

City of Edinburgh Council Response to Scottish Government (letter dated 7 March 2019) in respect of:

Supplementary Guidance: Developer Contributions and Infrastructure Delivery

CONTENTS

Issue 1 - The use of developer contributions

Question 1. In relation to the use of developer contributions Page 2

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

Question 2. In relation to education infrastructure Page 9
Question 3. In relation to healthcare contribution zones Page 14
Question 4. In relation to transport infrastructure Page 16

Issue 3 – Further information required

Question 5a. In relation to education infrastructure Page 19
Question 5b. In relation to contingency Page 26
Question 5c. In relation to transport contribution zones Page 27
Question 5d. In relation to transport contributions Page 34
Question 5e. In relation to healthcare contribution zones Page 36

Documents referred to in this response

- [Edinburgh Local Development Plan](#) (2016)
- [LDP Action Programmes](#) (2016, 2108, 2019)
- [Finalised Supplementary Guidance on Developer Contributions](#) (August 2018)
- [Letter from Scottish Ministers](#) (7 March 2019)
- [Education Appraisal](#) (August 2018)
- [Primary Care Appraisal](#) (2017)
- [Transport Appraisals](#) (2013, addendum 2016 and West Edinburgh Transport Appraisal 2016 refresh and WETA calculations spreadsheet attached to submission)
- Housing Land Study (2014) (attached to submission)
- Letter from Cabinet Secretary for Health and Sport and Minister for Local Government, Housing and Planning to Local Authority and Health Board Chief Executives (8 March 2019 and attached to submission)

Issue 1 - The use of developer contributions

Question 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).

The Council acknowledges that for the Scottish Government to allow the adoption of the supplementary guidance ("SG") it must be satisfied that its terms are lawful. The Aberdeen City and Shire Strategic Development Planning Authority (Appellant) v Elsick Development Company Limited (Respondent) (Scotland) Supreme Court decision UKSC 2016/0157 ("Elsick") sets out the legal position, including confirming cumulative contributions are lawful and providing clarity that for a developer contribution to be sought that there must be more than a trivial connection between the infrastructure requirement and the development.

The Council has previously set out why the terms of the SG are lawful. Provided the Scottish Government is satisfied that the SG is lawful, it is for them to exercise their planning judgment by weighing up all the relevant material considerations to determine whether to allow adoption of the SG.

As confirmed by Elsick, Circular 3/2012 ("Circular") is one material consideration that the Scottish Government must have due regard to in directing whether the Council can proceed to adopt the supplementary guidance. In considering the Circular it is important to have regard to its full terms, not just individual statements which may be misleading in isolation. The Council accordingly submitted a statement regarding the general compliance of the supplementary guidance with the Circular 3/2012.

Circular 3/2012 is only one material consideration in regard to whether the Scottish Government should allow the Council to adopt its supplementary guidance. The terms of the Council's Local Development Plan is another material consideration. The supplementary guidance has principally been designed to give effect to Policy Del 1 of the Council Local Development Plan as amended by recommendations from Scottish Government Reporters following the LDP examination process.

As set out more fully below, the Council's approach on this issue in the SG is a direct result of requirements imposed in the amended Policy Del 1 by Scottish Government Reporters following the LDP examination process. The Council does not consider this issue to conflict with the overall terms of the Circular.

However, if the Scottish Government consider this issue within the SG does not conform fully with the Circular, it is the Council's submission that greater weight should be given in the planning balance to the fact that the Council's approach to this issue is to fulfil the terms and address the consequences of LDP Policy Del 1 as imposed by Scottish Government Reporters following the LDP examination process.

Edinburgh Local Development Plan - policy Del 1

Local Development Plan policy Del 1 requires proposals to contribute to the following infrastructure provision 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:

- a) The strategic infrastructure from SDP Fig. 2, the transport proposals and safeguards from Table 9 including the existing and proposed tram network, other transport interventions as specified in Part 1 Section 5 of the Plan and to accord with Policy Tra 8. Contribution zones will apply to address cumulative impacts.
- b) Education provision including the new school proposals from Table 5 and the potential school extensions as indicated in Part 1 Section 5 of the Plan. Contribution zones will apply to address cumulative impact.
- c) Green space actions if required by Policy Hou 3, Env 18, 19 or 20. Contribution zones may be established where provision is relevant to more than one site.
- d) Public realm and other pedestrian and cycle actions, where identified in the Council's public realm strategy, or as a site specific action. Contribution zones may be established where provision is relevant to more than one site.

Policy Del 1 also states that the Council recognises that the scale of proposed development may also impact on other infrastructure including health and community facilities.

In addition, Policy Del 1 states that further detail of anticipated requirements and the approach to delivery including the use of cumulative contributions zones, a framework for consideration of financial viability issues and possible approaches to forward and gap funding will be set out through the Supplementary Guidance. An Action Programme will then be rolled forward annually to monitor timescales and identify the need for further action and the parties responsible.

Policy Del 1 was amended by recommendations from the Scottish Government Reporters following the LDP examination process. The amendment to policy Del 1 required for "further detail on the approach to implementation of this policy and to provide the basis for future action programmes" and for Supplementary Guidance to be prepared to provide guidance on:

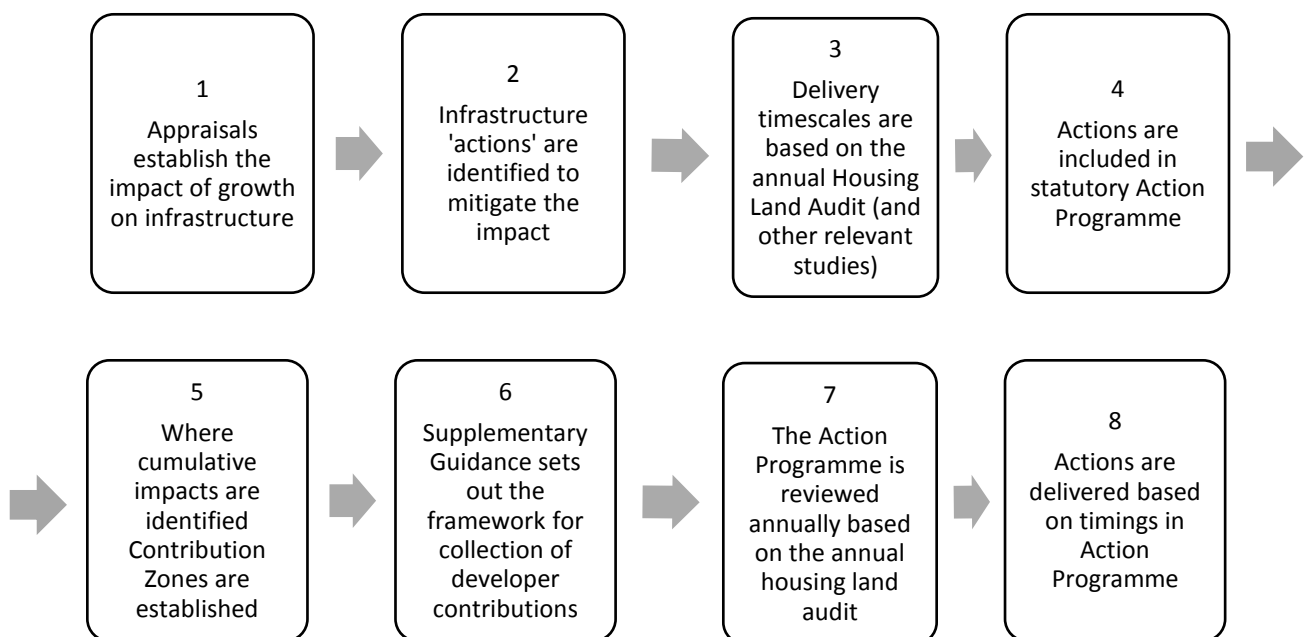
- a) The required infrastructure in relation to specific sites and/or areas
- b) Approach to the timely delivery of the required infrastructure
- c) Assessment of developer contributions and arrangements for the efficient conclusion of legal agreements
- d) The thresholds that may apply
- e) Mapping of the cumulative contribution zones relative to specific transport, education, public realm and green space actions.
- f) The Council’s approach should the required contributions raise demonstrable commercial viability constraints and/or where forward or gap funding may be required”.

Therefore, the preparation of this supplementary guidance, including the requirement for cumulative contribution zones and the detail of these, is to fulfil a Scottish Government imposed requirement. In addition, at the examination, the Scottish Government sought the Council to commit to ensure that the cumulative infrastructure requirements as set out in the Action Programme are delivered. The Council’s approach to doing so is set out below.

The Council’s approach to Developer Contributions and Infrastructure Delivery

The Council’s approach to Developer Contributions and Infrastructure Delivery is set out in Local Development Plan policy Del 1, the statutory Action Programme (current version, January 2019) and the finalised Supplementary Guidance on Development Contributions and Infrastructure Delivery. The Council’s approach to developer contributions and infrastructure delivery makes use of the statutory requirement to prepare an Action Programme to support the delivery of the LDP.

The Council’s approach to preparing the Action Programme and supplementary guidance is as follows:



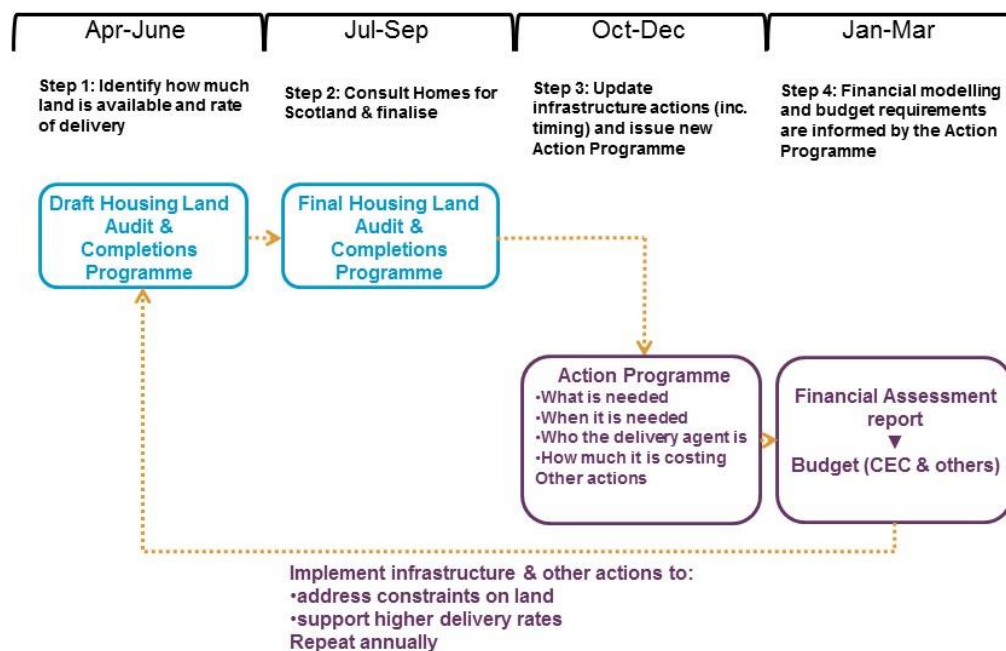
The Council has appraised the impact of the growth set out within the local development plan on transport, education, public realm, green space and primary healthcare capacity. Where impacts (including cumulative impact) on infrastructure have been identified, 'actions to mitigate the impact are established.

