that legal agreements will need to be drafted to accommodate this flexibility. Ultimately, these obligations may be no more than an agreement to agree to an, as yet unknown, education solution with an unknown cost.</li> <li>It is considered that the budget costs in the SG have no more status than as a indicative financial framework. The lack of the necessary evidence base and scrutiny of these costs means it would not be appropriate to give them status within the development plan. Accordingly, it is recommended that the financial aspects of the Education Infrastructure section in the SG are deleted.</li> </ul>
NHS (as land owner)	<ul style="list-style-type: none"> <li>Do not object to the contribution zones insofar as they have been established in the current draft SG.</li> </ul> <p>Education</p> <ul style="list-style-type: none"> <li>Costs can vary significantly where extensions are proposed to school buildings which are listed and more modern school buildings which are not listed and easier to extent / alter. It would be helpful to have clarity that costs and contributions have and/or will take this into consideration.</li> <li>Concern about criterion ‘E’ (page 5) and highlight that there is a ‘brownfield first’ priority imperative clearly articulated in national planning policy.</li> <li>Phasing conditions are identified by the Council as a potential mechanism to reflect delivery programme of education infrastructure [criterion ‘F’]. In response, we would confirm that this may not always be a practical solution e.g. in large conversions of historic buildings which are required to be converted in ‘one go’.</li> <li><b>Transport Infrastructure</b></li> </ul>

	<ul style="list-style-type: none"> <li>the circumstances within which development proposals will be affected by criterion ‘B’, the requirements appear to be particularly onerous. This is likely to affect windfall / urban area sites not already appraised or assumed.</li> <li>The 6 criteria which a Transport Assessment (TA) will require to take account of is onerous. Whilst cumulative assessments to take account of committed development is generally considered to be standard practice, the requirement to take account of ‘proposals’ such as valid applications</li> <li>Proposal of Application Notices is a concern. For example, the validity of an application does not offer any certainty of permission being granted. Similarly, the submission of a Proposal of Application Notice does not in all cases lead to the submission of an application for planning permission / planning permission in principle. Allocations may never be progressed. In all situations, circumstances such as the parameters of proposed development could change; it is only the ability to implement permission when there is a need to take account of the cumulative effect.</li> <li>the proximity of the tram route and associated infrastructure should be a key consideration in supporting ambitious sustainable mode share targets in new development. For example, the presence of a tram stop directly adjacent to a site means the Council should be accepting low(er) impact on the road network and in turn the developer should pay a lower share of road contributions as a result.</li> <li>there may be circumstances where it is not possible for a developer to deliver the transport action required because of development. It would be helpful to caveat this requirement to enable the Council to deliver the action and recover contributions via legal agreements / conditions as appropriate.</li> </ul> <p><b>Healthcare Actions</b></p> <ul style="list-style-type: none"> <li>the basis upon which the estimated costs – where these have been set out – have been calculated is not clear. Nevertheless, our client does welcome that the provision of healthcare by development within the city is being provided for within the SG.</li> </ul> <p><b>Greenspace</b></p> <ul style="list-style-type: none"> <li>There appears to be a lack of detail to give certainty in respect of the costs.</li> </ul> <p><b>Public Realm</b></p> <ul style="list-style-type: none"> <li>We would welcome the opportunity to comment on this in due course.</li> <li>In all cases, the overall combined costs of infrastructure provision on projects will need to be taken into account and full consideration given to this in the determination of planning applications and the timing and phasing of infrastructure delivery and associated contributions.</li> </ul>
SportScotland	<p><b>Greenspace</b></p> <ul style="list-style-type: none"> <li>It is not clear if, when and where contributions will be sought for sports facilities as the SG simply refers to open space. It seems that these could come under Greenspace but it would be helpful if this could be clarified.</li> <li>Reference to policy ENV19 - there is no indication of what this will mean for developments. Clarity around this would be helpful within the SG.</li> <li>It is important that development which can increase demand is delivered with an increase in supply of indoor and outdoor sporting facilities. These should be directed in line with the Open Space Strategy, the playing pitches strategy or facilities strategy as appropriate. If proposals are to be judged on case by case basis with regards to sporting provision within communities then this should be detailed within the guidance.</li> </ul>
Stewart Milne	<p><b>Healthcare Facilities</b></p> <ul style="list-style-type: none"> <li>disagrees with the principle of charging the homebuilding industry for the provision of healthcare facilities.</li> </ul> <p><b>Education</b></p> <ul style="list-style-type: none"> <li>The draft guidance seeks to apply a cost per pupil generated regardless of whether there is an identified need. We are concerned that this approach is contrary to the “relationship” and “scale and kind” of Circular 3/2012.</li> <li>note that in a number of catchment areas the Education Contribution Zones identify the provision of multiple primary schools within individual sub-areas and identify developer contributions for these sub areas. In our view, this is also contrary to the Circular, as it is only reasonable to require contributions towards schools, which are directly affected by a development. The sub-areas should therefore be divided into individual primary school catchment areas.</li> <li>The costs attributed to the delivery of education infrastructure is excessive. Developers who contribute land for an infrastructure item (e.g. school) will be contributed in kind for further contributions. The price for land required for schools is set (£2 million for a 3ha site - Primary), but this does not have any recognition of the actual site value if delivered for some other use (e.g. housing).