



local development plan 2018

# technical note 14

DEVELOPER CONTRIBUTIONS FRAMEWORK

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## INTRODUCTION

- 1.1 East Lothian Council's Supplementary Planning Guidance: Developer Contributions Framework has been updated following the publication of the Local Development Plan Examination Report to take account of its findings and of updated demand assessments for Education, Transportation and Sports Facilities. It is accompanied by this updated Technical Note that describes the approach the Council and other service and infrastructure providers have adopted to the preparation of the Supplementary Guidance. The structure of the Technical Note (TN) is consistent with the 2016 Technical Note 14 but the content has been updated to present:
- Key Findings from and implications of the LDP Examination Report on the Developer Contributions Framework and the operation of Developer Contributions Policy DEL1: Infrastructure and Facilities Provision;
  - Updated Education Roll Projections and subsequent impacts on additional capacities required and related developer contribution values;
  - Updated Transportation Appraisal and Transportation Developer Contributions Methodology, costs of interventions and subsequent changes to the contributions values sought from relevant developments;
  - Updated Sports Facilities contribution values due to the removal and addition of sites to the LDP; and
  - Updated Blindwells GP Facilities contribution.
- 1.2 The planning system allows mitigation to be sought from applicants or developers towards delivering infrastructure capacity solutions where the need for this arises as a result of their development. Planning policies can also require that provision is made for other interventions, such as provision for affordable housing as part of market housing development. These interventions are normally called 'developer contributions'.
- 1.3 This TN sets out the justification for the provision of additional capacity in facilities and infrastructure in the context of Circular 3/2012: Planning Obligations and Good Neighbour Agreements in a series of 'Statements of Conformity' that explain how the test of the Circular have been met. A separate TN supporting the Affordable Housing Supplementary Planning Guidance, deals with the provision for affordable housing, although for completeness a Statement of Conformity is included in respect of that policy area too. With the exception of Transportation, these statements have not been significantly updated from the 2016 Technical Note, other than reference to more up to date Council education strategies. The Transportation Statement of Conformity now refers to the Transport Appraisal DPMTAG Final Report and the Developer Contribution Framework: Outline Methodology Technical Note that are published alongside this TN. The Statements of Conformity relate to the justification for developer contributions towards the following interventions:

- **Transport network capacity**, including for active travel, rail and the strategic and local road networks;
- **Education facilities capacity**, including for eligible pre-school, primary school and secondary school levels;
- **Affordable housing**, which may include provision of housing and support services to meet the needs of older people as well as those with long term health needs including learning disability, mental health needs or physical disability or younger people with health and social care needs;
- **Sport Facilities Capacity**, including formal indoor and outdoor recreation and changing facilities;
- **Environmental mitigation**, including to address development related impacts on any identified Air Quality Management Area (which in the case of Musselburgh town centre will be addressed by transport interventions);
- **Health and social care facilities capacity**, including General Practitioner Services and community health services to meet the needs of the growth in population, particularly the projected increase in number of elderly people; and

1.4 Following the section on the findings and implications of the LDP Examination Report, this Technical Note is split into sections that reflect the points above. It describes how East Lothian Council and other relevant service or infrastructure providers have interpreted and applied relevant national and regional planning policies as well as associated advice and guidance developer contributions.

## SUMMARY OF FINDINGS AND IMPLICATIONS OF EAST LoTHIAN LDP EXAMINATION REPORT

- 2.1 This section of the Technical Note sets out a high level summary of the implications and modifications from the LDP Examination Report on the operation of developer contributions Policy DEL1 and the use of the Supplementary Guidance: Developer Contributions Framework (DCF). For full details of the unresolved representations, Council responses and Reporter's conclusions on the operation of developer contributions policy and modifications to the plan, readers are directed to Issues 15, 16, 18a-f, 31 and 33 of the LDP Examination Report available at <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117989>.
- 2.2 The LDP Examination Report was published in March 2018. Whilst the Developer Contributions Framework Supplementary Guidance was not subject to the examination, the policy framework for seeking developer contributions (LDP Policy DEL1) was. This set out that the Council had the ability to seek developer contributions towards necessary infrastructure including schools, transportation, sports pitches and facilities, as well as a specific health centre at Blindwells. Appendix 1 of the LDP also sets out the zones for where contributions could be sought towards the necessary infrastructure. The principles and where contributions could be sought were set out in the LDP, whereas the level of contributions and methodology towards calculating those values is a matter for the Supplementary Guidance.
- 2.3 The Reporter has recommended modifications to Policy DEL1, which arise from the Council's own suggestions during the examination process. In October 2017, the Supreme Court determined that the Aberdeen City and Shire Strategic Transport Fund Supplementary Guidance (STF) should be quashed as it did not comply with policy and law relating to the justification for developer contributions. In effect, the STF required developers to pay a fixed rate of contributions per dwelling towards a package of transport interventions, regardless of the link between individual proposed developments and the individual transport interventions. However, developer contributions are required be determined on the basis as assessment of planning proposals and not fixed rates pre-determined in advance of a proposal. To do the latter would be tantamount to operating a development levy, which is not permitted under Scottish planning law.
- 2.4 The DPEA issued Further Information Request 16 which asked the Council for its view on the implications of the Supreme Court decision on its intentions to operate its Developer Contributions Policies and the Developer Contributions Framework. The Council's response to FIR16 set out the clear differences between the STF and the Council's approach and why it complied with developer contributions policy tests and law. This was accepted by the reporter in the LDP examination report. However, the Council suggested potential modifications to Policy DEL1 so that the DCF now only sets out likely scale and nature of contributions in advance of applications rather than pre-determined contribution values. These suggested modifications were accepted by the reporter who incorporated them into the recommended modifications for Issue 31: Delivery. These modifications are reflected in the Adopted LDP Policy DEL1 and in this updated Supplementary Guidance.