These Actions are included within the statutory Action Programme. A proposed delivery timescale for each action is determined based on the timescales anticipated by the annual Housing Land Audit and Completions Programme and other relevant timescales such as those identified in the West Edinburgh Transport Appraisal (WETA).

To ensure the delivery timescales, the costs and the actions required are accurate, the Action Programme and is reviewed on annual basis as follows:

Relationship of Housing Land Audit & Completions Programme with Action Programme

Note: Dates relate to published documents – work will normally be finalised for internal use 2 months ahead



Use of contribution zones

Where cumulative impacts (i.e. impact arising from more than one development) are identified, the Supplementary Guidance establishes contribution zones.

For each contribution zone:

- 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 capacity.

- The actions identified for each zone relate directly to the scale of development proposed within that contribution zone. The Council considers that the proposed actions and contributions meet both the legal requirement as specified in Elsie that each action must have more than a trivial connection to the development, and also the tests of the circular.
- The total cost of delivering infrastructure with zones, including land requirements is shared proportionally and fairly between all developments which fall within the zone.

Note – an exception to this approach has been made in North Edinburgh. The decision was made to remove the North Edinburgh Transport Contribution Zones from the guidance. It was considered that the North Edinburgh Contribution Zones would not meet the tests of the Circular due to the amount of development coming forward being different to that was originally appraised in the North Edinburgh Transport Appraisal (NETAP) that originally established the actions.

Approach to the timely delivery of the required infrastructure

Policy Del 1 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. The Council is committed to ensure the timely delivery of infrastructure. This was also sought by the Scottish Government in their amendment to Policy Del 1 of the plan.

The Action Programme and the supplementary guidance set out an appropriate delivery timetable based on the expected rate of delivery of housing (or other development). However, when, and how much, developer contributions are received from each site within the zone cannot reasonably be dictated by the delivery dates for infrastructure action as set out in the Action Programme. This is illustrated in the model below:

Expected Delivery timetable

(Yellow are the relevant actions within the Liberton Gilmerton Education contribution zone)

Model period ending	31 Mar 18	31 Mar 19	31 Mar 20	31 Mar 21	31 Mar 22	31 Mar 23	31 Mar 24	31 Mar 25
Pre-forecast vs forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
Financial year ending	2017	2018	2019	2020	2021	2022	2023	2024
Model column counter	3	4	5	6	7	8	9	10
EDUCATION CAPITAL EXPENDITURE PHASING								
Education infrastructure								
New build schools								
Broomhills Primary School		48%	41%	11%				
Leith Waterfront Primary School		10%	76%	13%				
South Edinburgh Primary School	15%	20%	45%	15%	5%			
Granton Waterfront Primary School					3%	32%	52%	14%
Maybury Primary School			3%	35%	49%	13%		
Gilmerton Station Road Primary School			2%	55%	34%	9%		
Brunstane Primary School			2%	47%	40%	11%		
West Edinburgh Secondary School			2%	49%	19%	19%	10%	
Builyleon Road Primary School				3%	38%	47%	12%	

Delivery date

As illustrated above the new Broomhills Primary School is due to be delivered by March 2021.

However, as shown below, the funding from developer contribution will not allow this timescale to be met

Income phasing for the Liberton Gilmerton Education contribution zone

EDUCATION - SECTION 75 INCOME PHASING										
Liberton - Gracemount										
Gracemount / Gilmerton										
Gilmerton Dykes Road										
The Drum										
Gilmerton Station Road		33.33%			33.33%	33.33%		33.34%		
Gilmerton Dykes Road					33.33%				33.34%	
Land East of Lasswade Road					25.00%	25.00%		25.00%		
Gilmerton Dykes Street. Sth. Edin Community Newspaper										100.00%
Burdiehouse Phase 2		17.50%	17.50%		17.50%	17.50%		17.50%		
Broomhills		25.00%				25.00%			25.00%	
North of Lang Loan		33.33%						33.33%		
East of Burdiehouse										
Ellen's Glen Road NHS Blood Transfusion Centre							50.00%	25.00%	33.33%	33.33%
Rae's Crescent. Vacant plot next to Howden Hall Centre							100.00%			25.00%
Liberton Hospital							33.33%		33.33%	33.34%
Craigour Park										

Contributions received

Remaining income

To deal with this disparity the Council's approach is as follows.

In simple terms, within each contribution zone, contributions are pooled and along with any allocated front funding, are used to deliver each new piece of infrastructure at the appropriate time. The Council does not wait until all contributions are received to deliver the infrastructure. The remaining and future monies collected through developer contributions are then used to:

- a) Replace the front funding so it can be reused for another action, and,
- b) Allocated to the delivery of next action based on timetable set out in the Action Programme

This is the intention of the statement referred to in the Scottish Minsters Question 1.

Conclusion

In total, the base capital cost of the infrastructure actions associated with the growth set out in the Edinburgh Local Development Plan is £469.337m. On 22 February 2018, as part of the 2018/19 budget setting process, capital funding of £35m was approved by the Council's Finance & Resources Committee to help manage the delivery of the Local Development Plan. Currently £22.475m of the approved capital funding has been allocated to allow the Council to progress a number of priority transport and education infrastructure actions.

It is therefore essential that supplementary guidance is in place to support Council recovery of front funded costs for infrastructure to support the delivery of the plan through developer contributions.

Elsick sets out the legal position for Planning Obligations, including confirming cumulative contributions are lawful and providing clarity that for a developer contribution to be sought that there must be more than a trivial connection between the infrastructure requirement and the development. The SG accords with these legal requirements.

The Council does not consider the quoted paragraph from Section 4 (page 14) of the SG to conflict with the overall terms of the Circular, as is set out above.

However, if the Scottish Government consider this issue within the SG does not conform fully with the Circular, it is the Council's submission that greater weight should be given in the planning balance to the fact that the Council's approach to this issue is to fulfil the terms and address the consequences of LDP Policy Del 1 as imposed by Scottish Government Reporters following the LDP examination process.

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

Question 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.

Part 1 - Education interventions (for which contributions are sought within the supplementary guidance) which have a basis in the adopted LDP.

The Edinburgh Local Development Plan 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 Supplementary Guidance.

Accordingly, the matters expressly identified in the local development plan 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.

However, in regards to specifying which Education infrastructure requirements are identified within the plan, education infrastructure is identified in three ways:

- Table A - New school proposals (SCH) in Table 5 and,
- Table A - Actions identified by name (these were added on the reporter's recommendations following the examination and were taken from the proposed Action Programme at the time of adoption)
- Table C - Actions also required by the Education Appraisal.

The Supplementary Guidance contains education infrastructure actions beyond those set out in the plan. These actions were established by the Education Appraisal, which appraised the cumulative impact of both the allocated housing sites and the windfall allowance which forms the basis to the plan's housing strategy (Para 15 of the LDP). These actions are in the Adopted Action Programme (current version, January 2019).

The actions are set out in the tables below:

A) Education Infrastructure Actions – New school proposals in the LDP	
Additional secondary school capacity - 261 pupils (to mitigate the impact of development within the catchment area of Castlebrae Community HS)	<ul style="list-style-type: none"> • LDP Proposal SCH 2 High School, Craigmillar • Craigmillar Contribution Zone
New 14 class Primary School and 80 nursery (Granton Waterfront)	<ul style="list-style-type: none"> • LDP Proposal SCH 4 North of Waterfront Avenue, Granton • Craigroyston/Broughton Contribution Zone
New 14 class Primary School and 80 nursery (New Victoria Primary School Phase 1)	<ul style="list-style-type: none"> • LDP Proposal SCH 5 Western Harbour, Leith • Leith Queensferry Contribution Zone
New 21 class primary school and 120 nursery (Maybury)	<ul style="list-style-type: none"> • LDP Proposal SCH 6 Maybury • West Queensferry Contribution Zone
New 7 class Primary School and 60 nursery (Gilmerton Station Road)	<ul style="list-style-type: none"> • LDP Proposal SCH 7: Gilmerton • Liberton Contribution Zone
New 14 class Primary School and 80 nursery (Broomhills)	<ul style="list-style-type: none"> • LDP Proposal SCH 8 Broomhills • Liberton / Gilmerton Queensferry Contribution Zone
New 11 class Primary School and 80 nursery (Brunstane)	<ul style="list-style-type: none"> • LDP Proposal SCH 9 Brunstane • Castlebrae Contribution Zone
New 14 class Primary School and 80 nursery (South Queensferry)	<ul style="list-style-type: none"> • LDP Proposal SCH 10 Queensferry – South • Queensferry Contribution Zone

B) Education Infrastructure Actions - named in the LDP	
Additional secondary school capacity - 251 pupils (to mitigate the impact of development within the catchment areas of Leith Academy and Trinity Academy)	<ul style="list-style-type: none"> • LDP Page 50 “deliver school provision as specified in the Action Programme” • Leith Contribution Zone
2 Primary School classes (to mitigate the impact of development within the catchment areas of Broughton PS, Abbeyhill PS and Leith Walk PS)	<ul style="list-style-type: none"> • LDP Page 50 “deliver school provision as specified in the Action Programme” • Drummond Contribution Zone
Additional secondary school capacity (St Augustine’s RC HS)	<ul style="list-style-type: none"> • Named on LDP Page 57 and LDP page 81 • West Contribution Zone
4 RC Primary School classes (Fox Covert St Andrews RC PS or St Joseph’s RC PS)	<ul style="list-style-type: none"> • Named on LDP Page 57 • West Queensferry Contribution Zone
3 Primary School classes (Gylemuir PS)	<ul style="list-style-type: none"> • Named on LDP Page 57 • West Contribution Zone
Additional secondary school capacity – 420 pupils (to mitigate the impact of development within the catchment	<ul style="list-style-type: none"> • Named on Page 57 “High School Extension (ND) - Further detailed assessment is necessary to determine where the

areas of non-denominational secondary schools within West Edinburgh)	<p>additional capacity would be best provided; either at The Royal High School, Craigmount High School or Forrester High School or a combination across some, or all, of these schools”</p> <ul style="list-style-type: none"> • West Contribution Zone
Additional secondary school capacity - 522 pupils (to mitigate the impact of development within the catchment areas of Liberton HS and Gracemount HS)	<ul style="list-style-type: none"> • Named on LDP Page 66 “Extension to South East Edinburgh High Schools- subject to further detailed assessment as to whether the additional capacity would be best provided; either at Liberton High School or Gracemount High School.” • Liberton Contribution Zone
2 Primary School classes (Craigour Park PS)	<ul style="list-style-type: none"> • Named on LDP Page 66 • Liberton Contribution Zone
2 RC Primary School classes (St Margaret's RC PS)	<ul style="list-style-type: none"> • Named on LDP page 81 • Queensferry Contribution Zone
Additional secondary school capacity - 275 pupils (to mitigate the impact of development within the catchment area of Queensferry Community HS)	<ul style="list-style-type: none"> • Named on LDP page 81 • Queensferry Contribution Zone

