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**By email:**  
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Dear Kate

**The City of Edinburgh Council  
Supplementary Guidance on Developer Contributions and Infrastructure Delivery**

I refer to your correspondence of 7 September 2018 certifying notice of the City of Edinburgh Council's (CEC) intention to adopt the Supplementary Guidance on Developer Contributions and Infrastructure Delivery.

The Scottish Ministers are of the view that the requirements for infrastructure in our capital city, and contributions towards its costs, are very significant matters. Decisions relating to statutory guidance on such an important subject area must be robust and informed by proper consideration of available evidence.

It is noted that CEC has taken steps to address the terms of our previous direction by removing reference to a new secondary school in the International Business Gateway. However, Ministers are now concerned that this raises additional questions relating to education infrastructure and the consequent calculation of planning obligations to address the impacts of future development. Until that has been properly considered, Ministers are not minded come to a conclusion on whether or not they wish to intervene prior to the CEC proceeding to adopt the statutory guidance.

During scrutiny of the Planning (Scotland) Bill, Ministers have expressed their concerns about the adoption of supplementary guidance, which will form part of the statutory development plan, without proper scrutiny. Consistent with this view, the Minister for Local Government, Housing and Planning has now instructed an independent Reporter from the DPEA to examine the guidance and produce a report setting out:

- The consultation undertaken to date, and the way that views have been taken into account by the City of Edinburgh Council;
- The methodology used to calculate contributions for education infrastructure; and



- Compliance of the supplementary guidance with Circular 3/2012.

The Reporter will be responsible for deciding whether any additional information and evidence is required to prepare this report. The report will inform Ministers' decision on whether or not they wish to intervene prior to the adoption of the supplementary guidance.

To allow this further work to be undertaken, the Scottish Ministers have decided to further extend the period for the consideration of the document for an additional 84 days. The Scottish Ministers hereby direct under Section 22(7) of the Town and Country Planning (Scotland) Act 1997 that section 22 (6) of that Act is to apply as regards to the Supplementary Guidance on Developer Contributions and Infrastructure Delivery submitted to Scottish Ministers, with the substitution of the period of 168 days for the period of 28 days mentioned in that section. In terms of this direction section 22 (6) provides (subject to any further direction under section 22 (7)) that your authority may not adopt the supplementary guidance before 22 February 2019.

Yours sincerely

**Fiona Simpson**  
**Assistant Chief Planner**