</li> <li>Site remediation and servicing costs are identified for a number of the proposed new schools. The costs are based on ‘high level’ assessment and are so excessively high that they act as an impediment to new residential development. It is appreciated that these costs may be initially set prior to any site investigations having taken place, however, they should be updated as soon as possible, as the allowance made would render a site non-viable from a residential development stance. These costs therefore need to be considered in greater detail or if shown to be correct, the Council should consider, in discussion with developers and land owners, alternative locations for the proposed schools where remediation and servicing costs may be lower. In addition, it would be beneficial for the Council to provide greater clarity of what is included in the costs they have identified.</li> <li>In addition to the comments submitted in response to question 1, we recommend that the wording in item E under the heading of ‘Developer Contributions for Education Infrastructure’ is amended. “Where a development proposal is likely to give rise to an impact, including cumulative impacts, on education infrastructure which cannot be appropriately mitigated, planning permission may be refused.”</li> </ul> <p><b>Transport</b></p> <ul style="list-style-type: none"> <li>with cross-boundary transport assessment works still on-going, transport costs remain incomplete. There is no evidence that these matters will be consulted upon and therefore the Supplementary Guidance is arguably incomplete and will not be subject to full consultation.</li> </ul> <p><b>Public Realm</b></p> <ul style="list-style-type: none"> <li>Public realm contributions will be required in future, but there is no completed strategy in place for this at present. SMH agree that contributions should not be sought at this time.</li> </ul> <p><b>Public Health</b></p> <ul style="list-style-type: none"> <li>it is not appropriate for developer contributions to be sought where the responsibility for their provision</li> <li>final costs have not been calculated and the contribution zones have not been finalised/established.</li> <li>There is no evidence that these matters will be consulted upon and therefore the Supplementary Guidance is arguably incomplete and will not be subject to full consultation.</li> </ul>



Axcel Hospitality (Edinburgh) Limited	<ul style="list-style-type: none"> <li>The requirement for developers to contribute towards the costs of the Council’s borrowing for the tram infrastructure system (Phase 1A) does not comply with Planning Circular 3/2012. The fact that public money has been spent on the tram infrastructure system (Phase 1A) and that others may have contributed is not a relevant consideration.</li> <li>The Council should not be entitled to in effect charge for its borrowing costs for that infrastructure system as that would amount to a retrospective charge for existing infrastructure that should be available to new development without the requirement to make developer contributions towards it.</li> <li>The draft Supplementary Guidance on “Developer Contribution &amp; Infrastructure Delivery” is clearly outwith the scope of legitimate developer contributions and the requirement that developers should be required to contribute towards the tram infrastructure system (Phase 1A) should be deleted.</li> </ul>
FSH (Airport Services) Ltd	<ul style="list-style-type: none"> <li>The infrastructure associated with tram has been front funded by CEC and there is a clear onus on recouping that investment through developer contributions, which is understood and widely accepted. Notwithstanding, it should be noted that each application for planning permission should be judged on its planning merits and the presence or otherwise tram contribution zones should not have a bearing on the determination of applications or influence decisions on phasing.</li> </ul>
Nathaniel Lichfield and Partners	<ul style="list-style-type: none"> <li>Each application for planning permission should be judged on its planning merits and the presence or otherwise tram contribution zones should not have a bearing on the determination of applications or influence decisions on phasing.</li> </ul>
Ocean terminal	<ul style="list-style-type: none"> <li>Welcomes the extension of the tramline. However, the requirement for significant development contributions towards it could threaten the viability of a number of development proposals in Leith</li> <li>Would encourage the early consideration of other funding options for the delivery of the tram extension.</li> <li>Supporting development in the Leith Waterfront by extending the tram without imposing undeliverable developer contributions will encourage investment,</li> </ul>
Taylor Wimpey (Strutt and Paret)	<ul style="list-style-type: none"> <li>The SG (at pg33) provides no detail as to the costs of the Queensferry Transport Contribution Zone. This seems to arise from a lack of information in the now adopted Action Programme for these elements. This results in their being no information on the Contribution, or % Share, attributable to each site in the Zone. We need this information to be provided as we are in the process of bringing forward the HSG33 site and there is also an application on HSG32 currently under determination with the Council and we reserve our ability to comment on the detail provided.</li> <li>The SG (at Annex 3 (pg 38)) in respect of Greenspace Infrastructure Actions contains an entry for “Dalmeny to Echline, Queensferry (HSG32 and HSG33)” with a cost of £1.2m associated with it. We would firstly seek clarity as to what the £1.2m represents, and how this cost would be shared between the developments. A reasonably significant element of this is being delivered on site as part of the application for HSG33. We would also seek clarification on the delivery of this, particularly in respect of the “link over the A90” referred to in the Action Programme. We reserve our ability to comment on the detail provided.</li> <li>There is also reference in the Action Programme to a 450m extension of NCN1 “in to the Agilent Site” (at a cost of £110,250) and we would request clarity on</li> <li>what is expected here. We would reserve the right to be able to comment on that, when the detail is received.</li> </ul>
Geddes Assessment	<p>West Edinburgh – Secondary School</p> <ul style="list-style-type: none"> <li>The Action Programme now includes a new secondary school for west Edinburgh. This proposal was not included in the LDP and therefore has not been subject to due statutory process. It has not been subject to SEA requirements including the consideration of alternative sites. For these reasons, this site should be removed from the Action Programme and therefore the SG.</li> <li>The responsibility for delivery the LDP’s approved development strategy rests solely with the Council’s timely delivery of its education actions to meet the requirements of the private sector’s house building programme. Since the Council expects to fund and deliver all of these actions (extensions and new schools), it has not explained how it will raise the capital funding for these works. The new schools and any extensions require to be built in advance of the pupils expected and therefore the Council will need to forward fund the actions.</li> <li>The financial implications associated with this funding are not referred to in the SG nor is available capacity guaranteed by the Council.</li> <li>As the Council does more detailed assessments for its education planning, different options emerge which impact on the solutions identified for the Action Programme.</li> <li>The SG does not detail how any options associated with the costs of its actions have been derived and this makes it impossible to assess whether the costs of the planning obligations are reasonable.</li> </ul>