C) Education Infrastructure Actions – other actions Established by the Education Infrastructure Appraisal	
1 Primary School class (Kirkliston PS)	<ul style="list-style-type: none"> • In Action Programme • Queensferry Contribution Zone
4 RC Primary School classes (St John Vianney RC PS or St Catherine's RC PS)	<ul style="list-style-type: none"> • In Action Programme • Liberton Contribution Zone
3 Primary School classes (Currie PS)	<ul style="list-style-type: none"> • In Action Programme • South West Contribution Zone
2 Primary School classes (Dean Park PS)	<ul style="list-style-type: none"> • In Action Programme • South West Contribution Zone
Additional secondary school capacity - 66 pupils (to mitigate the impact of development within the catchment areas of Boroughmuir HS and James Gillespie's HS)	<ul style="list-style-type: none"> • In Action Programme • Boroughmuir/ James Gillespie's Contribution Zone
4 Primary School classes (to be delivered by the new South Edinburgh PS)	<ul style="list-style-type: none"> • In Action Programme • Boroughmuir/ James Gillespie's Contribution Zone
Additional secondary school capacity - 7 pupils (to mitigate the impact of development within the catchment area of Firhill HS)	<ul style="list-style-type: none"> • In Action Programme • Firhill Contribution Zone
3 Primary School classes (Castleview PS)	<ul style="list-style-type: none"> • In Action Programme • Castlebrae Contribution Zone

Extension to Castlevie PS dining hall	<ul style="list-style-type: none"> • In Action Programme • Castlebrae Contribution Zone
2 RC Primary School classes (St David's RC PS)	<ul style="list-style-type: none"> • In Action Programme • Craigroyston/Broughton Contribution Zone
Additional secondary school capacity – 273 pupils (to mitigate the impact of development within the catchment areas of Craigroyston Community HS and Broughton HS)	<ul style="list-style-type: none"> • In Action Programme • Craigroyston/Broughton Contribution Zone
2 Primary School class (Balgreen PS)	<ul style="list-style-type: none"> • In Action Programme • Tynecastle Contribution Zone
2 Primary School classes (to mitigate the impact of development within the catchment area of The Royal High Primary School)	<ul style="list-style-type: none"> • In Action Programme • Portobello Contribution Zone
2 RC Primary School classes (Holycross RC PS)	<ul style="list-style-type: none"> • In Action Programme • Leith Trinity Contribution Zone

NOTE: the following Education Infrastructure Actions are also identified in the plan.

- West Edinburgh - Hillwood (ND) Primary School (now being delivered at Gylemuir) St Cuthbert's RC Primary School (now being delivered at Fox Covert St Andrews RC PS or St Joseph's RC PS)
- Liberton - Gilmerton (ND) primary school, Gracemount (ND) primary school and Liberton (ND) primary school (now being delivered by Craigour Park PS and two new primary schools)
- Castlebrae - Newcraighall Primary School (now being delivered by new Brunstane Primary School)

These actions are not in the current Action Programme or the SG and contributions are not collected towards these actions. These action have been superseded by subsequent Education Appraisals establishing alternative and more efficient approaches to delivering infrastructure within the contribution zones, or in the case of the Liberton Gilmerton Education Contribution Zone, by the statutory education consultation to determine the new school catchment for the Broomhills Primary School.

Part 1 - Cumulative education contribution zones and their basis in the adopted LDP

With regards to the use of Contribution Zones, Policy Del 1 part 1b establishes the use of Contribution Zones stating that contributions will be collected towards “Education provision including the new school proposals from Table 5 and the potential school extensions as indicated in Part 1 Section 5 of the Plan. Contribution zones will apply to address cumulative impact”.

Policy Del 1 part 2e refers to the “Mapping of the cumulative contribution zones relative to specific transport, education, public realm and green space actions”.

Para 103 of the plan refers to the establishment of cumulative contribution zones and Para 104 states that “In these zones contributions will be sought to address the impact of a number of sites within areas defined relative to schools, transport infrastructure, public realm and green space requirements. These will be based on the transport and education appraisals and the Open Space Strategy carried out by the Council during the plan preparation process. The relative zones will be mapped and defined through Supplementary Guidance. The geographical extent of a contribution zones relates to the type and nature of the action in relation to transport, education, public realm and green space”.

Para 143 states that “Further detail of anticipated requirements and the approach to delivery including the use of cumulative contributions zones, a framework for consideration of financial viability issues and possible approaches to forward and gap funding will be set out through the Supplementary Guidance as referenced in Policy Del 1”.

In addition, Contribution Zones are also referred to in respect of sites and areas, including on, as an example, Page 56: West Edinburgh which states “Contributions to the required education provision, as detailed below and as specified through Supplementary Guidance, will be applied where appropriate through a cumulative contribution zone drawing on the conclusions of the Council’s Education Appraisal”.

Question 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.

The adopted local development plan provides a policy basis for seeking developer contributions towards the cost of new health care infrastructure required in order to bring new housing development forward.

Policy Del 1 Developer Contributions and Infrastructure Delivery

Part 2 of the policy states that “Development should only progress subject to sufficient infrastructure already being available or where it can be demonstrated that it can be delivered at the appropriate time.” The policy goes on to state that to provide further detail on the approach to implementation supplementary guidance will be prepared.

Para 141 states that appendix C details the provisions for which contributions will be sought.

Policy Del 1, Part 2, criteria a) and b) require the supplementary guidance to identify the required infrastructure. Appendix C sets out that required infrastructure. This includes primary healthcare infrastructure capacity.

Para 145 of the LDP states, “The Council recognises that the scale of proposed development may also impact on other infrastructure including **health** and community facilities. Policy Hou 10 is relevant in this respect. However, there is a current lack of information on the scale of such requirements and how they should be addressed. Whilst it may be appropriate to seek contributions for such provision any requirement would need to be considered on a case by case basis where clear justification can be provided in the context of Circular 3/2012. The feasibility of including such additional contributions and the impact on development viability would also have to be assessed.”

At the time the plan was adopted the full implications of the impact on health care services had not been assessed, however, Hou 10 provides the scope to seek appropriate contributions should a subsequent assessment identify a need for additional health care facilities.

The subsequent assessment carried out, as referred to below, does identify the need for additional health care infrastructure to address the impacts of new development as set out in the LDP action programme and the Supplementary Guidance.

Policy Hou 10 Community Facilities states; “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. Development involving the loss of valuable health and community facilities will not be allowed, unless appropriate alternative provision is to be made.”

The supporting text in para 238 states that the intention of the policy is to ensure new housing development goes hand in hand with the provision of a range of community facilities. It states that facilities such as local doctor and dental surgeries, local shops, community halls and meeting rooms are necessary to foster community life.

Question 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.

The supplementary guidance on page six sets out all the circumstances where contributions towards transport interventions are sought in order to mitigate the impacts of growth set out in the adopted LDP on the transport network. This includes:

- Intervention(s) that were identified in a transport appraisal and that are required to mitigate the transport impacts of more than one site. In these cases, a contribution zone was established in the SG.
- Intervention(s) that were identified in one of various transport appraisals and that are required to mitigate the transport impacts of a single development site.
- Intervention(s) that were not yet identified at the time of the LDP adoption, required to mitigate the transport impacts of windfall development as referred in the LDP in Paragraph 15 and Figure 7a.

At the time of the LDP adoption, the SESplan cross boundary transport appraisal had not concluded, therefore the details of some actions are not referenced in the LDP itself. The details of the interventions are published annually in the Action Programme - section 2B for contribution zones and section 2C for site specific actions.

The following table sets out the types of transport interventions and where they are referenced in the adopted LDP.

Transport Contribution Zone (see Action Programme for	Basis in adopted LDP

detailed description of intervention(s))	
Tram	<ul style="list-style-type: none"> • Proposal in the Plan. • LDP paragraph 14, p8; paragraph 87, p36; Table 9 Proposal T1: Edinburgh Tram; Table 11 Edinburgh Waterfront Development Principles p51-53; paragraph 119; p60 International Business Gateway Development Principles p60; LDP Policy Del 1 Developer Contributions and Infrastructure Delivery p89; paragraph 142; LDP Policy Del 3 Edinburgh Waterfront.
Burdiehouse Junction (Kaimes Junction)	<ul style="list-style-type: none"> • LDP Table 9 Proposal T20 • South East Edinburgh General Development Principles paragraph 128, p65;
Calder and Hermiston	<ul style="list-style-type: none"> • Not in LDP, see SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017) section 7-11
Gilmerton Crossroads	<ul style="list-style-type: none"> • LDP Table 9 Proposal T19: Gilmerton Crossroads; • South East Edinburgh (South) Development Principles paragraph 128, p65.
Straiton Junction	<ul style="list-style-type: none"> • South East Edinburgh (South) Development Principles paragraph 128, p65.
Gilmerton Station Road / Drum Street	<ul style="list-style-type: none"> • Not in LDP. In the LDP transport appraisal 2013 Vol 2 page 56
Hermiston Park & Ride	<ul style="list-style-type: none"> • South West Edinburgh Development Principles paragraph 136, p 80; • LDP Policy Tra 6 Park and Ride paragraph 280
Gillespie Crossroads	<ul style="list-style-type: none"> • South West Edinburgh Development Principles paragraph 136, p80
Lasswade Road/Gilmerton Dykes Street/Captains Road	<ul style="list-style-type: none"> • Lang Loan Site Brief – Development Principles p69
Lasswade Road/Lang Loan	<ul style="list-style-type: none"> • Not in LDP. In the LDP transport appraisal 2016 addendum p63
Maybury / Barnton	<ul style="list-style-type: none"> • LDP Table 9: Proposal T16 Maybury Junction, T17 Craigs Road Junction and T18 Barnton Junction; • West Edinburgh - General Development Principles paragraph 124, p57; • Maybury and Cammo Site Brief – Development Principles p59-60
Queensferry	<ul style="list-style-type: none"> • South Queensferry General Development Principles, p81; • Queensferry South Site Brief p83
South East Edinburgh (north) (Old Craighall)	<ul style="list-style-type: none"> • South East Edinburgh (North) General Development Principles p66.
Sheriffhall Junction	<ul style="list-style-type: none"> • LDP Table 9 Proposal T13 Sheriffhall Junction; • South East Edinburgh General Development Principles paragraph 128, p65.
West Edinburgh	<ul style="list-style-type: none"> • LDP Table 9 Proposals: T8 Eastfield Road and dumbbells junction, T9 Gogar Link Road, T10 A8 additional junction, T11 Improvements to Newbridge Roundabout, T12 Improvements to Gogar Roundabout; • West Edinburgh paragraph 120, p54;