- 2.5 The effect of this is that the DCF sets out the methodology and assessment principles for how developer contributions towards education, transport, sports pitches and facilities and health infrastructure will be determined at the time of assessment of development proposals. It also sets out the likely scale and nature of contributions expected from development based on a cumulative assessment of the LDP. However, as applications come forward the context of that assessment may have changed and therefore the scale of infrastructure required or proportion related to the development proposal may have changed, and therefore so will the level of contributions. The effect of this is that the per dwelling rates in the DCF are not fixed but likely levels, with the actual levels being confirmed on a case by case basis through assessments of each application, taking all committed and planned development into account. This is reflected in the Developer Contribution Protocol section of the updated DCF.
- 2.6 The other notable change regarding the operation of Developer Contributions Policy DEL 1 was clarification within Table DEL1 as to which policies should be included setting out the need for developer contributions. The reporter recommended that this table now included Policy OS3: Minimise Open Space Standard for new General Needs Housing; and Policy OS4: Play Space Provision in new General Needs Housing Development; but excluded Policy DC10: The Green Network and Policy TS8: Bus Network Improvements, as neither included a reference for the need for developer contributions.
- 2.7 Under Issue 18(f) Transport Infrastructure Delivery Fund, the reporter recommended modifications to Policy T32: Transport Infrastructure Delivery Fund. Whilst the reporter concluded that Transport Scotland had a role in contributing to development plans, they agreed with the Scottish Government that they had no role in the creation, monitoring and management of the Transport Infrastructure Delivery Fund. They therefore recommended that references to Transport Scotland are deleted from sentences three and four of Policy T32. As a result of this the Council will look to secure and gather all transport related developer contributions related to the infrastructure fund rather than requiring Old Craighall contributions to be secured through Section 48 agreements directly with Transport Scotland. The Council will hold these contributions until the delivery body for the Old Craighall improvements is agreed. If the works are not delivered by the Council, then the funds will be transferred to the delivery body.
- 2.8 Unrelated to the LDP Examination Report, the following sections of the DCF have been refined:
- a. Introduction: more detail provided on the approach to assessing windfall applications;
  - b. Applying Transport Contribution Zones: rather per dwelling values being set out for each zone, Tables 2-5 set out the likely levels of contribution for each LDP sites that was assessed in the transport modelling work;
  - c. Demand Assessment Approach: greater clarity provided regarding the assessment for transportation contributions for windfall proposals and clarity over how campus land values contributions will be calculated; and
  - d. Administrative Process: A detailed 14 step process from the initial assessment of processes to obligations being fulfilled by the Council. This pulls together processes and standards already in the draft DCF and in operation by the Council. Further clarity is also provided regarding indexation and the length of clawback period for cumulative transport contributions.

## Statement of Conformity with Circular 3/2012

### PROVISION OF ADDITIONAL EDUCATION CAPACITY

The following table explains why the need for additional education capacity can be justified against the 5 tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and thus why it should feature in East Lothian's Planning Obligations Framework.

#### TEST1

Necessary to make the development acceptable in planning terms

#### 1) Legislative Context:

The Local Authority has a number of statutory duties relating to the provision of education for eligible pre-school children, primary and secondary school age children (including those with additional support needs) in its area. These include but are not limited to:

- i. **Section 1** of the **Education (Scotland) Act 1980** requires authorities to secure for their area adequate and efficient provision of school education: <http://www.legislation.gov.uk/ukpga/1980/44/contents>
- ii. **Section 17** of the **Education (Scotland) Act 1980** requires authorities to provide sufficient accommodation in schools and other educational establishments under their management: <http://www.legislation.gov.uk/ukpga/1980/44/section/17>
- iii. **Part 1** of the **Local Government in Scotland Act 2003** <http://www.legislation.gov.uk/asp/2003/1/part/1> and the **2004 statutory guidance** <http://www.gov.scot/Publications/2004/04/19166/35250> requires authorities to secure best value in the delivery of services, which includes agreements for the construction or maintenance of buildings or works.
- iv. **Section 21** of the **Schools (Consultation) (Scotland) Act 2010 Act** provides a definition for 'school' as public schools as defined in **section 135(1) of the Education (Scotland) Act 1980**. This means any school under the management of an education authority and includes Early Learning & Childcare centres (e.g. nursery schools) which are run by the Education Authority and does not cover independent schools or nursery schools or nurseries which are managed and run independently: <http://www.legislation.gov.uk/asp/2010/2/contents>

- v. **Section 15** of the **Standards in Scotland’s Schools etc (Scotland) Act 2000** <http://www.legislation.gov.uk/asp/2000/6/contents> also requires education authorities to provide education for all children in mainstream schools (“a school other than a special school”) unless doing so:
  - (a) would not be suited to the ability or aptitude of the child;
  - (b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
  - (c) would result in unreasonable public expenditure being incurred which would not ordinarily be incurred
- vi. **The Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002** places a duty on education authorities to prepare a strategy to increase the physical accessibility of the school environment, increase the accessibility of the curriculum and improve communication, especially in relation to the provision of school information, for those pupils who have disabilities, and also to plan for prospective pupils who may have.
- vii. **The Equality Act 2010** restates the previously existing duty that an education authority is required to “make reasonable adjustment” for disabled persons in schools, where an existing arrangement places a disabled person at a substantial disadvantage in comparison to persons who are not disabled, to remove that disadvantage.
- viii. The Education Authority must provide the mandatory amount of Early Learning and Childcare (ELC) for eligible pre-school children, including those with additional support needs, belonging to its area in accordance with eligibility criteria set down by the Scottish Government under the terms of the **Children and Young People (Scotland) Act 2014, Part 6**. <http://www.legislation.gov.uk/asp/2014/8/part/6> Section 52 also states that “an education authority must have regard to the desirability of ensuring that the method by which it makes early learning and childcare available in pursuance of this Part is flexible enough to allow parents an appropriate degree of choice when deciding how to access the service”.
- ix. The Schools (Consultation) (Scotland) Act 2010 also sets out special safeguards for rural schools, which reflect the particular importance of schools to fragile rural and remote communities in Scotland <http://www.legislation.gov.uk/asp/2010/2/crossheading/special-provision-for-rural-schools>



