

Issue 15	Funding Transport Infrastructure																			
Development Plan reference:	Page 63, Paragraphs 6.16 to 6.19	Reporter: [Note: For DPEA use only.]																		
Body or person(s) submitting a representation raising the issue (including reference number):																				
<table border="0"> <tr> <td>Edinburgh BioQuarter Partners (037370)</td> <td>New Ingliston Ltd (929755)</td> </tr> <tr> <td>Forth Ports Ltd (929573)</td> <td>ORS (037419)</td> </tr> <tr> <td>Gullane Area Community Council (037068)</td> <td>Park Lane (Scotland) Ltd (039990)</td> </tr> <tr> <td>Hallam Land Management Ltd (039805)</td> <td>Roslin and Bilston Community Council (790524)</td> </tr> <tr> <td>Hargreaves UK Services Ltd (038489)</td> <td>Scottish Natural Heritage (790587)</td> </tr> <tr> <td>Mactaggart and Mickel Homes (038949)</td> <td>Shawfair LLP (039940)</td> </tr> <tr> <td>Mrs Mirabelle Maslin (928549)</td> <td>Shepherd Offshore (Scotland) Ltd (038954)</td> </tr> <tr> <td>Muir Smith Evans (202101)</td> <td>Taylor Wimpey/Hallam Land (039521)</td> </tr> <tr> <td>Network Rail (928260)</td> <td></td> </tr> </table>			Edinburgh BioQuarter Partners (037370)	New Ingliston Ltd (929755)	Forth Ports Ltd (929573)	ORS (037419)	Gullane Area Community Council (037068)	Park Lane (Scotland) Ltd (039990)	Hallam Land Management Ltd (039805)	Roslin and Bilston Community Council (790524)	Hargreaves UK Services Ltd (038489)	Scottish Natural Heritage (790587)	Mactaggart and Mickel Homes (038949)	Shawfair LLP (039940)	Mrs Mirabelle Maslin (928549)	Shepherd Offshore (Scotland) Ltd (038954)	Muir Smith Evans (202101)	Taylor Wimpey/Hallam Land (039521)	Network Rail (928260)	
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Provision of the Development Plan to which the issue relates:	Cross Boundary Developer Contributions Framework																			
Planning Authority's summary of the representation(s):																				
<p><u>Edinburgh BioQuarter Partners (037370)</u> The exclusion in paragraph 6.18, second bullet, to which development contributions will be applied to, should be extended to those allocations in development plans which have specific criteria for the delivery of essential infrastructure already agreed as part of the allocation, within the relevant Local Development Plan (LDP) or associated Supplementary Guidance.</p> <p><u>Forth Ports Ltd (929573)</u> Legal agreements regarding Edinburgh Waterfront have already been agreed even though consents have lapsed. It would be unfair to seek further payment for additional transportation requirements which have emerged since initial legal agreements were signed and in some cases, developer contributions paid, when permissions are being renewed.</p> <p><u>Gullane Area Community Council (037068)</u> A720 improvements are urgently needed and are of national importance therefore they should be funded nationally and not rely on developer contributions.</p> <p><u>Hallam Land Management Ltd (039805), Park Lane (Scotland) Ltd (039990)</u> Cross Boundary Contributions Framework needs to comply with the Circular on Planning Obligations, without duplicating other contributions mechanisms.</p> <p><u>Hargreaves UK services Ltd (038489)</u></p>																				

Support supplementary guidance but should be consulted on during preparation and should be flexible to deal with the individual constraints and characteristics of sites and changing infrastructure requirements.

Mactaggart and Mickel Homes (038949), Shawfair LLP (039940), Shepherd Offshore (Scotland) Ltd (038954)

Transportation constraints should be addressed without delay. Therefore Supplementary Guidance on a Cross-Boundary Transport Contributions Framework should be available alongside the plan given the importance of such matters within the Plan itself. This work should already be finalised given the significant impacts infrastructure provision has on development. The use of zones could create conflict between Strategic Development Plan (SDP) and LDP requirements. Additional contributions may render schemes unviable. Standard charges would conflict with viability being considered.

Mrs Mirabelle Maslin (928549)

6.19 is crucially important. How can this be ensured?