	<ul style="list-style-type: none"> • West Edinburgh – General Development Principles paragraphs 121-123, p56 and paragraph 124, p57
Roseburn to Union Canal	<ul style="list-style-type: none"> • LDP Table 9 Proposal T7 Various off-road cycle/footpath links
Interventions which relate only to a single development site	Basis in the adopted LDP
SG p6, second column. Listed in Action Programme Section 2C.	<ul style="list-style-type: none"> • LDP Table 3: Existing housing proposals (interventions originate depending on status of the sites as the time of LDP adoption, some have detailed interventions listed in the Action Programme, otherwise to be established through transport appraisals and planning permissions). • LDP Table 4: New Housing Proposals (details of interventions in Action Programme) • LDP Policy Del 4 Edinburgh Park / South Gyle • LDP Table 2 / Policy Emp 6 International Business Gateway
Interventions to mitigate impacts of windfall (where development proposals would generate a significant amount of traffic) SG p8 as per criteria B – C.	<ul style="list-style-type: none"> • Windfall as referred by LDP Figure 7a (housing) or supported by policies on commercial development (non-housing). • Policy Tra 1 and LDP para 270-272. • Policy Tra 8

Issue 3 – Further information required

The Council is asked to provide further information on the following aspects of the supplementary guidance:

Question 5a

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.

The Council's Education Appraisal (August 2018) sets out detailed explanation of how new education infrastructure actions that are required to mitigate the impact of new housing development as set out in the Edinburgh Local Development Plan (2016) have been identified.

The Education Appraisal informs the actions, costs and contributions set out in the Local Development Plan Action Programme and the Council's Supplementary Guidance. A step by step guide to the Council's Education Appraisal and a worked example of how the requirement for new primary schools in south east Edinburgh is set out below.

Step 1 - School Roll Projections

The Council's methodology for producing school roll projections is based on the latest roll information together with projected catchment demand for the medium to long term. School roll projections are informed by:

- Catchment numbers in previous years at Primary 1
- The annual number of births in the catchment
- Historic patterns of attendance
- National Records for Scotland population projections, and,
- The impact of 'new housing sites' that are expected to come forward in the short to medium term.

New housing sites are sites allocated in the LDP and other land within the urban area as set out in the annual Housing Land Audit, along with an assessment of potential housing sites initially established by the Council's Housing Land Study (June 2014). The inclusion of these sites allows the 'windfall allowance' as set out in Local Development plan to be built into the projections, ensuring that the full impact of the plan is mitigated.

School roll projections indicate whether or not there will be sufficient capacity in existing schools to accommodate pupils, or whether new education infrastructure will be required.

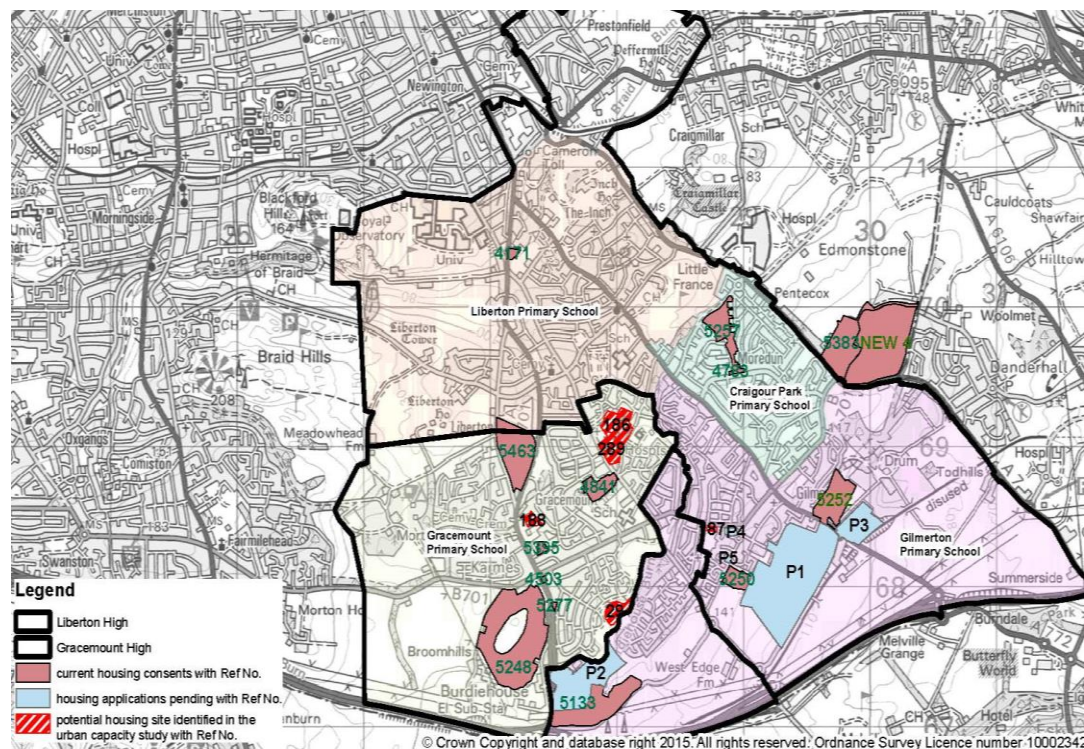
Step 2 – Cumulative Assessment Areas

The Council uses a cumulative approach to assessing the impact of new housing development within different parts of the city. Cumulative assessment is supported by Scottish Planning Policy, Circular 3/2012 Planning Obligations and the approved Strategic Development Plan. Cumulative assessment allow consideration of the true scale of growth in Edinburgh.

The Council’s cumulative approach is based on Cumulative Assessment Areas. These are based on the catchment area of one or more secondary school and its feeder primary schools.

In parts of the city where there are significant areas of new housing development which spread across more than one secondary school catchment area, larger Assessment Areas have been established. This ensures that, where required, larger more efficient infrastructure actions can be identified e.g. new primary schools of 14 or 21 class organisations (two or three stream schools) rather than single stream primary schools.

Step 2 - Form cumulative assessment areas covering wider areas where appropriate



An example is provided below.

**Example Step 2 - Identify Potential New Housing Sites and
Estimated Pupil Generation – Liberton Gracemount
Contribution Zone**

Site	Primary School Catchment	Units	Flats	Houses	NDPS	RCPS
HSG 21 Broomhills	Gracemount	633	73	560	150	23
HSG 28 Ellen's Glen Road	Gracemount	240	96	144	43	7
HSG 39 North of Lang Loan	Gracemount	220	44	176	48	7
Urban Area - Liberton Hospital	Gracemount	173	69	104	31	5
Urban Area - Rae's Crescent	Gracemount	24	10	14	4	1
HSG 22 Burdiehouse Phase 2	Gilmerton	211	63	148	42	7
HSG 23 Gilmerton Dykes Road	Gilmerton	61	12	49	13	2
HSG 24 Gilmerton Station Road	Gilmerton	625	125	500	138	21
HSG 25 The Drum	Gilmerton	150	30	120	33	5
Urban Area - Land East of Lasswade Road	Gilmerton	310	62	248	68	11
Urban Area - East of Burdiehouse	Gilmerton	110	22	88	24	4
Urban Area - Gilmerton Dykes Street	Gilmerton	22	22	0	1	0
Urban Area - Gilmerton Dykes Road	Gilmerton	30	30	0	2	0
		2809	658	2151	599	93

Include New Housing Sites with assumed delivery dates within school roll projections to identify where there is insufficient spare capacity

School	Capacity	Classes	2018	2019	2020	2021	2022	2023	2024	2025
Gilmerton Primary School	546	19	458	490	535	577	632	678	720	738
Gracemount Primary School	560	20	502	530	517	528	539	552	562	593

Step 3 – Identifying Actions

Within each Cumulative Assessment Area, the roll projection for each school is considered and actions are identified where there is insufficient capacity to accommodate the expected number of additional pupils from new housing development.

The purpose of the Assessment is to identify a way to accommodate the number of additional pupils expected to be generated by new housing, rather than pupil growth in general. Therefore any action identified will only be at a scale to accommodate the pupils expected to be generated by new housing.

To determine what additional education infrastructure is required to mitigate the impact of additional pupils, account is taken of

- Current school capacity,
- The current and projected school roll,
- The estimated P1 / S1 intake limits and future catchment demand,
- The number of extra classes that would be require, and
- Whether it is feasible / appropriate that these are delivered at the school.

Additional education infrastructure to mitigate the impact of pupils from new 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 flexible and able to adapt if there is a higher number of pupils generated by new housing development than anticipated;
- Ensure that the catchment populations for each of the schools affected are appropriate to their proposed capacity;
- Be accessible and well located to serve the catchment population.

Where additional capacity is identified as being required, the first step is to reconfigure existing accommodation. If this cannot be achieved extending existing schools is considered. However, given the scale and location of proposed housing developments as set out in the Local Development Plan, in some areas the only realistic option is the provision of a new school. The Council’s Education Appraisal sets out the identified actions and the explanation as to why they are required. The costs of each education action are set out in the current Action Programme.