- x. These safeguards for rural schools were substantially amended and strengthened by section 80 of the Children and Young People (Scotland) Act 2014.
- xi. The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (as amended) sets out standards in relation to the minimum requirements for school sites, playing fields and educational accommodation. They also prescribe standards for the provision of ancillary accommodation including kitchen premises, sanitary facilities, washing accommodation, storage accommodation, medical inspection accommodation, and staff accommodation.
- xii. Section 3 of the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 sets out the maximum class sizes for single stage P2 and P3 classes: <http://www.legislation.gov.uk/uksi/1999/1080/regulation/3/made>
- xiii. Regulation 2 of the Education (Lower Primary Class Sizes) (Scotland) Amendment Regulations 2010, inserted an amendment into Section 3 of the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999, which set the new lower statutory class size maximum of 25 in all single stage P1 classes: <http://www.legislation.gov.uk/ssi/2010/326/regulation/2/made>
- xiv. The SNCT Handbook Conditions of Service, Appendix 2.9 further sets out class size maxima for primary, secondary and class sizes for special schools and units: [http://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.9](http://www.snct.org.uk/wiki/index.php?title=Appendix_2.9)
- xv. The maximum capacity for nursery classes under the management of education authorities are restricted by Care Inspectorate requirements for the buildings (net area of classroom spaces and numbers of pupil toilets) based on The School Premises (General Requirement and Standards) (Scotland) Regulations 1967 (as amended) <http://www.legislation.gov.uk/uksi/1967/1199/made> and the 'National Care Standards – early education and childcare up to the age of 16' (revised September 2009) - <http://www.gov.scot/Resource/Doc/349451/0116828.pdf>
- xvi. Legislation on Health and Safety, Building Control and Fire Precautions as set out in the following acts and regulations:
- *Health & Safety at Work etc Act 1974* <http://www.legislation.gov.uk/ukpga/1974/37/contents>
  - *Workplace (Health, Safety and Welfare) Regulations 1992* <http://www.legislation.gov.uk/uksi/1992/3004/contents/made>
  - *Management of Health and Safety at Work Regulations 1999* [http://www.legislation.gov.uk/uksi/1999/3242/pdfs/uksi\\_19993242\\_en.pdf](http://www.legislation.gov.uk/uksi/1999/3242/pdfs/uksi_19993242_en.pdf)

- *The Fire (Scotland) act 2005 as amended by The fire safety (Scotland) regulations 2006* <http://www.legislation.gov.uk/asp/2005/5>

## 2) National Policy, Strategy & Guidance Context

- i. **Scottish Planning Policy** (February 2010) – paragraph 44 states that “Under section 72 of the Climate Change (Scotland) Act 2009 local development plans must require all new buildings to be designed to avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies”:  
<http://www.gov.scot/Publications/2010/02/03132605/7>
- ii. **Building Better Schools: Investing in Scotland’s Future** (September 2009) - the Scottish Government and COSLA's joint school estate strategy which sets out the sets out the national and local governments shared vision, aspirations and principles for the efficient and effective management of the school estate: <http://www.gov.scot/Resource/Doc/285201/0086644.pdf>
- iii. **Commission on the Delivery of Rural Education** (April 2013) - makes recommendations on the delivery of all aspects of education in rural areas: <http://www.gov.scot/Publications/2013/04/5849>
- iv. **Determining Primary School Capacity** (October 2014) - Guidance for Local Authorities on the determination of the capacity of Primary Schools in Scotland: <http://www.gov.scot/Publications/2014/10/6749>
- v. **Suitability Core Fact** (October 2008) – Guidance for local authorities on assessing the extent to which a school building and its grounds are appropriate in providing an environment which supports quality learning and teaching and those other services provided to individual children and to the school community, in terms of practicality, accessibility and convenience:  
<http://www.gov.scot/Publications/2008/09/19123626/0>
- vi. **Condition Core Fact** (March 2007) - Guidance for local authorities on assessing the condition of school buildings:  
<http://www.gov.scot/Publications/2007/03/12142801/0>
- vii. **School Design: Optimising the Internal Environment** (March 2007) - Guidance for local authorities on internal environmental conditions in schools: <http://www.gov.scot/Publications/2007/02/28144045/0>

- viii. **Building The Ambition** (August 2014) - national practice guidance sets the context for high quality Early Learning and Childcare as set out in the Children and Young People (Scotland) Act 2014: <http://www.gov.scot/Publications/2014/08/6262/0>

### 3) Local Education Policy, Strategy & Guidance Context:

East Lothian Council has a number of local plans, policies, strategies and guidance in place to meet its statutory duties and incorporate national guidance in parts 1 and 2 above:

- i. East Lothian Council's **Education Service Local Improvement Plan** (approved 21<sup>st</sup> November 2017) sets out the priority areas for improvement and measures of success organised under key themes linked to both local and national priorities, including East Lothian Council's Plan 2017-2022 and the Scottish Government's National Improvement Framework  
[https://www.eastlothian.gov.uk/download/meetings/id/19275/08\\_education\\_service\\_local\\_improvement\\_plan\\_2017-2018](https://www.eastlothian.gov.uk/download/meetings/id/19275/08_education_service_local_improvement_plan_2017-2018)
- ii. East Lothian Council's **Pupil Placement Policy** (approved 15<sup>th</sup> March 2015) clarifies the Council's commitment to enrol all pupils within its area in schools, in a fair and consistent manner, in line with Scottish Government legislation, Education (Scotland) Act 1980, Education (Additional Support for Learning) (Scotland) Act 2004 and 2009 and Scottish Government guidelines  
[http://www.eastlothian.gov.uk/meetings/meeting/5542/education\\_committee](http://www.eastlothian.gov.uk/meetings/meeting/5542/education_committee)
- iii. East Lothian Council's **Framework for Meeting Additional Support for Learning Needs (Sept 2013)** sets out the expectation that children with additional support needs will be educated wherever possible in their local school In line with Section 15 of the Standards in Scotland's Schools, etc Act 2000  
[http://www.eastlothian.gov.uk/downloads/file/3944/a\\_framework\\_for\\_meeting\\_additional\\_support\\_for\\_learning\\_needs](http://www.eastlothian.gov.uk/downloads/file/3944/a_framework_for_meeting_additional_support_for_learning_needs)
- iv. The Education Authority's **Early Learning & Childcare Strategy 2016-2021** approved at Education Committee on 20th September 2016  
[https://www.eastlothian.gov.uk/download/meetings/id/18085/08\\_early\\_learning\\_and\\_childcare\\_strategy\\_2016-2021](https://www.eastlothian.gov.uk/download/meetings/id/18085/08_early_learning_and_childcare_strategy_2016-2021)
- v. **Expansion of Early Learning and Childcare to 1140 hours – Draft Implementation Plan** - approved at East Lothian Council meeting on 31<sup>st</sup> October 2017. Sets out East Lothian's vision and proposed model of delivery to meet the requirements of the expansion programme.  
[http://www.eastlothian.gov.uk/meetings/meeting/6062/east\\_lothian\\_council](http://www.eastlothian.gov.uk/meetings/meeting/6062/east_lothian_council)

- vi. **East Lothian Play Policy 2017 to 2020** – approved at Education Committee on 13th June 2017  
[https://www.eastlothian.gov.uk/download/meetings/id/18888/04\\_draft\\_play\\_policy\\_2017-20](https://www.eastlothian.gov.uk/download/meetings/id/18888/04_draft_play_policy_2017-20)
- vii. **East Lothian Education Accessibility Strategy 2017-2020** – approved at Education Committee on 21st March 2017  
[https://www.eastlothian.gov.uk/download/meetings/id/18628/03\\_education\\_accessibility\\_strategy\\_2017-2020](https://www.eastlothian.gov.uk/download/meetings/id/18628/03_education_accessibility_strategy_2017-2020)
- viii. **School Estate Management Plan** - May 2010 - as per report to Education Committee on 16<sup>th</sup> November 2010  
[https://www.eastlothian.gov.uk/download/meetings/id/12032/04\\_school\\_estate\\_management\\_plan](https://www.eastlothian.gov.uk/download/meetings/id/12032/04_school_estate_management_plan)
- ix. **Composite Classes in Primary Schools Guidelines** (Revised April 2009)
- x. **Devolved School Management Policy** (March 2009)
- xi. **Home to School Transport Policy** (February 2010) - <http://www.eastlothian.gov.uk/schooltransport>
- xii. **Road Safety – Schools Health & Safety Procedures** (Updated October 2011)
- xiii. **East Lothian’s Policy for the Design of General Purpose Space in Primary Schools** - approved at Education Committee on 16<sup>th</sup> March 2010  
[https://www.eastlothian.gov.uk/download/meetings/id/11060/06\\_policy\\_for\\_the\\_design\\_of\\_general\\_purpose\\_space\\_in\\_primary\\_schools](https://www.eastlothian.gov.uk/download/meetings/id/11060/06_policy_for_the_design_of_general_purpose_space_in_primary_schools)

#### 4) Education Provision Geographies

- i. **School Catchment Areas** - Each primary & secondary school in East Lothian has a defined catchment area. The following extract from **Education (Scotland) Act 1980, 28A (3D)** states “*In subsections (3A) and (3C) above, “catchment area” means the area from which pupils resident therein will be admitted to the school in terms of any priority based on residence in accordance with the guidelines formulated by the authority under section 28B(1)(c) of this Act*” <http://www.legislation.gov.uk/ukpga/1980/44/section/28A>

Current defined **School Catchment Areas** for East Lothian Council are as published on the Council’s website:

[https://www.eastlothian.gov.uk/info/210557/schools\\_nurseries\\_and\\_learning/12061/school\\_catchments](https://www.eastlothian.gov.uk/info/210557/schools_nurseries_and_learning/12061/school_catchments)

The current list of East Lothian Feeder Primary Schools and their corresponding Secondary Schools are as published on the Council’s website:

[https://www.eastlothian.gov.uk/downloads/download/12733/east\\_lothian\\_feeder\\_primary\\_schools\\_and\\_corresponding\\_secondary\\_schools](https://www.eastlothian.gov.uk/downloads/download/12733/east_lothian_feeder_primary_schools_and_corresponding_secondary_schools)

A school catchment area can be changed to reflect changes in population patterns or to take into account significant new housing developments but before the change can be implemented a statutory consultation must be undertaken. The **Schools (Consultation) (Scotland) Act 2010** <http://www.legislation.gov.uk/asp/2010/2/contents> sets out the consultation process that local authorities must follow when proposing a permanent change to any of their schools, including nursery schools, such as a closure, relocation or change of catchment area.