Muir Smith Evans (202101)

Danger that over-zealous requirements for developer contributions will lead to otherwise viable development being made unviable and development opportunities will be constrained. The effect will be quite the opposite of the policy intention.

Policy aspirations should therefore seek to recognise that viability needs to be assessed and that contributions should reflect this. The core aim of the strategy should be to comply with a presumption in favour of sustainable economic development and to enable policy compliant development proposals to be delivered.

In particular contributions should only be sought where they are necessary in planning terms and serve a proper planning purpose and should not seek to resolve existing deficiencies in infrastructure provision. Policy should make explicit reference to tests of scale and kind and contributions should be limited to those that make an otherwise unacceptable proposal acceptable.

Any system of developer contributions that requires contributions to fund measures which are needed to implement the strategy but may not be directly related to an individual development's impact (individually or cumulatively) would not be consistent with current Scottish Government guidance and would be an unrealistic burden on new development and would likely lead to further legal challenge, delay and uncertainty.

Network Rail (928260)

Network Rail are keen to seek continued support for safeguarding and improving the safety and capacity of the existing and future railway network in tandem with new development. Improvements should be considered in the planning of development with appropriate strategic assessment including mitigation and capacity issues undertaken.

New Inqliston Ltd (929755)

Final bullet of paragraph 6.18 needs to be reinforced so that Contributions Framework complies with Circular 3/2012.

ORS (037419)

The second bullet point at paragraph 6.18 should be edited to allow consideration of the Contributions Framework not applying to sites where a Masterplan may already be approved. Redheugh site has been subject to a degree of transport consideration. However, the Supplementary Guidance raises the possibility of additional measures which are unknown and which therefore bring additional unnecessary risk to delivery. Propose that where a site has an approved Masterplan that additional cross boundary transport obligations should not apply.

Roslin and Bilston Community Council (790524)

More clarity required on developer contributions.

Scottish Natural Heritage (790587)

Early clarity on how all aspects of infrastructure are to be funded and delivered is important if the vision of more people cycling and walking to work (and for other journeys) is to be achieved. Active travel infrastructure should be funded through Cross Boundary Contributions Framework.

Shepherd Offshore (Scotland) Ltd (038954)

Risk that assessment of development viability will be onerous and elongate timescales for implementation of zones providing little certainty for developers. Additional cost over and above other existing transport contributions may render some schemes unviable which could have serious knock-on effects on LDP allocations and their ability to provide for an effective 5-year housing land supply. Proposal to apply a set of standard charges to each contribution zone is at odds with the notion that viability will be a contribution consideration.

Taylor Wimpey / Hallam Land (039521)

Representation cautions against overly restrictive financial burdens on private sector developers which can delay development. Considers that funding from the City Region Deal will be key in helping to deliver key infrastructure projects

Modifications sought by those submitting representations:

Edinburgh BioQuarter Partners (037370)

Modify second bullet of Paragraph 6.18 to read: 'In principle, it will apply to housing, business, industrial, retail and commercial leisure developments within contribution zones that do not have planning consent or are not allocated in an up to date development plan including a funding mechanism for the provision of essential infrastructure at the time of the adoption of the Supplementary Guidance'.

Forth Ports Ltd (929573)

Modify second bullet of Paragraph 6.18 to read: 'In principle, it will apply to housing, business, industrial, retail and commercial leisure developments within contribution zones that do not have planning consent at the time of the adoption of the Supplementary Guidance. The impacts of requested contributions on the

viability of these types of developments will be examined during the preparation of the Supplementary Guidance. Contributions will not be sought for planning consents where they seek to replace planning consents which have lapsed but for which legal agreements (including provision for transport infrastructure), have been concluded and payments have been made for transport related works.'

Gullane Area Community Council (037068)

Table 6.1 and paragraphs 6.10 and 6.17 - modify to state major infrastructure upgrades such as A720 improvements are of national importance therefore should be funded nationally and not rely on developer contributions.

Hallam Land Management Ltd (039805), Park Lane (Scotland) Ltd (039990)

Paragraph 6.18 - Insert new bullet point: 'will comply to the Circular on Planning Obligations, without duplicating other contributions mechanisms'.

Hargreaves UK Services Ltd (038489)

Paragraph 6.16 - Include statement that Supplementary Guidance will be made available for consultation during preparation.