Example: Identify particular capacity issues within the cumulative assessment area

The actions required have to provide enough capacity to accommodate 599 additional non-denominational primary school pupils

Gilmerton Primary School	322
Gracemount Primary School	277
Total number of additional pupils in area	599

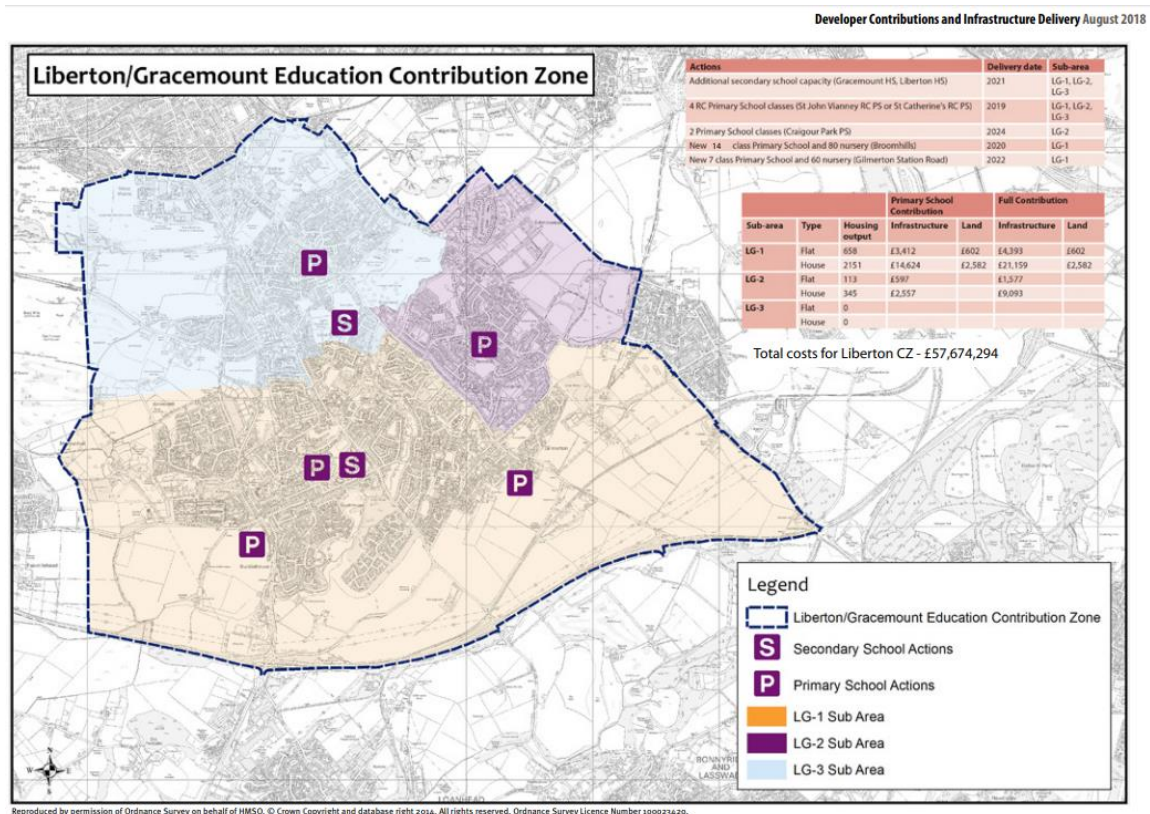
Identify actions linked to the number of pupils expected to be generated to ensure there is sufficient school capacity (see Education Appraisal for explanation of why particular actions are identified).

Action		Estimated Cost (base cost)
New 14 class Primary School and 80 nursery (Broomhills)	Capacity for 420 pupils	£13,538,437
New 7 class Primary School and 60 nursery (Gilmerton Station Road)	Capacity for 210 pupils	£8,893,839
2 x Remediation and other abnormals		£10,243,186
	Total additional capacity 630 pupils.	Total £32,675,462.06

Step 4 - Cumulative Assessment Sub-Areas

Once appropriate actions have been identified within each Cumulative Assessment Area, the Council makes an assessment of which school and its catchment area will or will not benefit from a particular action, and which developments should reasonably contribute towards the action. This is to ensure contributions meet the both the tests of the circular, and the Elsieck decision requiring more than a trivial link.

Example – Liberton / Gracemount Contribution Zone sub areas



Step 5 - Developer Contributions – costs per unit

The Cumulative Assessment Areas and their Sub-Areas are used as the basis for the education contribution zones set out within the Supplementary Guidance.

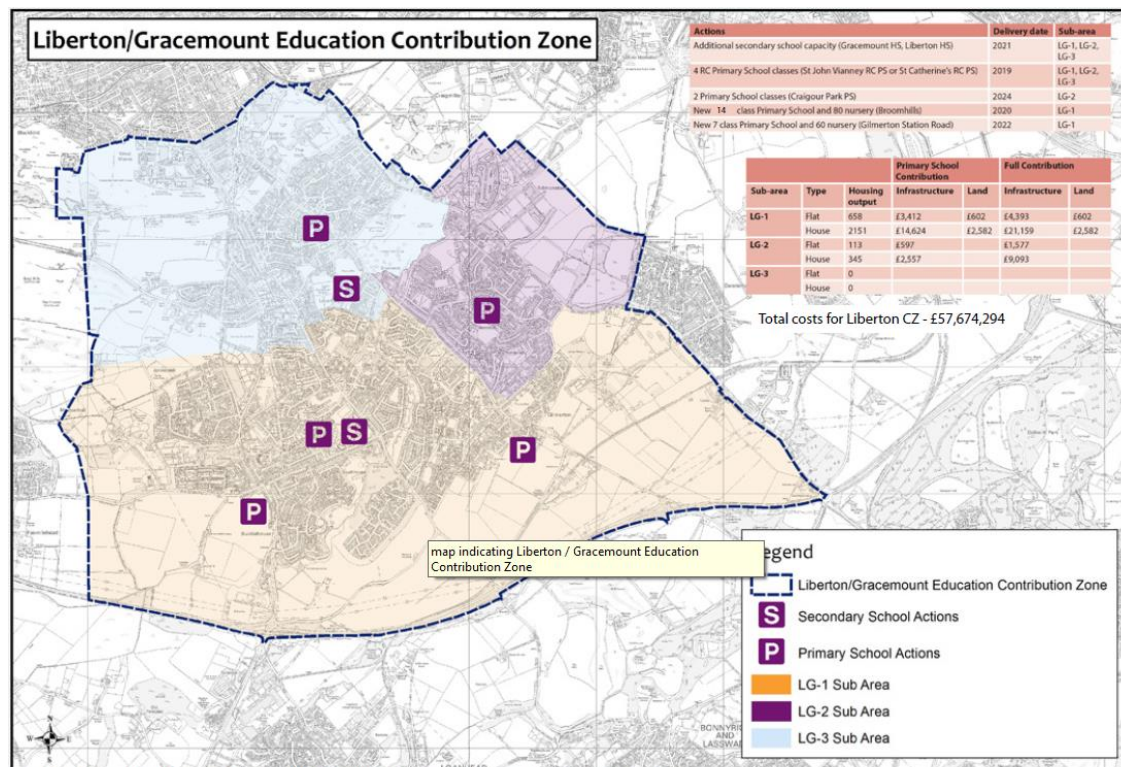
Step 5 - Share the estimated cost of delivering the action across the housing sites that will benefit Liberton Gracemount Sub Zone 1

	Total	ND Primary Contribution	RC Primary Contribution	Secondary Contribution	Total per unit
Flats	658	£3,308	£104	£980	£4,393
Houses	2151	£14,178	£446	£6,536	£21,159
Total	2809				

2 x 2ha land - Primary School Site £5,950,000

	Total	Land Costs	Total per unit
Flats	658	£602	£602
Houses	2151	£2,582	£2,582
Total	2809		

(See page 27 of SG for this map)



Ensuring contributions are in scale and kind to the impacts of the proposed development

The purpose of the Education Appraisal is to identify how to accommodate the number of additional pupils expected to be generated by new housing, rather than pupil growth in general. Therefore any action identified is only at a scale to accommodate the pupils expected to be generated by the new housing identified in the Education Appraisal.

Requirements for additional school capacity that is over and above what is required to accommodate the additional number of pupils expected to be generated by new development is dealt with separately by the Council. For example, new classrooms required as a result of rising school rolls or changing demographics within existing housing.

There is one identified action in the Action Programme which will deliver additional capacity that is over and above what is required to accommodate the number of additional pupils estimated to be generated by the new housing development identified within the Appraisal: New 14 class Primary School and 80 nursery (New Victoria Primary School Phase 1).

This is because, rather than individual classrooms it is not possible to separate it into a number of classrooms required as a result of LDP development and a number of classrooms required as a result of rising rolls.

The Council's response to comments submitted during the SG consultation explains that only a proportionate share of the total cost of this action has therefore been attributed to the new housing development identified within the Education Appraisal. The SG notes that the housing output for Sub-Area LT-2 is only expected to cover part of the total cost of delivering the new primary school and nursery (70%).

The Council is asked to provide further information on the following aspects of the supplementary guidance:

Question 5b)

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.

Estimated costs for new school infrastructure are set out in Appendix 3 of the Education Appraisal. Further explanation is provided in section 5 of the Appraisal. The estimated costs include a 7.5% contingency to account for the risk that the estimated project cost will be insufficient to cover the actual cost of a project.

It is normal and prudent to include contingency in any make-up of costs to ensure that they can be delivered. Most construction projects use a rate of 5%-10% from the total budget to determine contingency.

A contingency allows for the Council to respond to unforeseen costs that might come up – such as unexpected construction costs or changes to the scope or brief of the project (for example from changes to, or new, school legislation). In addition, costs can be higher due to a higher than expected level of inflation or a delay in the timescale to deliver the action outwith the Council’s control.

A provision for contingency is particularly important as the estimated cost for required infrastructure is based on benchmarks and past projects and not on having undertaken the detailed site surveys necessary to accurately determine costs.

Para 20 of Circular 3/2013 states that ‘Developers may, for example, reasonably be expected to pay for, or otherwise contribute towards the provision of, infrastructure which would not have been necessary but for the development.’ In this context, the provision of infrastructure relies upon there being sufficient funds to pay for the construction costs of new school capacity. Since the actual cost of construction projects is not known until project completion, it is normal and prudent to include contingency.

The SG states that 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.

The Council is asked to provide further information on the following aspects of the supplementary guidance:

Question 5c)

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.

Page 36 of the LDP sets out the following background to the Transport infrastructure actions

“As part of the LDP preparation, a transport appraisal has been undertaken to understand the transport effects of the new strategic housing sites and to identify the transport interventions needed to mitigate these. This work builds on previous transport studies which have identified a number of key measures necessary to support existing proposals. For example, the West Edinburgh Transport Appraisal undertaken in 2010 identified the transport measures required to support development proposals at Edinburgh Airport, the Royal Highland Centre and International Business Gateway (policies Emp 3 – Emp 5). These include the tram, Edinburgh Gateway Station and new and widened roads and junction improvements. The North East Edinburgh Transport Appraisal identified the need for a new east-west street at Leith Waterfront to support environmental improvements and accommodate additional traffic. Proposals T16 - T20 are required in conjunction with new housing proposals in West and South East Edinburgh”.