## Q4 - Do you have any comments on the arrangements for Section 75 legal agreements? - Comments

Name or Organisation	Q4 Summary
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>Do not fully understand them and would wish for more details. Would like relevant Community Councils to be actively involved in decisions on where spending goes.</li> </ul>
The Dalrymple Trust	<ul style="list-style-type: none"> <li>The delivery of any new school should be clarified by the Council as part of the Section 75 legal process. Any credit should be established at that time. That credit process should not necessarily be limited to “benefit in kind” given the costs associated with the delivery of new schools. That reference should be removed.</li> </ul>
Builyeon Farms LLP	<ul style="list-style-type: none"> <li>The credit process should not necessarily be limited to “benefit in kind” given the costs associated with the delivery of new schools. That reference should be removed. Land will not necessarily be transferred at costs imposed by the Council.</li> <li>It is proposed that this be done by, either, reduced education payments required by the school land provider or the site being purchased by the Council at equivalent residential value and charging such land value back to other consents that will benefit from it through the Section 75 legal agreement process.</li> </ul>
R Allen	<ul style="list-style-type: none"> <li>Why so secret?</li> </ul>
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>Involve the impacted Community Council in deciding how the money is to be raised and spent.</li> <li>concerns as to the Council's ability/willingness to deliver such agreements due to inadequacies in recent agreements within our Community Council's area (e.g. provision of further traffic lane on Whitehouse Road access to Queensferry Road at Barnton Junction)</li> </ul>
Leith Central Community Council	<ul style="list-style-type: none"> <li>Communities need to be consulted more on these agreements - maybe through the community council for a start.</li> <li>Arrangements need to be enforced and developers held to account if payments are not made.</li> </ul>
South East Edinburgh Development Company Ltd Murray Estates	<ul style="list-style-type: none"> <li>“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” does not accord with the Circular 2/2012.</li> <li>There should be no reason for other contributions to be held for over 10 years. With respect to Education, new homes are likely to generate school pupils, within 5 years of house completions. The impact will require to be addressed well before 30 years.</li> <li>A phased approach to payment of contributions would support development.</li> </ul>
Cockburn Association	<ul style="list-style-type: none"> <li>The current affordable housing requirement is 25%. It is important that the SDP/ELDP have the flexibility to vary the affordable housing requirement significantly above 25%, where there is a clear justification to meet local needs. We also recommend that the procedures for implementing the affordable housing requirement on development sites are tightened up to ensure that specified targets are met by developers e.g. we are concerned that section 75 agreements (including for student housing) are frequently set aside at a later date at the request of the developer. This practice should stop unless exceptional circumstances apply.</li> </ul>
Wallace Land Investments Taylor Wimpey	<ul style="list-style-type: none"> <li>It is not appropriate for the SG (as part of the development plan) to put in place a policy that would entitle the planning authority to hold on to funds for 10 or 30 year periods without any requirement to repay. Much more comprehensive guidance on the arrangements for legal agreements is required.</li> </ul>
Hallam Land Management Ltd	<ul style="list-style-type: none"> <li>Hallam is content with the proposed arrangements detailed within the Consultation Draft Supplementary Guidance for the use of Section 75 legal agreements to secure developer contributions where these are demonstrated to be necessary.</li> </ul>
CALA Homes (East)	<ul style="list-style-type: none"> <li>Welcome the principle of the use of a Model Legal Agreement. It would be beneficial if it was included within a further consultation prior to publication of the finalised guidance.</li> <li>Welcome the statement on Page 7 that the Council will take into account the implications of contribution payment timings on project cash flow.</li> <li>concerned that the Council will hold contributions towards education infrastructure for 30 years</li> <li>Clarification is sought “Within Contribution Zones, contributions will be held and be put towards actions set out within the Action Programme.” Contributions can only be used to resolve infrastructure capacity issues associated with the development, in accord with Circular 3/2012.</li> </ul>
Taylor Wimpey (Strutt & Parker)	<ul style="list-style-type: none"> <li>The payment of fees to the Council for processing S75 Legal Agreements is unlawful.</li> <li>The retention of monies for a 10 or 30 year period (depending on the purpose for which they were sought) is not acceptable. Where money is refunded, interest should be paid.</li> <li>The proposed mechanisms for refunding/reimbursement of excess contributions are unclear.</li> <li>“The Council may apportion monies received to deliver the infrastructure needed to support the first phases of development on the ground” requires clarification and justification.</li> <li>The use of a model S75 Agreement is useful; however, other Councils who have taken a similar approach have provided an opportunity for consultation on the form and content of the draft agreement.</li> </ul>
Homes for Scotland	<ul style="list-style-type: none"> <li>Does not object to the principle of the development and use of a Model Legal Agreement. it will be important for any model agreement to be drafted in collaboration with the development industry. The model agreement is a starting point for negotiations and each agreement will continue to be taken on an application by application basis.</li> <li>Concerned that the draft guidance sets out provision for the Council to hold education infrastructure contributions for 30 years. We consider that a period of 10 years, in line with other contributions, should be applied.</li> <li>Care must be taken if the Contribution Zone approach is to be adopted. Contest that “within Contribution Zones, contributions will be held and be put towards actions set out within the Action Programme” and suggest this is not compliant with Circular 3/2012.</li> </ul>