- ii. **Cluster Areas** - refer to the six geographical areas formed from the current six secondary catchment areas and their corresponding feeder primary catchment areas to enable cluster-wide working and planning by a variety of services across the Council, including Education.
- iii. **Early Learning & Childcare (ELC) Settings** - ELC provision within East Lothian Council is currently delivered through a combination of Local Authority nursery classes and private and voluntary sector Partnership Centres. In the spirit of the Children and Young People (Scotland) Act 2014, Part 6 <http://www.legislation.gov.uk/asp/2014/8/part/6> there are no defined catchment areas for ELC settings and parents in East Lothian can choose the settings most appropriate for their children, depending on availability of places.

The Education Authority aims to offer ELC provision wherever possible within local communities. Evidence from the nursery placement analysis over the last five years shows that 93% of eligible pre-school children in East Lothian attend ELC provision within the cluster area in which they reside.

When looking at service delivery and planning for growth for eligible pre-school children, the Education Authority uses a combination of data from the six Cluster Areas and the Primary Catchment Areas as operational geographical tools for forecasting future demand for ELC provision. Forecasts, by primary catchment area, provide the basis for the underlying assessment of eligible pre-school children arising from new and existing housing within each catchment area. As the Council delivers ELC provision through both Local Authority and Partnership Centres, the catchment area forecasts are added together to produce Cluster Area forecasts so that an assessment can also be made against the combined total of ELC places across the Cluster.

Where, due to new housing, the projected Cluster Area forecast exceeds the Cluster Area capacity, the Education Authority then uses evidence from the nursery placement analysis. This allows us to assess what proportion of the eligible pre-school children attend the Local Authority settings within each school catchment where the new housing is being built. This then enables us to determine the proportionality of additional ELC places required in each local authority catchment area. If new housing is being built in a catchment area that does not have

a local authority setting, then we would look to increase capacity at local authority settings within the Cluster that eligible pre-school children from that catchment typically attend.

### TEST 2

Serve a Planning Purpose

As set out in Test 1 above, the Education (Scotland) Act 1980 places a legislative duty on the Council to plan for growth in our communities. To assist the delivery of the LDP, the Education Authority has a duty to ensure that the number of eligible pre-school children under the terms of the Children and Young People (Scotland) Act 2014, Part 6, and primary and secondary age pupils (including pupils with additional support needs) arising from the cumulative impact of proposed new residential developments can access the necessary education accommodation in their local area, and also to ensure that the Education Authority can maintain standards of service provision for all eligible pre-school children and school age pupils. Where additional education provision capacity is required, as a consequence of the developments, developer contributions will be sought

### TEST 3

Related to the proposed development either as a direct consequence of the development or the cumulative impact of development in an area

The need for any developer contribution towards increasing education provision capacity (infrastructure and facilities) as a consequence of the proposed developments is assessed on a cumulative basis with other proposed developments in the area. The Education Provision capacity demand assessments are based on Education Provision Population forecasts (see below Education Provision Population Forecasts) which are converted into the number of nursery places, ASN specialist provision places, secondary classroom spaces and the number of primary classes required to accommodate the peak projected rolls in accordance with national regulations and guidance on capacity and class maxima set out in TEST 1. Primary School Planning Capacity and Working Capacity is calculated generally in accordance with the Scottish Government guidance on Determining Primary School Capacity (October 2014) and in accordance with Sports Scotland Guidance on Primary School Sports Facilities.

Secondary School capacity is calculated in accordance with School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (as amended). Relevant recognised reference documents published by the Scottish Futures Trust, including the Schools Development Handbook, are used to inform best practice.

The overall size of a primary or secondary school is based on the area allocation required for the projected pupil numbers using the Scottish Futures Trust standard area metrics. Nursery places are also generally expected to be delivered within the same metric as the relevant primary school band. For example, a single stream primary school with a design capacity of 231 pupils would be expected to be delivered within 8.5 m<sup>2</sup> per pupil. If the school also had a 30/30 nursery this would be expected to be delivered within the same 8.5 m<sup>2</sup> pupil rate so a total of  $(231+30) \times 8.5 = 2218.5$  m<sup>2</sup>.

Schedule of accommodations will be developed from the global space allocation including, but not limited to, general classrooms, science laboratories, and other specialist spaces, ICT, art, music, drama and PE areas, together with general core accommodation for social, dining and staff.

The capacity assessment for each set of projections prepared to assess the cumulative impact of the LDP developments on the existing Education Provision capacity, over and above current committed developments from the Established Supply, has been used to determine the amount of additional capacity needed to accommodate new uncommitted development.

### **Education Provision Population Forecasts**

In line with legislation, Education Provision in East Lothian includes but is not limited to ELC provision for eligible pre-school children, Additional Support Needs (ASN) specialist provision, primary and secondary mainstream provision and will evolve over time to take account of changing and/or new legislation and policy in Education (e.g. maximum pupil numbers per class, the amount and flexibility of free early learning and childcare). In order to meet its statutory obligations to ensure that there is adequate and efficient education provision within its area, East Lothian Council's Education Service prepares population projections to assess the impact of changing demographics of the East Lothian 0-19 population and current education capacity. Education population projections include eligible pre-school children projections, ASN specialist provision projections and primary and secondary school roll projections.

The projections support pupil intake management, revenue budget and workforce planning, and to assess the impact of cumulative development on Education provision and the need for future education estate expansion to inform capital planning.

