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By email:
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Our ref: A23697655
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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 City of Edinburgh Council's intention to adopt the Supplementary Guidance on Developer Contributions and Infrastructure Delivery.

In correspondence, dated 29 November 2018, you were notified that the Minister for Local Government, Housing and Planning had instructed an independent Reporter from the DPEA to examine the guidance and produce a report. The DPEA submitted their report on 31 January 2019. The report has identified some potential deficiencies in the supplementary guidance and has raised a number of questions that require further consideration.

Taking the report into account, the Scottish Ministers would now like to offer the City of Edinburgh Council (CEC) the opportunity to respond to the points set out in Annex A to this letter.

A period of 28 days, beginning from the 8 March 2019, will be allowed for a response to be provided to Scottish Ministers. The response should be submitted to the Planning and Architecture Division by 5 April 2019. In the interest of transparency, both this letter and any response to it from CEC will be posted at the following location:

<https://www.gov.scot/publications/local-development-plan-city-edinburgh/>

Upon receipt of any response from CEC to this request, parties who commented during the consultation period (from 19 January to 2 March 2018) prior to the notification of intention to adopt, will be given a 14 day period to respond to CEC's comments. These responses will also be published on the above platform and CEC will then be given a final 14 day period to comment on those responses, which will also be published.



All responses should be submitted to the Planning and Architecture Division at the following email address: developmentplans@gov.scot

To allow this process 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 266 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 31 May 2019.

Yours sincerely

Robin Campbell
Principal Planner

Annex A

Issue 1 - The use of developer contributions

1. Section 4 (page 14) of the supplementary guidance states that:
'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 is asked to clarify the intention of this statement, in light of the requirement that planning obligations should clearly specifying the purpose for which any contribution is required, including the infrastructure to be provided (Circular 3/2012).

Issue 2 - Connection with adopted Local Development Plan (LDP)

2. The Council is asked to specify which education interventions (for which contributions are sought within the supplementary guidance) / cumulative education contribution zones have a basis in the adopted LDP. *This is with reference to section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.*
3. The Council is asked to specify the basis upon which healthcare contribution zones are contained within the supplementary guidance. *This is with reference to section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.*
4. The Council's is asked to specify which transport interventions (for which contributions are sought within the supplementary guidance) have a basis in the adopted LDP. *This is with reference to section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.*

Issue 3 – Further information required

5. The Council is asked to provide further information on the following aspects of the supplementary guidance:
 - a) The approach taken to identify the impacts on school roll projections resulting from new development associated with the adopted LDP and the resultant contributions sought. *This is with reference to planning obligations relating to the development being proposed and contributions sought being in scale and kind to the proposed development.*
 - b) The origin and purpose of applying a 7.5% contingency cost to the estimated costs of new education infrastructure as set out in the Education Appraisal (January 2018). *This is with reference to setting out how standard charges have been calculated and the need for planning obligations being related in scale and kind to the proposed development.*
 - c) The evidence base which informed the transport contribution zones set out in the supplementary guidance, including, specifically the basis upon which contributions are sought from development for particular interventions and the extent of contribution zones. *This is with reference to planning obligations relating to the development proposed.*

- d) The basis for setting the level of transport contributions for developments within contribution zones and the extent to which an assessment of impact has been taken into account. *This is with reference to planning obligations relating in scale and kind to the proposed development.*

- e) The basis for both setting the extent of the healthcare contribution zones and the level of healthcare contributions required. *This is with reference to the need for planning obligations to relate to the development being proposed and to be in scale and kind to the proposed development.*