New Ingliston Ltd	<ul style="list-style-type: none"> <li>The phasing and timing of contribution payments is particularly important in respect of matters such as cash flow.</li> <li>Would welcome clarity that the apportionment of monies does not depart from the basis upon which monies were sought in the first place. We would welcome clarity in respect of any proposals to ‘hold contributions’ for 30 years.</li> <li>it is important that contributions are only required where identified actions – and timescales – have been set out.</li> <li>We would welcome the publication of a model legal agreement and would however suggest that some engagement and consultation on this would be helpful.</li> </ul>
West Craigs	<ul style="list-style-type: none"> <li>It is noted that the Council intends to hold financial contributions made for education infrastructure for 10 years or 30 years. The Council explains that the 30 year period is required to repay infrastructure projects which have been delivered through revenue based funding mechanisms.</li> <li>Once the Council has established the final costs of its school extensions or new schools, then as soon as the agreed payment is made over the timescale agreed, as set out in the legal agreement, financial contributions will cease.</li> <li>Planning obligations which schedule payments and overpay the cost of the infrastructure works will require to be repaid as soon as the final costs of the project are known.</li> </ul>
NHS as landowner	<ul style="list-style-type: none"> <li>the phasing and timing of contribution payments is particularly important in respect of matters such as cash flow.</li> <li>would welcome clarity that the apportionment of monies does not depart from the basis upon which monies were sought in the first place.</li> </ul>

	<ul style="list-style-type: none"> <li>• ‘within contribution zones, contributions will be held and be put towards actions set out within the action programme’. Again, it is important that monies are only sought where directly related to the proposed development and to offset any impacts of that development accordingly.</li> <li>• The release and payment of contributions can affect project implementation and delivery and it is important that contributions are only required where actions – and timescales – have been identified and/or set out.</li> <li>• concern about the intention to hold contributions towards education infrastructure for 30 years from the date of construction. It is noted that this is to enable payments to be used for unitary charges. We do not agree with this and consider it to be an unreasonable burden to impose on developers.</li> <li>• would welcome the publication of a model legal agreement and note that this will be published with the finalised guidance. We would however suggest that some engagement and consultation on this would be helpful and we would welcome the opportunity to be involved in this.</li> </ul>
Stewart Milne	<ul style="list-style-type: none"> <li>• If developer contributions have not been used for the purpose for which they have been provided, then it is incumbent upon the Council to return the contribution.</li> <li>• A phased approach to payment of contributions would support development. It would allow marginal development to commence without the burden or uncertainty of raising capital finance.</li> <li>• SMH strongly object to the provision to retain monies towards education infrastructure for 30 years. New homes are likely to generate school pupils within 5 years of house completions. There should be no reason for any developer contributions to be held for over 10 years.</li> </ul>
Taylor Wimpey (Strutt and Pargett)	<ul style="list-style-type: none"> <li>•</li> </ul>

## Q5 - Do you have any comments on how the Council will deliver the required infrastructure? - Comments

Name or Organisation	<ul style="list-style-type: none"> <li>Q5 Summary</li> </ul>
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>Have not thought about it but off the top of my head it seems that the council specifies and gets the developer to install elements requiring construction.</li> </ul>
R Allen	<ul style="list-style-type: none"> <li>more by luck than judgement</li> </ul>
Iain McKinnon-Waddell	<ul style="list-style-type: none"> <li>Better assessment, prioritisation and implementation</li> </ul>
Cramond and Barnton Community Council	<ul style="list-style-type: none"> <li>If we get the philosophy right then there is no reason why delivery should be a problem. However, I despair on the chances of a sound analysis of the needs being established in the first place.</li> </ul>
Leith Central Community Council	<ul style="list-style-type: none"> <li>I think the council need to have a city wide plan and then localized plans for the different wards which match up to the city plan.</li> <li>Working and consulting with the community councils to ensure that local people are kept informed and can add their voice to any changes to infrastructure.</li> </ul>
South East Edinburgh Development Company Ltd Murray Estates	<ul style="list-style-type: none"> <li>Where developers have made financial contributions, and require to repay capital funding, it is perfectly reasonable for them to expect the infrastructure for which they have paid to be delivered in a timeframe which will not delay development. The</li> <li>Guidance should say “The Council recognises that developers are required to make a substantial contribution towards the provision of infrastructure, and the Council will not unduly delay the provision of infrastructure necessary to enable development to take place.”</li> </ul>
Wallace Land Investments Taylor Wimpey	<ul style="list-style-type: none"> <li>The new schools and any extensions require to be built in advance. The Council has not explained how it will raise the capital funding for these works.</li> <li>The Council has yet to assess the income it expects to receive from financial contributions; it therefore does not yet know how much it intends to borrow. This financial strategy by the Council is at best naïve but could be potentially damaging to the delivery of much needed housing.</li> <li>The Planning Minister’s direction to the Council on future decision making applies to this SG. The Planning Minister noted ...“In part, I am reassured by the published statement that “At the hearing the Council explained it would carry the risk of the required infrastructure provision and this would not delay development” (Examination Report page 146 paragraph 96). I expect to see this assurance carried through to future decision making”.</li> </ul>
CALA Homes (East)	<ul style="list-style-type: none"> <li>The focus should now be placed firmly on delivering the Plan’s strategy and the reasonable infrastructure required to support it. The Draft SG should be updated to confirm that the Council will take the lead in delivering new education, and will secure the necessary forward funding to ensure that the necessary infrastructure is delivered at the right time.</li> <li>The Council has previously stated that it will forward fund investment in infrastructure projects to ensure their timeous delivery. The Minister was clear in his letter regarding adoption of the Plan that he expected to see the assurance given at the Examination “carried though to future decision making.” It is a significant concern in respect of the early delivery of infrastructure to support that Plan that the Council has no allowance for infrastructure expenditure</li> <li>The Action Programme should be based on a robust house building programming, taking account of the typical lead in times to deliver new education infrastructure in particular. Further clarity would also be welcomed on the Council’s proposed approach to deal with the situation that may occur where a site earmarked to deliver a new school stalls or does not progress as programmed.</li> </ul>