A "Baseline" set of projections is prepared first to establish what the impact would be in each catchment area if no further new housing developments were built. A set of "Established Supply" projections is then prepared to assess the cumulative impact of new housing development proposals of 5 units or more with planning consent (including consented windfall sites), and sites from the most recent Housing Land Audit where there is reasonable certainty of development coming forward in the medium term. Both market and affordable housing tenure are included in the number of new houses to be built. No account is taken of future windfall housing sites that have not yet received planning consent at the time of the projection assessment. Residential units exclusively for elderly populations or specialist need populations that prohibit occupation by children are also excluded from the assessment. A further set is then prepared to consider the cumulative impact of sites allocated in the Local Development Plan.

Additional projection sets are also prepared to inform the Education Authority response to planning applications. When a planning application for a residential development of 5 units or more is submitted, the development proposal is assessed against existing education provision capacity within the catchment area and/or cluster that the development proposal lies within and up to date education population projections that show the impact of cumulative development proposals within that same area that are applicable at the time of the planning application.

### Education Forecasting Methodology & Limitations of Forecasting

The projection sets are trends-based forecasts and take into consideration a wide range of evidence from the local catchment area and/or local authority education establishment (as appropriate) including the number of children (births, eligible pre-school, primary and secondary school age) from new build housing developments in each catchment area and those attending East Lothian ELC provision and schools since 2003/04. Each projection set is prepared in accordance with the methodology set out in East Lothian's Council's **Education Provision Forecasting Guide**.

The Council acknowledges that it is difficult to accurately predict pupil populations and school rolls over a long timeframe. The projections are a best estimate of what the size of each relevant pupil population will be in the future when particular assumptions are made on the baseline rolls. The assumptions applied are based on current demographics, averages and historical trends and do not allow for future changes in local or national policy that may also influence population changes.

The projections are strongly influenced by the initial baseline population as well as proposed new house build. Material changes in the number and phasing of proposed new houses between different planning applications being lodged may subsequently change previously modelled projections. Similarly, changes in baseline population and occupancy levels can have an impact on whether a proposed development can be accommodated within existing school capacity and nursery and ASN provision or not. As the baseline changes each year and house completion rates change it then impacts on the assumptions that are made about future births, migration, stay-on rates etc. The process of population change is cumulative and therefore the reliability of projections decreases over time. Projections for areas with small populations are also less reliable as baseline population changes have a bigger impact more quickly than in areas with larger populations.

#### TEST 4

Fairly and reasonably related in scale and kind to the proposed development

**1)** Based on the outcome of the Education Provision capacity demand assessments, the need for any additional land and / or capital costs for additional accommodation is identified, and where relevant apportioned proportionally (if necessary between the service and infrastructure provider and developers) and pro-rata on the following basis:

- The additional accommodation is designed and costed based on the Scottish Future's Trust standard area metrics for nursery, primary and secondary school area allocations and includes contingency to reflect the stage of design development, to derive the project cost for the provision of the necessary additional capacity;
- The overall project cost for the provision of the additional capacity is divided between the assessed sources of demand in proportion with the percentage of additional impact they each generate as follows:



1. increases in baseline levels of demand beyond current capacity: to be met by service or infrastructure provider;
2. further increases in capacity to accommodate demand from committed development (including proposals that have 'minded to grant' status): to be met via 'anticipated, gathered or committed' developer contributions (including that which is 'anticipated' from 'minded to grant' proposals);
3. further increases in capacity to accommodate shortfalls in capacity notwithstanding any committed capacity increases in association with point 2: to be met by service or infrastructure provider;
4. further increases in capacity to accommodate planned development without planning permission (not including proposals with 'minded to grant' status): to be met by developer funding from any planned development proposal(s) that does not have planning permission and is therefore still 'eligible' to make a contribution.

All financial payments 'anticipated, gathered or committed' will be subject to a suitable indexation, for example in accordance with the BCIS Tender Price Index from the adoption of the DCF until the payment is received. If through the demand assessment of individual applications, a revised scale of provision is required, which is re-costed, the contributions will be indexed from the date of the consultation response of the infrastructure provider;

Once the liabilities of service or infrastructure providers and planning obligations 'anticipated, gathered or committed' have been taken into account, the percentage of project costs remaining will be apportioned pro-rata among the proposals generating the impact in line with the percentage of impact they each generate;

Where the planning obligation to be transferred is serviced land that would relate only to that site, the service or infrastructure provider will seek the transfer of that land in association with that development. Where the obligation to be transferred is serviced land that would relate to a wider obligation than that of solely the allocated site in which it is located, then the service or infrastructure provider will normally seek the transfer of the serviced land on a phased basis as the need arises and as resources allow, or may consider alternative mechanisms that would allow all or a greater proportion of the land to be transferred to the service or infrastructure provider at once.

#### TEST 5

1) The East Lothian Partnership's aim for East Lothian is set out in its statement of intent:

*"We will work in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish."*

Reasonable in all other respects

East Lothian Council's vision is to provide the best education service in Scotland via Inclusion, Achievement, Ambition, Attainment and Progress for All. We strive to achieve our vision and these principles through the actions taken by the Education Service to improve the quality of experiences we provide for children, young people, adults and families of East Lothian.

The East Lothian Council Plan 2017-2022 outlines the strategy the Council will follow and details the objectives and strategic goals it has set itself over the next five years to strive to meet its vision. The Council Plan sets out the following themes and objectives for the next five years:

- Growing our Economy
- Growing our People
- Growing our Communities
- Growing our Capacity

East Lothian Council is committed to raising educational attainment and ensuring that all children and young people have the best opportunities in life. East Lothian's Education Service aims to provide the best education in Scotland through a relentless focus on Inclusion, Achievement, Ambition, and Progress for All. We will all work together to Get it Right for Every Child and to ensure that all children and young people are Safe, Healthy, Nurtured, Active, Respected, Responsible, and Included.