The transport infrastructure actions to support the growth in the LDP have been established in the following ways:

- LDP Transport Appraisal 2013 (Vol 1 & 2) and LDP Transport Appraisal Addendum 2016
- West Edinburgh Transport Appraisal (WETA 2010, refreshed 2016)
- SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017)
- Amendments made to the plan by recommendations in the LDP Examination Report
- Identified in Transport Appraisal of planning application granted at appeal and subsequently allocated in LDP
- Inclusion of the tram network in the spatial strategy of the LDP

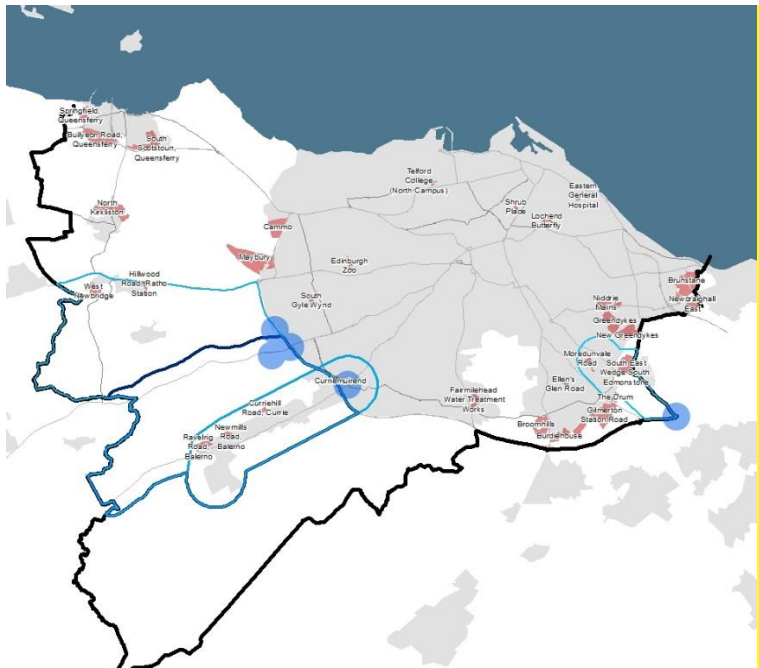
The table below sets out the basis upon for which contributions are sought from development for particular interventions and the extent of contribution zones.

Transport Contribution Zone	LDP Allocations (Windfall also accommodated)	Origin / evidence base	Extent of Contribution Zone
Tram	Windfall and mixed use policy areas (i.e. City Centre, Edinburgh Waterfront EW1, Edinburgh Park Del 4)	<ul style="list-style-type: none"> • CEC front funded project established as proposal in the Plan. 	Route of tram line 1 with scaled factors: zone 1 up to 250m distance from the line, zone 2 up to 500m from the line, zone 3 up to 750m from the line.
Burdiehouse Junction (Kaimes Junction)	HSG 21 HSG 22 East of Burdiehouse (Urban Area)	<ul style="list-style-type: none"> • LDP Transport Appraisal 2013 • LDP Transport Appraisal Addendum 2016 – p68 appraised this land which was included in the urban area as a post examination modification. • Proposal T20 in LDP 	Improvement to a single road junction, with a radial buffer of 1km.
Calder and Hermiston	HSG 36 HSG 37 HSG 38	<ul style="list-style-type: none"> • SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017). 	Area of converging radial commuting routes from West, within CEC area, to the A720 junctions (Calder Road A7 junction and M8 Hermiston junction) with buffer (see Corridor 7 A720 of SESplan Cross boundary appraisal).
Gilmerton Crossroads	HSG 23 HSG 24 HSG 25	<ul style="list-style-type: none"> • LDP Transport Appraisal 2013 • Proposal T19 in LDP 	Improvement to a single road junction, using a radial buffer of 1km.
Straiton Junction	HSG 21 HSG 22 Urban land	<ul style="list-style-type: none"> • SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017). • Page 65 of LDP 	Improvement to a single road junction, using a radial buffer of 1km.
Gilmerton Station Road / Drum Street	HSG 23 HSG 24 HSG 25	<ul style="list-style-type: none"> • LDP Transport Appraisal 2013 • Proposal T19 in LDP 	Improvement to a single road junction, using a radial buffer of 1km.
Hermiston Park & Ride	HSG 35 HSG 36 HSG 37 HSG 38	<ul style="list-style-type: none"> • LDP Transport Appraisal 2013 • Page 80 of LDP 	Area of converging radial commuting routes – see corridor 5 of Corridor 5 of LDP TA Addendum 2016. Identified as a committed

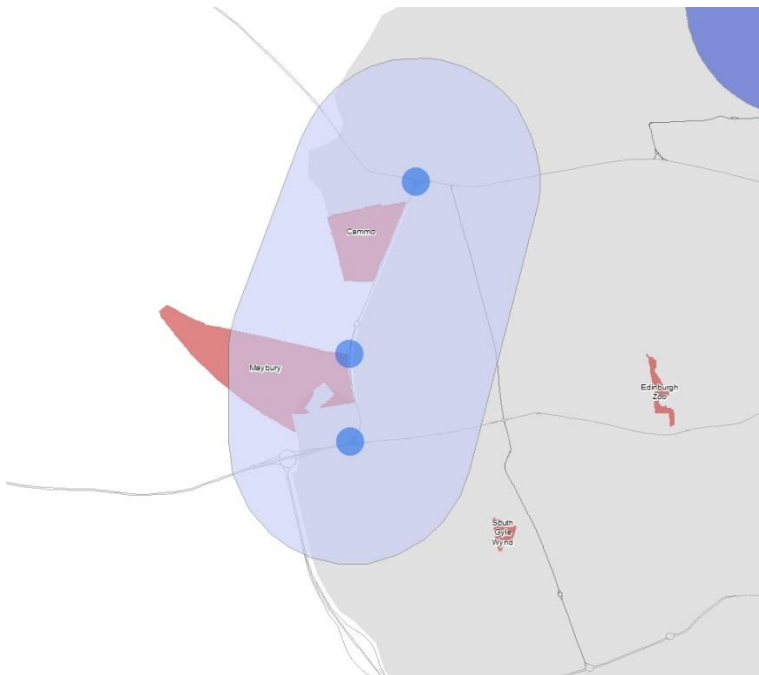
			intervention that the TA identifies/scopes as a proposed intervention for corridor 5, South West.
Gillespie Crossroads	HSG 31 HSG 35 HSG 36 HSG 37 HSG 38	<ul style="list-style-type: none"> • SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017). • Page 80 of LDP 	Road corridor with 1km buffer created along A70 urban area.
Lasswade Road/Gilmer ton Dykes Street/Captains Road	HSG 23 HSG 28 HSG 39	<ul style="list-style-type: none"> • LDP Examination Report p508 (identified in TA of planning application granted at appeal) • Page 69 of the LDP 	Improvement to a single road junction, using a radial buffer of 1km.
Lasswade Road/Lang Loan	HSG 23 HSG 24 HSG 39 Urban Area HSG 22 (part)	<ul style="list-style-type: none"> • LDP Transport Appraisal 2013 	Improvement to a single road junction, using a radial buffer of 1km.
Maybury / Barnton	HSG 19 HSG 20	<ul style="list-style-type: none"> • LDP Transport Appraisal 2013 • Proposal T16/T17/T18 	Improvement to three road junctions, using a 1km radial buffer.
Queensferry	HSG 1 HSG 2 HSG 32 HSG 33	<ul style="list-style-type: none"> • LDP Transport Appraisal Addendum 2016 • Page 80 of the LDP 	Full extent of Queensferry urban area including all allocated sites.
South East Edinburgh (north) (Old Craighall)	HSG 26 HSG 27 HSG 29	<ul style="list-style-type: none"> • SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017). • See also LDP page 66 inserted as a post examination modification. 	Extent of the Newcraighall and Brunstane Site Brief (LDP page 73)
Sheriffhall Junction	HSG 30 HSG 40 HSG 25 (part)	<ul style="list-style-type: none"> • SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017). • See also LDP p 66, LDP Table 9 T13. 	Improvement to a single road junction, using a 1km buffer along the road from the Sheriffhall junction for 4km, to vicinity of BioQuarter.
West Edinburgh	Policy Emp 6	<ul style="list-style-type: none"> • West Edinburgh Transport Appraisal (WETA) 2010 and refresh 2016 • See also LDP p36 	Extent of the WETA appraisal area, numerous actions.
Roseburn to Union Canal	Windfall sites and CC3 Fountainbridge	<ul style="list-style-type: none"> • LDP Table 9 • Proposal T7 • Action Programme Jan 2018 	1km radial buffer, which also equates to a 10 minute walking distance.

The radial contribution zones extents are informed by key traffic commuter corridors indicated in figure 2 of the LDP TA volume 1 page 15. The contribution zones are generally drawn tighter. An illustration of the different types of transport contributions zones are grouped below:

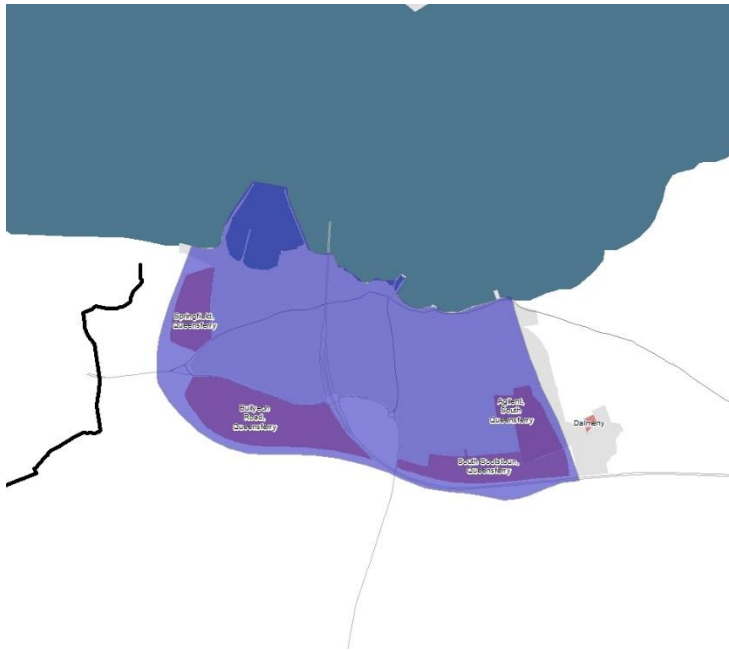
Radial commuting route: Hermiston Park and Ride, Calder and Hermiston, Gillespie Crossroads, Sheriffhall Junction



