

T: 0131-244 7529
E: developmentplans@gov.scot

Kate Hopper
Senior Planning Officer
Planning and Transport
City of Edinburgh Council

By email to: kate.hopper@edinburgh.gov.uk

Our ref: A19574139

4 December 2017

Dear Kate

City of Edinburgh, Supplementary Guidance – Developer Contributions and Infrastructure Delivery

Thank you for your correspondence of 12 September regarding Supplementary Guidance – Developer Contributions and Infrastructure Delivery. We have been giving careful consideration to the unique situation regarding this document.

Legislation provides that Scottish Ministers can direct an authority to modify supplementary guidance or they can direct them not to adopt and issue it. On 3 July, the Scottish Ministers set out a Direction not to adopt and issue the supplementary guidance City of Edinburgh Council notified to them.

Your correspondence of 12 September advises that the document submitted is an amended version of the document previously notified and that your authority intend to adopt it. The supporting documents also indicate that it is an amended version of the previous document: the accompanying Report of Consultation (September 2017) appears to be the same report as for the document previously notified, which has been amended following the Direction. This is further reinforced by the reliance on consultation undertaken in respect of the proposed supplementary guidance to which the Direction related and lack of any subsequent consultation which would be required on new supplementary guidance. It therefore appears that you have modified the document, which is not in accordance with the Ministerial Direction. The process relating to that proposed supplementary guidance was concluded by the Direction.

As our previous letter indicated, it is open to you to produce new supplementary guidance. In following the procedures for the preparation of supplementary guidance set out in regulations, there would be an expectation that new guidance would be subject to consultation. We therefore maintain our position that consultation would need to be undertaken in respect of new supplementary guidance.

In keeping with our letter of 3 July 2017, Scottish Ministers, under section 22(8) of the Town and Country Planning (Scotland) Act 1997, hereby direct the City of Edinburgh Council not to adopt and issue the Supplementary Guidance – Developer Contributions and Infrastructure Delivery.

Your correspondence indicates that it is imperative the supplementary guidance is formally adopted to support the sustainable delivery of the local development plan. Whilst we agree that greater confidence to community and investors is critical, we consider this can only be achieved when it is clear that the correct process have been carried out. Such a significant document must be robust in process given the possibility of it being contentious with stakeholders.

I trust this clarifies our position.

Yours sincerely

Carrie Thomson

Principal Planner

Copy to:
Ben Wilson, Development Plan Team Manager
Ben.wilson@edinburgh.gov.uk