

Developer Contributions Supplementary Guidance - Status of the Guidance

Overview

On 11 December 2024 Planning Committee approved [finalised statutory Supplementary Guidance \(SG\)](#)

<https://democracy.edinburgh.gov.uk/documents/s78076/Item%208.1%20-%20City%20Plan%202030%20SG%20on%20Developer%20Contributions%20and%20Infrastructure%20Delivery%20P1.pdf>

on Developer Contributions and Infrastructure Delivery. This followed an eight-week consultation period. The consultation responses and the Council's response to these were appended to that report. The SG was then submitted as required to the Scottish Ministers for their consideration on 13 December. On **3 February 2025 the Scottish Government wrote**

<https://www.gov.scot/binaries/content/documents/govscot/publications/correspondence/2015/09/local-development-plan-city-edinburgh/documents/city-of-edinburgh-council---local-development-plan---supplementary-guidance---developer-contributions---direction-letter---03-february-2025/city-of-edinburgh-council---local-development-plan---supplementary-guidance---developer-contributions---direction-letter---03-february-2025/govscot%3Adocument/City%20of%20Edinburgh%20Council%20-%20Local%20Development%20Plan%2B-%2BSupplementary%2BGuidance%2B-%2BDeveloper%2BContributions%2B-%2BDirection%2Bletter%2B-%2B03%2BFebruary%2B2025.pdf> to the Council to direct that the Council not adopt the SG.

Legislative provisions for making and updating SG fell away on 31 March 2025 as a result of the Planning (Scotland) Act 2019 and associated secondary legislation.

The Ministers did not raise any issues with the content of the SG in their Direction. The outcome was based on their stated inability to consider the document as they thought desirable in the time available from their own timescales. We note that the process the Ministers refer to (using an independent Reporter) is seen by them as 'desirable' and is not required by legislation or custom and practice.

The Council now needs to decide on the status of this guidance.

Despite the Ministers' direction, it is not reasonable nor practical for there to be no guidance on this topic. To do nothing and use the finalised SG in decision making would be unsatisfactory. Reliance on the principal City Plan policy (Inf 3) is not sufficient.

A decision from Planning Committee confirming its status and use as non-statutory planning guidance, for clarity of all future users, is considered the most appropriate way forward. For this reason, it is proposed that engagement on this matter is undertaken in advance of a final decision on its status.



HAPPY TO TRANSLATE

Please email the Interpretation and Translation Service at its@edinburgh.gov.uk quoting reference **25-0524**.

Your Details

Why we need this information and how it will be used

The Council uses this information to ensure responses to consultations are genuine and that each person is submitting only one response.

The Council will publish all responses received to this consultation, but will not publish individual names, email addresses or postcodes. We will publish the names of organisations.

We will use your email address to contact you to let you know the results of this consultation and the actions we are taking because of the consultation.

1 Your Details

First name *(Required)*

Second name *(Required)*

Email address *(Required)*

Postcode *(Required)*

2 Are you responding as an individual or on behalf of an organisation?

(Required)

Please select only one item

- An individual
- On behalf of an organisation

3 If you are answering on behalf of an organisation, what is the name of it?

Survey Questions

4 The Council proposes to approve the guidance as non-statutory planning guidance. This takes into account the consultation responses and any resultant amendments that were considered and approved by Planning Committee in December 2024. Do you agree with this approach?

More details

[View details of Planning Committee from December 2024 \[PDF\]](https://democracy.edinburgh.gov.uk/documents/s78076/Item%208.1%20-%20City%20Plan%202030%20SG%20on%20Developer%20Contributions%20and%20Infrastructure%20Delivery%20P1.pdf) <<https://democracy.edinburgh.gov.uk/documents/s78076/Item%208.1%20-%20City%20Plan%202030%20SG%20on%20Developer%20Contributions%20and%20Infrastructure%20Delivery%20P1.pdf>>

Please select only one item

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

If you don't agree, how should the guidance be used?

5 We are not proposing any changes to the guidance other than removing references to its status as statutory Supplementary Guidance. Do you agree that this is a reasonable approach?

Please select only one item

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

If not, are there other options you think the Council should consider?

6 As non-statutory planning guidance, this will be subject to review in the annual review of guidance report to Planning Committee. This would allow relevant updates to the guidance to take into account the most up to date information for example on capital cost estimates or the outcome of pertinent appeal decisions, and updates to the Housing Land Audit and City Plan 2030 Delivery Programme. In any case, at the point of assessment of a planning application we will take into account any relevant material considerations, including relevant appeal decisions. Do you agree with this proposed approach to review periods?

Please select only one item

- Strongly agree
- Agree
- Neither agree or disagree
- Disagree
- Strongly disagree

7 Do you have any other comments on how to consider the status of this guidance?

8 Do you have any other comments on the document?