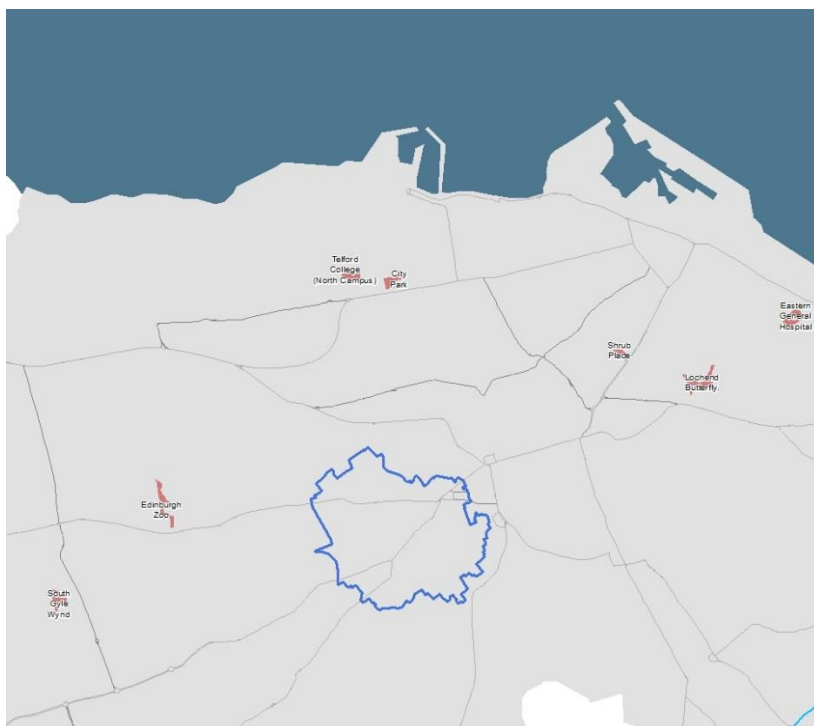
Orbital road corridor – multiple junctions: Maybury/Barnton



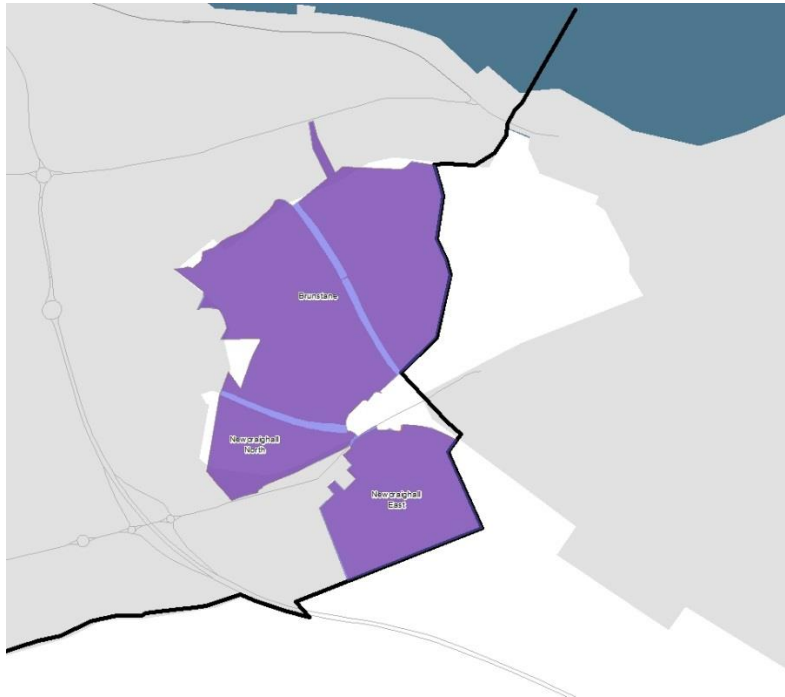
Intervention to public transport serving a whole expanded settlement: Queensferry



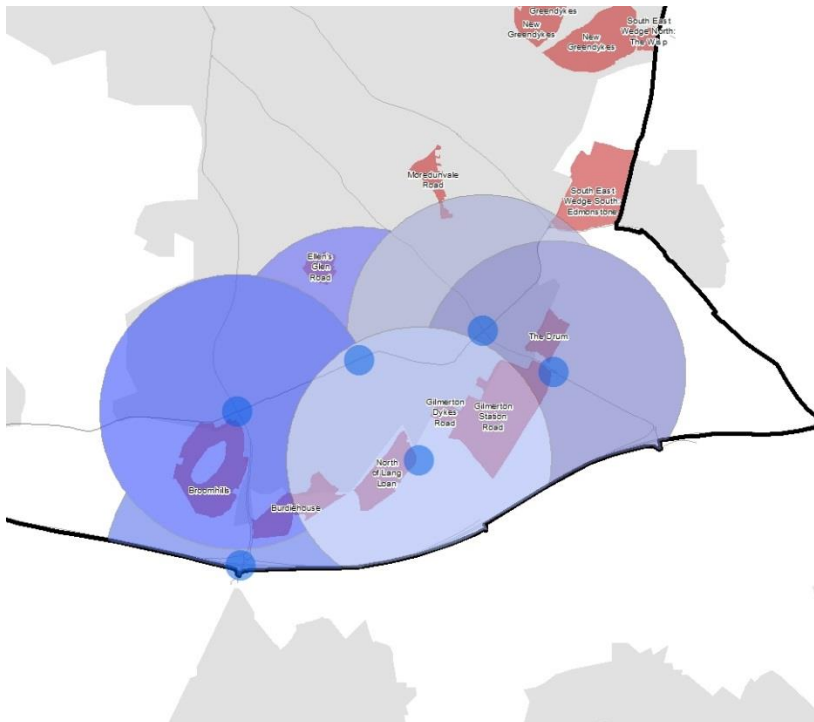
Walking catchment - distance to active travel upgrade: Roseburn to Union Canal



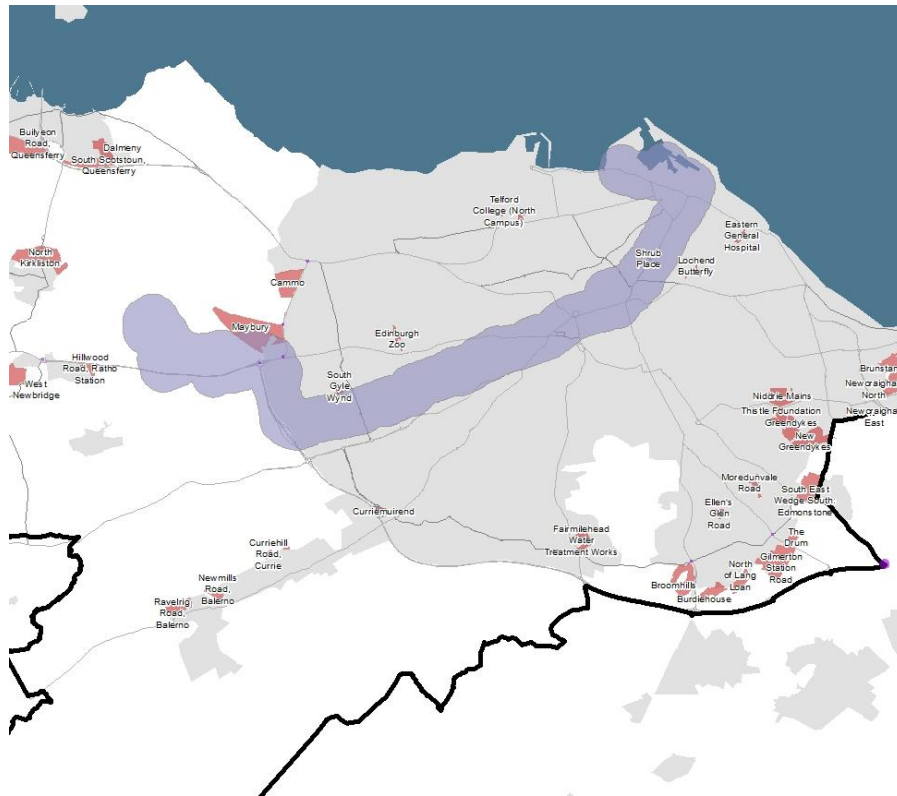
Identified sites from the transport appraisal: South East Edinburgh (North)



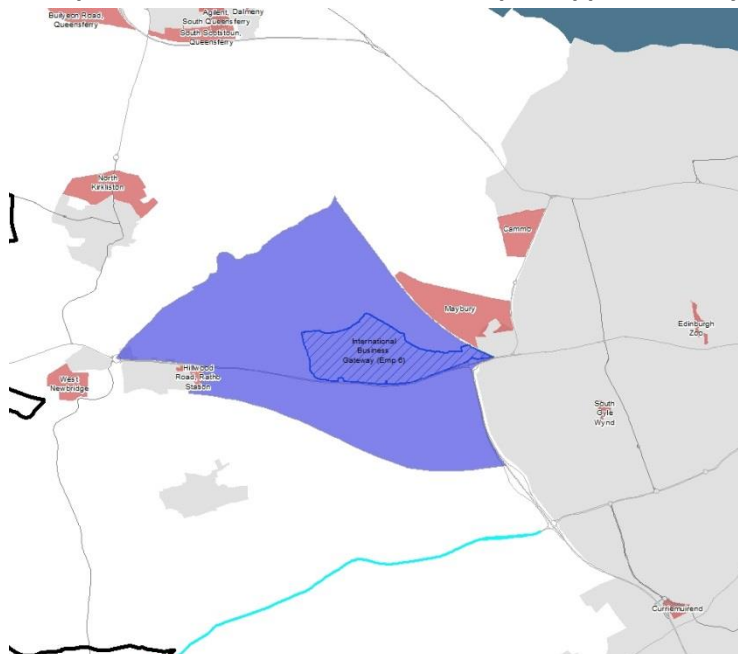
Radial buffer distance from a single action (junction upgrade): Burdiehouse Junction, Lasswade Road/Gilmerton Dykes St/Captain's Road, Gilmerton Crossroads, Straiton Junction, Lasswade Rd/Lang Loan, Gilmerton Station Road/Drum Street



Buffer distance along linear route: Tram



Multiple actions in defined area of transport appraisal study: West Edinburgh



The Council is asked to provide further information on the following aspects of the supplementary guidance:

Question 5d)

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.

The table below sets out the different approaches to setting the level of development contribution and the different extents to which impact has been assessed. This reflects the diverse origins of proposals in the adopted LDP, and the number of appraisals and other origins for interventions as described in section 5c.