Scottish Natural Heritage	<ul style="list-style-type: none"> <li>The document proposes that the Council will deliver in some instances while in others, the applicant will deliver directly. It appears that where multiple sites and actions relate to infrastructure delivery, the Council will act as delivery agent once monies have been collected. We agree that this is an appropriate approach where strategic, cross-site or off-site infrastructure is required.</li> </ul>
Taylor Wimpey (Strutt & Parker)	<ul style="list-style-type: none"> <li>The assurances given by the Council to the Examination Reporters, and to the Ministers, that infrastructure delivery would not hold up development, do not appear to be realised in the delivery programme shown in the Action Programme. There are now live applications on both HSG33 and HSG32 which will require urgent attention if delivery is not to be held up.</li> </ul>
Homes for Scotland	<ul style="list-style-type: none"> <li>The Minister for Local Government and Housing stated in his letter of 9th November 2016 that he expects “the City of Edinburgh Council to make decisions at the earliest opportunity which provide for or contribute to the infrastructure requirements identified in [the Local Development Plan]”.</li> <li>Expect to see delivery of development supported by this Supplementary Guidance, and that there is no delay to approval of applications as suggested by Section 2a, C, page 4.</li> <li>The guidance expects that the Council will fund and deliver all of the education infrastructure requirements of new schools and extensions to schools; however it is not clear within the guidance how the Council will raise the capital funding for these works.</li> <li>In order to support and encourage the delivery of new homes, the new schools or extensions must be built in advance of the pupils actually being generated from the occupation of new homes, and therefore the Council will be required to front fund and deliver the education infrastructure to support the new development.</li> <li>We are concerned that there is no allowance for infrastructure expenditure, and therefore question how this infrastructure can be delivered at the right time by the Council if no funding mechanism is in place for its delivery.</li> <li>Provision should be set out within the Supplementary Guidance to demonstrate any interim measures the Council intends to adopt to accommodate pupils arising from the ongoing completion of homes.</li> </ul>
West Craigs	<ul style="list-style-type: none"> <li>If the public does not support the proposed changes to education catchment areas then the Council will be unable to take forward its education proposals. No consideration is given in the SG to what approach the Council would take in these circumstances. The SG is therefore wholly reliant on completion of a statutory process, the outcome of which cannot be confirmed at this stage.</li> </ul>
CALA Homes (East)	<ul style="list-style-type: none"> <li>Our key concern is with delivering the necessary infrastructure. As stated above, CALA is keen to support the Council in implementing the LDP strategy. We share the Minister’s expectation that the Council “would carry the risk of the required infrastructure provision and would not delay development”. This is imperative in order to ensure that the required infrastructure can be delivered as and when required.</li> <li>It is therefore disappointing that the policy set out in the Draft SG states that the Council may in certain cases, seek to secure financial contributions towards education infrastructure but at the same time impose restrictions on the commencement date and phasing of development.</li> <li>When housebuilders are bidding on new sites, the contracted land value will be determined taking account of a projected commencement date and projected monthly sales rate. If however, the Council seeks to impose restrictions on commencement and monthly sales this will only be determined during or at the point of determination by Committee. At this point, such restrictions may have a significant impact on development viability</li> </ul>
Cramond & Barnton Community Council	<ul style="list-style-type: none"> <li>Note that the timing of infrastructure provision within the Actions &amp; Delivery Programme is out of synch with the timescales indicated by developers of the Maybury and Cammo developments and would like assurances that planning approvals will be conditioned by the completion of required infrastructure as outlined in the Supplementary Guidance.</li> </ul>

the Dalrymple Trust Builyeon Farms LLP	<ul style="list-style-type: none"> <li>The finalised version of the Supplementary Guidance must make it clear that the delivery of infrastructure by third parties must not unduly or unnecessarily hold up the delivery of development.</li> <li>It is suggested that an additional sentence is inserted after paragraph 2 of that Section stating “However, third party delays in infrastructure delivery must not be allowed to unnecessarily prevent the issue of planning permissions or undertaking of development”</li> </ul>
Stewart Milne Homes	<ul style="list-style-type: none"> <li>There is very little consideration in the Guidance given to infrastructure delivery. Where developers have made financial contributions, and require to repay capital funding, it is perfectly reasonable for them to expect the infrastructure for which they have paid to be delivered in a timeframe which will not delay development. The Guidance should acknowledge that Council’s obligations and state in both the Delivery of Education Infrastructure and Delivery of Transport Infrastructure sections that; “The Council recognises that developers are required to make a substantial contribution towards the provision of infrastructure, and the Council will not unduly delay the provision of infrastructure necessary to enable development to take place.”</li> </ul>
HS (as landowner)	<ul style="list-style-type: none"> <li>It is acknowledged that infrastructure provision associated with new development is often required, where reasonably and fairly related to the nature of development proposed. The policy objective of DEL1 is acknowledged.</li> <li>at the LDP Hearing it was explained by the Council that it would carry the risk of the required infrastructure provision and this would not delay development (Reporters Report, page 146, paragraph 96). This is relevant in the context of the statement made by CEC (SG, section 2) that ‘development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time’.</li> </ul>