Paragraph 6.17 - Insert additional bullet 'to be flexible to deal with the individual constraints and characteristics of sites and changing infrastructure requirements'.

Mactaggart and Mickel Homes (038949), Shawfair LLP (039940), Shepherd Offshore (Scotland) Ltd (038954)

The Supplementary Guidance should be available for full consultation alongside the Plan.

Muir Smith Evans (202101)

The role of Scottish Government and local authorities needs to be clearly explained and embedded into the plan. Scottish Government and local authorities need to accept responsibility for dealing with existing deficiencies in infrastructure and not unduly burden new development and investment.

Clear reference to an appropriate baseline is required so that there is a level playing field. This can only be to an established methodology to identify a suitable existing baseline in order to assess the impacts (individually and cumulatively) of a proposed development. Only mitigation to address those specific impacts is appropriate.

Paragraph 6.16 requires more detailed explanation and clear reference to the role of Scottish Government and local authorities and what is meant by the relevant transport appraisals.

Paragraph 6.16 should include explanation of the legal position of how developer contributions must legitimately relate to the impact of a proposal including cross border impacts.

Also, paragraph 6.16 should explain that contributions sought should not render development and therefore economic growth unviable and the methodology for establishing this.

Paragraph 6.17 should delete reference to contribution zones. Any development that has wider or cross boundary impacts regardless of location within a notional zone should be required to contribute.

The link between development and the proposed infrastructure improvement needs to be explicit and directly relevant.

The method for calculating the contributions requires to include quantification of viability and a standard methodology or template for doing so which will be difficult to capture based on different funding sources and models and different timescales for delivery.

There should also be more focus on a hierarchy of transport infrastructure and modal shift targets encouraging walking, cycling, public transport and green travel plans in terms of developer contributions.

Paragraph 6.18 - clarify that other major developments that are subject to applications with a resolution to grant (subject to S75 Obligations) should be included as committed developments. This could be clarified in the second bullet point.

Further clarity is required on charges being in proportion to the scale and impact of development as this suggests that the impact of development is the key measure. If this is the case, and contributions are related in scale and kind, then there can be little justification for cross boundary mitigation where impacts of a specific development are more local despite wider policy objectives even for proposals within a contribution zone.

The final bullet point should explain how these tests will be applied and there should be a clear link between the development and any mitigation offered as part of the developer's contribution.

Network Rail (928260)

No modification specified, representation indicates that a clear strategic context for seeking developer contributions for required infrastructure enhancements or station improvements as a direct consequence of new development growth is required. This should not be left to Supplementary Planning Guidance, but the key themes should be contained within the text.

ORS (037419)

Modify 2nd bullet of paragraph 6.18 as follows: 'In principle, it will apply to housing, business, industrial, retail and commercial leisure developments within contribution zones that do not have planning consent or do not have an agreed masterplan, where transportation mitigation is considered, at the time of adoption of the Supplementary Guidance.'

Scottish Natural Heritage (790587)

Paragraphs 6.16 - 6.19 - Include statement that active travel infrastructure will be part of the infrastructure funded by the Cross Boundary Contributions Framework. Framework must consider delivery mechanisms.

Shepherd Offshore (Scotland) Ltd (038954)

Provide further detail on Cross-Boundary Transport Contributions Framework.

Summary of responses (including reasons) by Planning Authority:

Edinburgh BioQuarter Partners (037370), ORS (037419)

Individual masterplans or older Local Plan allocations have not assessed wider cumulative transport cross boundary impacts or identified interventions to mitigate them at a cross boundary scale. These are still essential. Therefore it is appropriate that the contributions mechanism is applied to all un-committed development if and when they gain planning consent. Bullets 2 and 7 of paragraph 6.18 states that viability will be considered when setting the level of charge. The Scottish planning system works on a discretionary basis but the first principle of the framework is that the contributions will be levied on all applicable non-committed development. That is development that does not have a planning consent at the time of the adoption of the Supplementary Guidance. **No modification proposed.**

Forth Ports Ltd (929573)

The level of detail suggested in the modification is not appropriate for the SDP 'policy hook' on which the subsequent Supplementary Guidance is based. The contributions will be levied on all applicable non-committed development – that does not have a planning consent at the time of the adoption of the Supplementary Guidance. **No modification proposed.**