The Education Estate has a key role to play in supporting the East Lothian Partnership's overarching priority to reduce inequalities both within and between our communities and the delivery of these strategic objectives.

As set out in Section 1 above, the Education (Scotland) Act 1980 places a legislative duty on the Council to plan for growth in our communities make adequate and efficient provision of school education across their area. The Council recognises these duties as an opportunity to enhance the learning opportunities for young people through its Education Estate whilst bringing positive benefits to the whole community.

Flexible learning environments allow the creative and multiple use of spaces by staff, pupils and also by the Community. They also inspire pupils and have a positive impact on the general health and wellbeing of learners, increase aspirations, attainment, achievement and positive destinations beyond school.

**2)** East Lothian Council's **Education Risk Register** sets out the risks related to the education estate: in terms of School Estate Management, Education Provision Population Forecasting and the impact of proposed housing development.

**3) East Lothian Council's Education Provision Forecasting Guide**

**4) School Estates Core Facts** - Information on the size, capacity, condition and suitability of Scotland's schools estate is collated and managed annually by the Scottish Government through the School Estates Core Facts survey. The primary and secondary school level data collected since 2008 can be viewed on the Scottish Government's website at <http://www.gov.scot/Topics/Statistics/Browse/School-Education/schoolestatestats>

### 1. Introduction

Statements of Conformity with Circular 3/2012 sets out the context for and the basis upon which East Lothian Council will seek contributions from developers of new dwellings towards the cost of meeting any increase in education capacity and infrastructure necessary to enable development. This Education Technical Assessment provides information about the primary and secondary school estate and explains how the Council has assessed the anticipated impact on its capacity from proposed new developments, as described in tests 3 and 4 in the Education Statement of Conformity.

School capacities are expressed in terms of total planning capacity together with the number of class teaching spaces needed to accommodate the projected number of pupils from year to year. This provides the basis for the Council to plan for future changes in the school estate and to assess the need for future investment. The planning capacities are also used to assess the impact of new development to secure appropriate developer contributions. The Council has recently reviewed the capacities of the primary school estate, taking into account the Scottish Government 2014 Guidance on determining Primary School Capacity and reflecting the changes in the capacities to many recently extended schools.

### 2. School Capacities

Capacities for East Lothian Primary Schools are expressed as planning capacities and classroom numbers. The Planning Capacity is a measure of the total number of pupils and classes which could be accommodated in a school, based on the number and size of teaching spaces. It is also informed by the pupil distribution across class stages and the class organisation required for the projected pupil numbers. This is the capacity figure which is provided to the Scottish Government in the annual School Estate Core Facts Statistical return and together with the class organisation profile prepared by the Council is the realistic figure used in the assessment of the impact of development on the schools' infrastructure.

Capacities for East Lothian Secondary Schools were established in 2002 when the Council undertook the refurbishment and expansion of its six secondary schools. Secondary school capacities are expressed in increments of 50 pupils, so a school with a stated capacity of 900 pupils can accommodate up to 949 pupils before its capacity is breached.

### **3. Pupil Roll Projections**

Pupil roll projections have been prepared to assess the cumulative impact of the LDP developments on the existing capacity of the primary (including early learning & childcare where relevant) and secondary schools. These LDP projections are identified separately from the pupil impact arising from current committed developments from the Established Supply and have been used to determine the amount of additional capacity needed to accommodate new uncommitted development.

The Education Provision Forecasting Guide sets out the methodology for how the Council prepares pupil roll projections and was made available to the LDP examination under the Council's response to Further Information Request 14. For completeness it has been made available for information alongside this technical note. The role projection methodology itself is not being consulted upon.

The following tables set out key information for the primary and secondary Schools which has informed the requirement for additional capacity together with the timescales for delivery of this capacity. Early Learning & Childcare (ELC) projections are shown separately. This data is used by the Council to make forward plans for the school estate and ensure that sufficient budget is in place and adequate lead-in time is allowed for additional capacity to be delivered before existing capacity is breached.

The education contribution values in the 2016 draft Supplementary Guidance and the tables set out in the 2016 Technical Note 14 were informed by school roll projections based on Housing Land Audit 2015 as well as information on sites consented and development phasing agreed up to mid 2016. Primary and Secondary school roll projection tables have now been updated to take account of the agreed Housing Land Audit 2017, permitted windfall development and agreed site phasing up to 31 March 2018. They are still based on the capacities of sites set out in the LDP, unless a consent has been granted for a different number of homes, such as the Pinkie Mains Intensification (PROP M7) which was permitted for 98 units, rather than the 130 capacity identified in the LDP. Established Supply Projections provide the number of pupils projected to arise over time from all sites with planning consents and other demographic factors. Uncommitted projections include LDP sites, at LDP capacities, that have not yet been consented. Updated ELC projections are not yet available but will be used in demand assessments as applications are determined.