Clarendon Planning & Development Ltd	<ul style="list-style-type: none"> <li>Clarity is required in relation to the ability of the Council to front-fund necessary key infrastructure to ensure delivery of the Local Development Plan strategy.</li> </ul>
New Ingliston Ltd The Trustees of The Foxhall Trust The EDI Group Ltd IBG Stakeholders	<ul style="list-style-type: none"> <li>In the context of the statement made by CEC in the SG (section 2) that ‘development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time. It will be necessary to consider application proposals on their merits in the particular circumstances at the time of their determination to establish the appropriate time for additional infrastructure improvement / delivery.</li> </ul>
Geddes	<ul style="list-style-type: none"> <li>The Council has yet to explain how the existing capacity in the education infrastructure will accommodate pupils until such time as the new schools or extensions are built. It is also known that the Council has still to assess and programme the projected income from the planning obligations set out in the SG. The Council is therefore not yet aware whether these obligations will meet the projected capital cost of over £220M for education over a period of eight years.</li> <li>The Council does not have the funding in place to deliver this programme of works. As the Council has yet to assess the income it expects to receive from financial contributions, it therefore does not yet know how much it intends to borrow. This financial strategy by the Council is at best naïve but could be potentially damaging to the delivery of much needed housing if there is no guarantee of capacity in the education infrastructure and consequently house building is delayed or stops. It is therefore recommended that all financial aspects of the Education Infrastructure section in the SG are deleted.</li> </ul>

**Q6 - Do you have any comments on the council's approach, should the required contributions raise demonstrable commercial viability constraints and/or where forward or gap funding may be required**

What is your organisation? - Organisation	
Tollcross Community Council	<ul style="list-style-type: none"> <li>It has already happened that profitable developers have put forward cases to avoid paying contributions. This will increase and the developer's accountants and lawyers will bamboozle the Council into waving the contributions.</li> <li>The premise of this arrangement is that the development must go forward whereas, that is not a given. Perhaps refusal is better and awaiting a development that makes a contribution.</li> </ul>
Dalrymple Trust Builyeon Farms LLP	<ul style="list-style-type: none"> <li>The Council should fund the first phase minimum of new infrastructure.</li> <li>The Council could then apply a justified and accurate roof tax approach to further developer contributions for the balance / future phases.</li> </ul>
R Allen	<ul style="list-style-type: none"> <li>These are cop out phrases and are used far too often</li> </ul>
Iain McKinnon-Waddell	<ul style="list-style-type: none"> <li>People should be put before businesses at all times.</li> </ul>
Leith Central Community Council	<ul style="list-style-type: none"> <li>the council should be a bit firmer with developers because at the end of the day it is our city and we want it to run as smoothly as possible.</li> </ul>
South East Edinburgh Development Company Ltd	<ul style="list-style-type: none"> <li>The Guidance does not refer to any alternative sources of funding i.e. City Deal. Reference in the Guidance should be made to alternative funding sources and set out the circumstances in which these can be utilised.</li> </ul>
South East Edinburgh Development Company Ltd Murray Estates	<ul style="list-style-type: none"> <li>Developer contributions are not the only source of funding for infrastructure. The Guidance requires to recognise that alternative sources of funding are available and identify where they can be utilised.</li> <li>Site remediation costs are based on 'high level' assessment and are so excessively high that they act as an impediment to new residential development. they should be updated as soon as possible, as the allowance made would render a site non-viable. The Council should provide greater clarity of what is included in the costs they have identified.</li> <li>Welcome a phased approach towards developer contributions.</li> </ul>
Forth Ports Ltd	<ul style="list-style-type: none"> <li>Forth Ports welcome the clear provision made in the SG for the consideration of viability (page 12). The SG appropriately identifies how viability should be demonstrated.</li> </ul>
Cockburn Association	<ul style="list-style-type: none"> <li>The checks and balances proposed in assessing the viability of development projects appear comprehensive and fair. However, there seems to be an inconsistency between '.....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' and our response to Q2 e.g. if excessive development costs (including developer contributions) cannot be mitigated, the planning consent should be rescinded.</li> </ul>
Wallace Land Investments Taylor Wimpey	<ul style="list-style-type: none"> <li>The SG should make further references to the circumstances where viability arises and the measures the Council will be prepared to waive to deliver a viable project. As well as modifications and reductions in the schedule of financial payments for education infrastructure, the Council may wish to consider whether the cost of other planning obligations can be amended, including transport infrastructure; green space; public realm; primary health care and affordable housing, in order to deliver a viable proposal.</li> </ul>
Hallam Land Management Ltd	<ul style="list-style-type: none"> <li>Hallam is generally content with the proposed approach to considering commercial viability However, the words " , wherever practical," should be inserted between the words "will" and "enter" in the fifth paragraph of Section 3 - Viability and Funding Mechanisms.</li> </ul>
CALA Homes (East)	<ul style="list-style-type: none"> <li>CALA welcomes the Council's acknowledgement that financial contributions can have a significant impact on development viability</li> <li>Land costs are a fundamental component of development costs and have to be included in any viability assessment. Abnormal costs and planning obligation costs are not the only costs related to a development site and cash flow. Groundworks and site servicing are significant upfront costs that must be absorbed by the house builder.</li> <li>Any uplift in land value is subject to taxation to the landowner. If the impact of financial contributions has too significant an effect on land values, the landowner will not be inclined to release their land. Therefore it is important that the overall package of financial contributions strikes the right balance. The Draft SG does not set out sufficient justification for these costs.</li> <li>It is expected that the Council adopts an open book exercise to the cost of delivering new infrastructure projects.</li> </ul>
