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Planning and Architecture Division

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LEGACY 2014
XX COMMONWEALTH GAMES
SCOTLAND

By email to:

Our ref: A12244975
25 September 2015

Dear Kate

**CITY OF EDINBURGH COUNCIL
CONSULTATION ON REVISED DEVELOPER CONTRIBUTIONS AND AFFORDABLE
HOUSING GUIDANCE
RESPONSE FROM THE SCOTTISH GOVERNMENT**

The Scottish Government welcomes the opportunity to comment on the Revised Developer Contributions and Affordable Housing Guidance. These comments are to assist the preparation of the guidance. Comments from Transport Scotland, Historic Scotland and Forestry Commission Scotland are provided in the Annex to this letter.

General Comment

The Scottish Government supports the development of innovative approaches and mechanisms which enable the delivery of necessary infrastructure. In particular the Scottish Government is currently giving significant focus to the delivery of strategic infrastructure and to issues around how cumulative impacts on infrastructure are addressed.

Overall, we acknowledge the delivery focused approach taken by the Council, in particular the work undertaken to assess infrastructure capacity and indicative costs. The setting out of contributions which are transparent and provide greater certainty through the Development Plan is encouraged. Where S75 planning obligations are being used to secure developer contributions, it is important that the approach used is consistent with the tests of Circular 3/2012.

We would highlight at this stage that the Scottish Government has an outstanding representation to City of Edinburgh Council Second Proposed Local Development Plan in relation to Policies Del 1 and Del 2. This representation addresses the type of information, in

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relation to developer contributions, which we consider should be provided in the Plan and Supplementary Guidance respectively. We do not intend to provide further comment on this, within this response.

Contribution Zones

Annex 1 of the guidance sets out the extent of the Contributions Zones in very broad terms (appears to be indicative zones), whereas the Action Programme and Revised Education Appraisal (June 2014) sets out the zones in more detail. In the interests of certainty and transparency, we would suggest that the guidance is as accurate as possible with regards to the exact boundaries of the Contribution Zones. In addition, the guidance could contain a clearer explanation of how the various Contribution Zones were devised.

Standard Charges/Formulae

We would direct you to paragraph 35 of Circular 3/2012 which sets out the type of information that should be provided (in supplementary guidance) where standard charges and formulae are proposed. We suggest the Council satisfy themselves that the guidance as drafted provides adequate information in this regard.

Level of Contributions

We recognise the work undertaken to identify the contribution requirements for sites within the Contribution Zones. Taking education as an example, developer contribution levels are set out against development allocations on pages 7/8 of the guidance. It would be useful if an indicative breakdown of these figures could be provided, either in the guidance or via a link, to demonstrate the cost assumptions / assessment behind them. This could involve building on the information presented in the LDP Education Appraisal, which sets out indicative costs for the education requirements.

Other Developer Contributions

With regards to the request for contributions to the City Car Club on page 18, the Council will wish to satisfy themselves that the request for developer contributions in this respect, and the proposed mechanism for securing contributions, is in keeping with all relevant national policy and guidance, including the policy tests set out in Circular 3/2012 where applicable.

In addition, with reference to the developer contributions towards stopping up orders and traffic regulation orders on page 18, we would suggest that the Council provide greater detail on what the contributions will be used for and the Council should satisfy themselves that there is legal provision for seeking this contribution.

Affordable Housing

We note that the guidance proposes that planning permission for residential development, including conversions consisting of 12 or more units, should include provision for affordable housing amounting to 25% of the total number of units proposed.

Paragraph 129 of SPP states that "*Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses*".

It would therefore be helpful if the final version of the guidance included some background and justification of how the 25% affordable housing requirement figure is considered to be deliverable.

We hope these comments are of assistance and please contact me should you wish to discuss.

Kind regards

Robin Campbell
Senior Planner

Annex

Transport Scotland

Transport Scotland do not have any comments to make. This is because the document refers to required local road and tram improvements as a result of developments and does not make reference to the trunk road network. The local road improvements were identified in the Transport Appraisal and included within the LDP and Action Programme.

Historic Scotland

Thank you for offering Historic Scotland the opportunity to comment on this document. We have reviewed the guidance for our historic environment interests, and can confirm that we have no comments to offer.

Forestry Commission Scotland

Thank you for the opportunity to offer comments on the SG Developer Contributions. After reviewing the document FCS Central Scotland Conservancy have no comments to present at this juncture.