Contribution Zone	Basis for setting level / extent to which an assessment of impact
Tram	<ul style="list-style-type: none"> • Sum of £23m borrowed to be repaid through developer contributions – primarily windfall / mixed policy designations such as CC, EW1/EW2, IBG) • No assessment of individual impacts from sites carried out for SG. • Level of contributions calculated using scale factor pages 34-35 of SG.
South East Edinburgh (North) (Old Craighall Junction)	<ul style="list-style-type: none"> • Assessment of the impact initially identified in the SESplan / Transport Scotland Cross-boundary appraisal completed (April 2017). • Cost and level of contributions derived from the East Lothian Council developer contributions framework SG.
Hermiston Park and Ride	<ul style="list-style-type: none"> • LDP TA appraisal addendum (see for example page 61) assessed impact of development and identified a committed intervention and relevant mitigation. • Total cost of committed intervention estimated as £4.5m • Proportion of this cost was based on the assumption that one in ten houses in new development would require a space in the Park and Ride extension, as follows: <ol style="list-style-type: none"> 1. Cost of providing each new P&R space estimated at £10k 2. 2011 census Currie & Balerno travel to work mode share = 19.2% rounded to 20% 3. Assumed 50% of those bus trips originate from P&R = 10% 4. Therefore every 10 residential units in contribution zone should provide 1 space in P&R 5. Cost per residential unit = £10k / 10 = £1,000 • Total capacity of housing estimated as 470 units, resulting in total contribution of £470,000 towards the intervention. Remainder of the cost attributable to the Council.
West Edinburgh	<ul style="list-style-type: none"> • Costs from WETA refresh (2016) and Action Programme • Assessment of impact as per WETA methodology

	<ul style="list-style-type: none"> • Level of contribution as per spreadsheet referenced on page 49 of SG.
Roseburn to Union Canal	<ul style="list-style-type: none"> • Cost estimated in Action Programme • No assessment of individual impacts from sites carried out for SG. • Cost apportionment using known housing, student housing and commercial development (source HLA, development monitoring schedules, 2014 Housing Land Study)
Costed Contribution Zones	<ul style="list-style-type: none"> • Costs from the Action Programme estimates. • Assessment of impact as per LDP TA based on number of housing units. • Apportionment is percentage share using estimated capacity of each relevant site.
Contribution Zones – costs not identified in SG	<ul style="list-style-type: none"> • Assessment of impact as per SESplan cross boundary appraisal: Sheriffhall, Straiton and Calder/Hermiston • Assessment of impact in LDP TA Addendum 2016: Lasswade Road/Lang Loan and Lasswade Road/Gilmerton Dykes Road/Captain's Road • No level of contribution set in SG

The ability to prepare and adopt updated SG in between LDP reviews provides scope for the level of contributions within a zone to be updated to take account of windfall sites and updates to the Action Programme.

The Council is asked to provide further information on the following aspects of the supplementary guidance:

Question 5e)

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.

Background

Health boards have an obligation from the Scottish Government to ensure anyone has the ability to register with a local GP. Therefore, the additional population generated by the LDP development strategy which supports the growth of Edinburgh, will have a direct impact on the future provision of primary care in Edinburgh, which NHS Lothian is required to address locally by the National Health Service (Scotland) Act 1978 - Section 2c Functions of Health Boards: Primary Medical Services.

In a letter to Local Authority and Health Board Chief Executives dated 8 March 2019, Jeane Freeman MSP (Cabinet Secretary for Health and Sport) and Kevin Stewart MSP (Minister for Local Government, Housing and Planning) stated the importance of planning for future development and the provision of new primary health care facilities together.

In particular, it states “reflecting the primary health care needs of an area in the development plan therefore means that new development can be supported in locations or at times when the impact of the development on primary health care facilities can be managed”.

As required by the 2006 Planning Act, key agencies have a role in the preparation of the development plan and development plan regulation 28 defines health boards as a key agency. NHS Lothian has performed this role for the Council and this has resulted in the Local Development Plan Primary Care Appraisal. Therefore, there is currently a statutory basis for the work the Council has done.

GP services in Edinburgh

General Medical Services (GMS) provided by GP practices is delivered through the Independent Contractor Model by 63 practices in Edinburgh; a further eight practices are directly managed by Edinburgh Health and Social Care Partnership (EHSCP)/NHS Lothian. Each GP Partnership provides GMS for a practice population based on their business model, capacity and supporting infrastructure. Practices come in a variety of sizes and have practice populations ranging from 3,500 – 18,000.

Practice premises may be independently owned, leased by the practice or leased by the health board and provided in a variety of premises from converted residential properties to purpose built. Regardless of how the premises are provided, there is very little remaining spare infrastructure available across the city. This is because list sizes have grown by 55,000 in the last 10 years most of which has had to be absorbed into existing infrastructure. Combined Edinburgh practice population was 558,788 in January 2019, considerably higher than projected population of the city.

(The above figures are taken from National Records of Scotland Projected Total Population by Scottish area (2016 based) 2016-2041. The 2018 Edinburgh population is projected to be 518,100 whereas GP registered population as at 1/1/19 is 558,788)

If a practice is willing to grow its list and take on new patients, it will require additional clinical staff to serve that growth and sufficient infrastructure (clinical space) in which to consult; this could range from one additional consulting room to situations where the growth is so great that an entire new practice is required. There is considerable risk to practice stability where there is ongoing and increasing growth which can overwhelm the ability of the practice to deliver services and lead to list restrictions which in turn impacts on other practices.

Developer Contributions and Infrastructure Delivery Supplementary Guidance

The Public Bodies (Joint Working) Scotland Act 2014 requires health boards and local authorities to integrate health and social care services. In Edinburgh, the integration of the services from City of Edinburgh Council and NHS Lothian is now under the authority of the Edinburgh Integration Joint Board (IJB). The planning, resources and operational oversight for the range of NHS and local authority care services, including primary care, is the responsibility of the Edinburgh Health and Social Care Partnership (EHSCP), which is governed by the Edinburgh IJB.

Edinburgh Health and Social Care Partnership has prepared a **local Development Plan Primary Care Appraisal** (April 2017, updated December 2017 to include methodology) as part of the process of planning future health care services in light of changing demands as a result of new development.

The appraisal involves an assessment of all primary care capacity in city areas affected by new development, including consideration of existing spare capacity or lack of, the impact of new development on patient numbers and capacity, potential actions for providing additional capacity to accommodate new patients generated by development, the cost of those actions and the proportionate distribution of costs to new developments.

To do this, assumptions have been made as to the amount of new housing development which will come forward. This takes account of new housing sites allocated in the LDP and other land within the urban area drawing upon data from the relevant annual Housing Land Audit. From this the number of new patients ('additional population') expected from this housing development is then identified, as set out in Appendices I to V of the appraisal document.

The assessment has indicated that additional infrastructure will be required to accommodate the cumulative number of additional patients generated by new development.

- Where the requirement for this infrastructure arises solely from additional patients generated by new development (cumulative) being brought forward in the context of the LDP and is not related to pre-existing capacity constraints then it will be expected to be funded entirely by the new developments.
- In cases where the requirement arises due to a combination of new development and pre-existing capacity constraint(s) then the costs will be shared with the EHSCP. Where funding is shared between the EHSCP and Developers the detailed calculation for the split of funding can be found in the Local Development Plan Primary Care Appraisal. Developers will only be required to fund additional capacity to accommodate their new development.

Health care 'actions' have been identified and are set out in the Action Programme and Annex 4 of the Supplementary Guidance. Actions include new primary healthcare practices and extensions to existing practices.

To ensure that the total cost of delivering the new primary healthcare infrastructure is shared proportionally and fairly between developments, Healthcare Contribution Zones have been identified and 'per house' and 'per student bedspace' contribution rates established. These are set out in Annex 4 of the guidance.

The Healthcare Contribution Zones have not been defined on the basis of individual health care General Practice boundaries. This is because practice boundaries have no statutory status, are inconsistent, overlap with each other and their extent are subject to change at any time. As a result it was not considered appropriate or pragmatic to use practice boundaries to define contribution zones.

Instead boundaries have been chosen that include the developments that are expected to have an impact on existing practices that are unable to accommodate the additional patients generated by the new development without new infrastructure and therefore are required to make proportionate contributions to fund additional infrastructure required.

Contributions Methodology

The methodology for the developers' contributions reviewed existing infrastructure provision, any increased capacity which current practices could provide and the consequent unmet need based on the planned growth from the housing developments.

Growth estimates were calculated by multiplying the number of planned units in each zone by the average household size in Edinburgh of 2.1 per unit to give a projected total growth, with some adjustment for student population which has less of an impact on GMS provision than that of the standard population.

Where the population growth is overwhelming, and a new practice is required the entire infrastructure need is attributable to developers; an example of this is Granton Waterfront where planned developments will generate c10,000 additional population. The two local practices already serve practice populations of c16,000 and 9,500 respectively and are unable to expand further. A new practice requires a population of at least 5,000 for the business model to generate sufficient income to provide GMS – a practice of 10,000 would be considered a large practice. The need for a new practice in this example is wholly because of the LDP.

Contribution Zone 16 Granton Waterfront

- **Solution: New practice.** Requires new staff and building
- **No of patients:** 10,000
- **Cost of Action:** £4.5m
- **Contribution:** £945 per dwelling, £200 per student bedspace
- **Methodology** – £4.5m divided by 10,000 patients = £450 per patient = **£945** per household based on 2.1/household. Student contribution is circa one third of cost per patient = £150

By contrast, an example where only a portion of infrastructure need is attributed to development is where a practice could grow its list to accommodate the new population but the current premises has inadequate infrastructure to support the growth so the entire practice premises need replaced but with additional capacity . This can be seen in the action related to new premises for Brunton Medical Practice – the costs associated with the new housing only form a part of the projected replacement costs of the practice with increased capacity, and so the developers' contribution is only based on the proportion of the cost associated with new development.

Contribution Zone 14 Parkgrove

- **Solution:** *Expansion of existing practice (Intermediate option)*
- **No of patients:** 2000
- **Cost of Action:** £0.1m
- **Contribution:** £105 per dwelling, £17 per student bedspace
- **Methodology** –£0.1m divided by 2,000 patients = £50 per patient = **£105** per household based on 2.1/household. Student contribution is circa one third of cost per patient = £17

In other examples, the need may be met by existing infrastructure if it is augmented on a more modest scale – such as by converting a room to provide additional clinical space or by extending premises to add several clinical rooms.

Contribution Zone 14 Parkgrove

- **Solution:** *Expansion of existing practice (Intermediate option)*
- **No of patients:** 2000
- **Cost of Action:** £0.1m

- **Contribution:** £105 per dwelling, £17 per student bedspace
- **Methodology** –£0.1m divided by 2,000 patients = £50 per patient= **£105** per household based on 2.1/household. Student contribution is circa one third of cost per patient = £17