Taylor Wimpey and Lord Dalmeny	<ul style="list-style-type: none"> <li>Clarification is required as to whether land value is, or is not, a consideration in this viability assessment.</li> </ul>
Homes for Scotland	<ul style="list-style-type: none"> <li>There will already be agreements in place between home builders and land owner. It is therefore important that land costs are included in any viability assessment.</li> <li>Consideration must be taken to the cumulative effect of the obligations to ensure that the financial contributions do not have too significant effect on land values.</li> </ul>
The EDI Group Ltd New Ingliston Ltd IBG Stakeholders The Trustees of The Foxhall Trust	<ul style="list-style-type: none"> <li>Certainty within the SG would be helpful to demonstrate that 'gap funding' and/or alternative funding mechanisms are available</li> <li>The cumulative effect of multiple contributions and the phasing of contributions / infrastructure delivery is important to the viability of development projects.</li> </ul>
West Craigs	<ul style="list-style-type: none"> <li>No clarity on how the Council will address the issue where forward or gap funding may be required. The draft Guidance should state that the Council will carry the risk of the required infrastructure provision and this would not delay development.</li> <li>The Report: Edinburgh Local Development Plan Programme – Financial Assessment concludes that the Council has not made any financial provision for the works identified in the Action programme. This is contrary to the evidence presented at the LDP Examination where re-assurances were given that the funding for the necessary infrastructure was available.</li> <li>The Council has yet to undertake the necessary work to clarify the potential income streams from developer contributions. This means that the Council does not yet understand the scale of forward funding it needs to make to deliver its education actions. Given a typical three year lead-in time for many of the programmed education works, it is likely that a funding and programming crisis for education will emerge as pupils from consented housing sites enter the existing school estate.</li> <li>The Council assumes that the full cost of the education infrastructure at £220M is solely due to the impact of new housing. This representation has sought to highlight that this is not necessarily the case. If the Council followed the methodology required to comply with the tests in Circular 3/2012, then the scale of investment it requires to make to address existing baseline capacity issues would be apparent.</li> </ul>

Royal Highland & Agricultural Society of Scotland	<ul style="list-style-type: none"> <li>• There is a danger that over-zealous requirements for developer contributions will lead to otherwise viable development being made unviable and that development opportunities will be constrained. The effect will be quite the opposite of the policy intention.</li> <li>• An approach that viability of development should be assessed on the basis of end value of a particular proposal based on reasonable assumptions of land value and abnormal infrastructure requirements a case by case basis would be appropriate.</li> <li>• The council's response that it "will not accept over-inflated land values as a reason for reducing contribution requirements" is over simplistic where land values are a direct result of market forces and external economic factors. Changing market conditions can affect value and viability and each case should be assessed on its merits.</li> </ul>
Scottish Property Federation	<ul style="list-style-type: none"> <li>• As stated earlier the SPF welcomes the provision in the guidance for the submission of evidence demonstrating that there would be viability issues if contributions were paid and that it may be possible to withdraw from paying contributions.</li> <li>• The overall package of contributions set out in the guidance is higher than in any other area of Scotland and does raise concerns overall, especially when the additional and generally upfront costs of development, such as groundworks and site servicing are factored in. Phasing will only assist if the overall requirement can be accommodated reasonable within the cash flow of a development.</li> <li>• In relation to major applications it has been suggested by some of our members that the process of determining suitable S.75 contributions could be facilitated by the developer providing a comprehensive viability assessment provided that could be independently reviewed by an appropriate company on behalf of the Council. This already happens very effectively and successfully in some local authorities south of the border and would enable the developer to present detailed figures within an agreed scope of works and parameters to ensure, as much as possible, that the project was reviewed objectively on a financial basis. This approach could cover housing, office or retail components to consider what the remaining parts of a project could realistically support, together with the phasing of payments. The approach would likely entail a considerable amount of work, but should ultimately provide a very useful tool for both developer and the Council.</li> <li>• The guidance should go a long way to 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 in Edinburgh. Our 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 £23.5k per unit. They are also 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>• The Council indicates in the guidance that it expect developers to use an open book approach when entering into viability assessments. The same approach and level of scrutiny should be applicable to the costs of development arising from the contributions that are being sought and paid, particularly given the concerns raised about the level of contributions set out in the Guidance and their relationship with costs from other published sources.</li> <li>• Scottish (and UK) property investors/developers can no longer rely on traditional lending sources to support their development proposals, or even their companies, without significant financial support from other sources, notably overseas capital. These sources of capital have significant choice in where they invest their equity and we should be mindful of this reality when establishing this guidance.</li> <li>• Developer contributions and the need to fund key infrastructure should not be considered without reference to city deal initiatives for the Edinburgh/South East Scotland regions. It is therefore the view of SPF members that the Council's consultation exercise is premature.</li> </ul>
Clarendon Planning & Development Ltd	<ul style="list-style-type: none"> <li>• The approach outlined is noted. This relates to Question 5 whereby front-funding of key infrastructure is required and any gap in addressing reimbursement via developer contributions would then be reported as outlined to assess any necessary refinancing.</li> </ul>