Gullane Area Community Council (037068)

Discussions are ongoing with Transport Scotland but it is expected that major interventions on the A720 have to be funded by other sources of funding. The Action Programme is the appropriate place for this level of detail. Some smaller scale interventions relating to the A720 are likely to be funded through developer contributions. **No modification proposed**

Hallam Land Management Ltd (039805), New Ingliston Ltd (929755), Park Lane (Scotland) Ltd (039990)

The final bullet of paragraph 6.18 states that the Contributions Framework will comply with the tests that apply to planning obligations contained within the circular. The third bullet of 6.18 states that the framework will not duplicate approaches. **No modification proposed.**

Mactaggart and Mickel Homes (038949), Shawfair LLP (039940), Shepherd Offshore (Scotland) Ltd (038954)

Paragraph 140 of Circular 6/2013: Development Planning (ASD27) states that 'Supplementary Guidance may be prepared and adopted alongside the SDP or LDP, or subsequently.' The Cross Boundary Study final report was not available in sufficient time to inform the Proposed Plan. 2nd last bullet of paragraph 6.18 sets out that development viability will be considered in setting the levels of charge. **No modification proposed.**

Hargreaves UK Services Ltd (038489)

Paragraph 141 of Circular 6/2013: Development Planning makes clear that there

must be a consultation process during supplementary guidance preparation. It is not appropriate to repeat the contents of that circular here. Details of consultations will be set out in Development Plan Schemes. **No modification proposed.**

It is not appropriate to set levels of flexibility at this stage until full assessment of link between development and transport requirements is complete. This is not a level of detail required in an SDP as set out in paragraph 138 of Circular 6/2013. **No modification proposed.**

Muir Smith Evans (202101), Taylor Wimpey/Hallam Land (039521)

Development contributions are not expected to wholly fund infrastructure. Local Authorities and Scottish Government are investing in improving local and strategic transport infrastructure in the region. Details are available in Action Programmes. Viability of development will be taken into account when calculating the level of contributions.

There will be a consistent baseline in the technical evidence informing the framework. These are the Cross Boundary Transport Appraisal (ASD48) referred to in paragraph 6.10 and Proposed Plan Transport Appraisal (ASD47). This will inform the draft Supplementary Guidance when available for public consultation.

The tests in the Planning Obligations Circular 3/2012 (ASD49) are specific regarding the linkages between direct and cumulative impacts of development and the intervention that contributions are sought towards. The final bullet of paragraph 6.18 states that framework will comply with all tests. Therefore no further statements regarding this matter are necessary in this section of the Proposed Plan.

Contributions zones will be set so that all development within them will be directly or cumulatively linked to the intervention requiring contributions. They are an accepted approach in setting contributions frameworks.

The plan promotes modal shift and section B of table 6.1 sets out that contributions will be sought towards strategic walking and cycling networks. **No modification proposed.**

Network Rail (928260)

Non car alternatives are included as potential cross boundary options and this covers rail proposals in section B of Table 6.1. Greater detail will be available when the Cross Boundary Study is complete. Rail proposals set out in section A and section C of table 6.1 will not be funded through the cross boundary framework. **No modification proposed.**

Scottish Natural Heritage (790587)

Strategic Walking and Cycling Routes are included in section B of Table 6.1 and therefore part of the potential list of projects that will be funded by the contributions framework. Details of delivery of individual projects are more appropriately addressed in the Action Programme. **No modification proposed.**

Shepherd Offshore (Scotland) Ltd (038954), Mrs Mirabelle Maslin (928549), Roslin

and Bilston Community Council (790524)

An appropriate level of detail on the Contributions Framework is set out in paragraphs 6.10 and 6.16 to 6.19. This level of detail is compatible with that required in an SDP as set out in paragraph 138 of Circular 6/2013 (ASD27).

More detail on the operation of the mechanism will be set out in the supplementary guidance. SESplan member authorities already have mechanisms in place for gathering contributions towards required transport infrastructure. **No modification proposed.**

Three unqualified statements of support for paragraphs 6.16 to 6.19 were received from three respondents.

Reporter's conclusions:

[Note: For DPEA use only.]

Reporter's recommendations:

[Note: For DPEA use only.]