Barratt David Wilson Homes	<ul style="list-style-type: none"> <li>• There is an undue burden being placed upon housebuilders to provide increasing levels and types of contributions. At a time when delivery of homes is a national priority the development industry should be supported to do so. It does not seem clear why housebuilding is being targeted to bear the cost of certain infrastructure items over other types of development. Indeed Housebuilding provides more economic and social benefits than other uses such as business and industry once the combination of the construction process, the sites delivered and current contributions are considered.</li> </ul>
Royal Highland & Agricultural Society of Scotland	<ul style="list-style-type: none"> <li>• Central Government and local authorities need to accept responsibility for existing deficiencies in infrastructure and not unduly burden new development and investment consistent with current legislation and government advice.</li> <li>• Requirements to contribute to infrastructure must specifically relate to the impact of development being proposed. It is therefore critical that all contributions are consistent with the final paragraph of Page 2 of CEC's Policy where it states under General Developer Contributions Approach - "Proposals will be required to contribute to the following infrastructure provision, as set out in Table 1, where relevant and necessary to mitigate* any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development."</li> <li>• The general principle of a transport infrastructure fund is supported - but - contributions and risks need to be shared between the council and central government and across public and private sectors. Funding and delivery of key infrastructure should also take account of City Deal initiatives for the Edinburgh/South East Scotland region. The City Deal could potentially significantly reduce the burden on developers and landowners and could seek to address current deficiencies in infrastructure provision in key growth areas identified in the plan.</li> </ul>
NHS as landowner	<ul style="list-style-type: none"> <li>• Certainty within the SG would be helpful to demonstrate that 'gap funding' and/or alternative funding mechanisms are available – particularly in the early stages to enable projects to commence. As noted earlier, the combined effect of multiple contributions and the phasing of contributions / infrastructure delivery is important to the viability of development projects.</li> <li>• We would welcome recognition that mechanisms such as City Deal may provide helpful funding to assist the delivery of infrastructure.</li> </ul>
Stewart Milne Homes	<ul style="list-style-type: none"> <li>• Developer contributions are not the only source of funding for infrastructure. The Guidance requires to recognise that alternative sources of funding are available and identify where they can be utilised.</li> </ul>
Ocean Terminal	<ul style="list-style-type: none"> <li>• Edinburgh Council must ensure that an unfair burden is not placed on much needed development in Leith towards other transport improvements. As well as being located in Zone 1 of the Tram Contribution Zone, the land around Ocean Terminal is also identified as being within the North Edinburgh Transport Contribution Zone, where additional significant transport contributions are required. Again, this level of contribution is likely to be unviable for some sites in Leith and will threaten their development.</li> <li>• Developer contributions are not the only source of funding for infrastructure. The Guidance requires to recognise that alternative sources of funding are available and identify where they can be utilised.</li> </ul>
New Ingliston Ltd	<ul style="list-style-type: none"> <li>• Whilst the need for delivery of infrastructure is noted, where this presents an overall constraint to the ability for projects to even commence and/or imposes viability pressure, this must be recognised. We would welcome recognition that mechanisms such as City Deal may provide helpful funding to assist the delivery of infrastructure.</li> </ul>
South East Edinburgh Development Company Ltd	<ul style="list-style-type: none"> <li>• Concerned regarding the growing level of contributions which increasingly undermine the financial viability of development.</li> <li>• The Guidance does not refer to any alternative sources of funding i.e. City Deal. Reference in the Guidance should be made to alternative funding sources and set out the circumstances in which these can be utilised.</li> </ul>
Taylor Wimpey (Strutt & Parker)	<ul style="list-style-type: none"> <li>• The SG (at Section 3, para 2) states that the costs taken in to account in considering Viability, would include remediation of contamination or unusual infrastructure "but not normally the cost of land purchase", this then appears to be contradicted (at para 5) by the statement that the open book exercise should include "an assessment of land value".</li> <li>• Clarification is required as to whether land value is, or is not, a consideration in this viability assessment.</li> </ul>

Q7 - Do you have any further comments you wish to make? - Comments

What is your organisation? - Organisation	
RSPB Scotland	<ul style="list-style-type: none"> <li>• A proportion of funds allocated to biodiversity enhancement should be awarded to appropriate community groups, such as “Friends of...” to help support the biodiversity attributes of parks, open spaces, remaining natural corridors etc near to or potentially impacted by any development.</li> <li>• We would wish to see the natural environment and biodiversity included within “improvement”. A development that incorporates suitable measures and is sympathetic to biodiversity and “greening” will benefit not only wildlife but people living and working within a development, though increased quality of life. This can be achieved not just by sensitive planning and execution, but also by allocating developer contributions to measures that enhance development sites and their surrounding areas.</li> </ul>
Network Rail	<ul style="list-style-type: none"> <li>• Consideration should be given to exempting providers of infrastructure such as Network Rail from making developer contributions in the Draft SPG.</li> </ul>
New Ingliston Ltd /The EDI Group Ltd / IBG Stakeholders / The Trustees of The Foxhall Trust	<ul style="list-style-type: none"> <li>• The reform of the planning system in Scotland is underway and the emphasis on development delivery is apparent. Although the review of the planning system is not yet complete, it is evident that there is importance on ‘delivery’ and ‘growth’. With this in mind, the SG should be drafted in this spirit.</li> </ul>
Scottish Property Federation	<ul style="list-style-type: none"> <li>• Private rented sector build-to-rent projects 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.</li> <li>• This supplementary guidance should encompass all guidance of developer contributions for the sake of clarity. For example it is necessary to look to separate guidance on affordable housing contributions that can be sizeable especially when added to the expectations of this guidance which includes primary healthcare.</li> <li>• The question of prematurity also arises in relation to the current Scottish Government consultation on the future of the Scottish Planning System.</li> </ul>