**Primary School Roll Projections Overview (based on May 2018 pupil roll assessment)**

School Capacities are as at August 2017

**Dunbar Cluster**

School	Planning capacity	No. of classes for capacity	Classes projected for 2018	Established Supply Projections					Uncommitted Projections				
				Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year	Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year
Dunbar PS – John Muir (Lower)	500	18	16	2021	501	2023	509	19	2021	522	2023	527	20
Dunbar PS – Lochend (Upper)	669	21	20	2023	669	2025	741	24	2022	690	2025	793	25
East Linton PS	175	7	8	2018	181	2022	233	9	<i>same as Established Supply</i>				
Innerwick PS	75	3	3	n/a	n/a	2019	57	3	n/a	n/a	2019, 2022/23	58	3
Stenton PS	50	2	2	n/a	n/a	2027	35	2	<i>same as Established Supply</i>				
West Barns PS	100	4	4	2025	107	2028	113	5	2025	109	2026	117	5

Haddington  
Cluster

School	Planning capacity	No. of classes for capacity	Classes projected for 2018	Established Supply Projections					Uncommitted Projections				
				Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year	Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year
Haddington IS	330	12	12/13	2021	333	2023	360	14	2021	333	2023	360	14
King's Meadow PS	504	16	13	n/a	n/a	2022	473	16	same as Established Supply				
Yester PS	175	7	7	2017	179	2017	179	7	<i>same as Established Supply</i>				
St Mary's RC PS	125	5	5	n/a	n/a	2024	124	<i>RC to be managed within capacity</i>	n/a	n/a	2024, 2031	125	<i>RC to be managed within capacity</i>
Letham Mains PS	411	14	1	n/a	n/a	2027	371	14	2027	401 (15 classes)	2031	471	17

Musselburgh Cluster

School	Planning capacity	No. of classes for capacity	Classes projected for 2018	Established Supply Projections					Uncommitted Projections				
				Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year	Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year
Campie PS	444	16	17	2018	445	2018	445	17	<i>same as Established Supply</i>				
Musselburgh Burgh PS	334	12	12	2022	326 (13 classes)	2029	330	13	<i>same as Established Supply</i>				
Pinkie St Peter's PS	595	21	16	2022	613	2026	649	23	2022	640	2026	694	24
Stoneyhill PS	309	11	8	n/a	n/a	2017	214	9	<i>same as Established Supply</i>				
Wallyford PS	408	14	13	2020	448	2030	962	34	2020	448	2031	1158	41
Whitecraig PS	125	5	5	2021	120	2024	141	6	2020	123 (6 classes)	2030	342	13
Loretto RC PS	205	8	8	2019	212	2024-2027	226	<i>RC to be managed within capacity</i>	2019	212	2025	237	<i>RC to be managed within capacity</i>
Craighall PS	595 (planned)	21	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2035	623	22

North Berwick Cluster



School	Planning capacity	No. of classes for capacity	Classes projected for 2018	Established Supply Projections					Uncommitted Projections				
				Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year	Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year
Aberlady PS	125	5	6	2019	128	2030	162	7	<i>same as Established Supply</i>				
Athelstaneford PS	75	3	3	n/a	n/a	2019	60	3	<i>same as Established Supply</i>				
Dirleton PS	100	4	4	n/a	n/a	2028-2029	85	4	n/a	n/a	2028-2029	92	4
Gullane PS	238	9	9	2021	260	2024	288	12	2020	246	2024	293	12
Law PS	891	30	23	n/a	n/a	2023	841	30	<i>same as Established Supply</i>				

Prestonpans Cluster

School	Planning capacity	No. of classes for capacity	Classes projected for 2018	Established Supply Projections					Proposed LDP Projections				
				Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year	Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year
Cockenzie PS	460	16	16	n/a	n/a	2018-2019	409	16	<i>same as Established Supply</i>				
Blindwells PS	705	24	n/a	n/a	n/a	2038	697	24	<i>same as Established Supply</i>				
Longniddry PS	271	10	8	n/a	n/a	2021	208	8	2025	285	2031	344	14
Prestonpans IS	385	14	15	2020	402	2020	402	16	<i>same as Established Supply</i>				
Prestonpans PS	504	16	12	2021	512	2024	509	17	<i>same as Established Supply</i>				
St Gabriel's RC PS	175	7	7	2019	185	2040	212	<i>RC to be managed within capacity</i>	<i>same as Established Supply</i>				

Tranent Cluster

School	Planning capacity	No. of classes for capacity	Classes projected for 2018	Established Supply Projections					Proposed LDP Projections				
				Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year	Year roll breaches capacity	Roll at breach	Peak Year	Peak Roll	No. of Classes at Peak Year
Elphinstone PS	75	3	3	n/a	n/a	2017	60	3	2021	77	2031	105	5
Humbie PS	50	2	1	n/a	n/a	2022-23, 2028, 2031	28	2	<i>same as Established Supply</i>				
Macmerry PS	175	7	6	n/a	n/a	2017	127	7	2024	176	2027	183	8
Ormiston PS	205	8	8	2021	221	2024, 2034	234	10	<i>same as Established Supply</i>				
Pencaitland PS	205	8	8	n/a	n/a	2022-23	189	8	n/a	n/a	2022	196	8
Saltoun PS	75	3	3	n/a	n/a	2018	46	3	<i>same as Established Supply</i>				
Sanderson's Wynd PS	425	15	14	n/a	n/a	2019	369	14		n/a	2019	377	15
Windygoul PS	758	26	24	n/a	n/a	2017	641	24	2025	762	2033	903	32
St Martin's RC PS	205	8	7	n/a	n/a	2017	182	<i>RC to be managed within capacity</i>	n/a	n/a	2017	182	<i>RC to be managed within capacity</i>

Secondary School Roll Projections Overview (April 2018 assessment)

School Cluster	Current capacity	Established Supply Projections				Proposed LDP Projections			
		Year breaches capacity	Roll at breach	Peak Roll	Peak Year	Year breaches capacity	Roll at breach	Peak Roll	Peak Year
Dunbar^	800	2017	894	1191	2028	2017	894	1270	2028
Haddington	950	2024	1021	1173	2033,2034	2024	1021	1248	2034
Musselburgh	1350	2023	1364	1680	2033	2023	1,458	2339*	2039*
North Berwick	950	2019	971	1208	2028	2019	971	1219	2028
Prestonpans#	1050	2023	1090	1487	2040	2022	1053	1568	2040
Tranent	1100	2018	1131	1306	2022	2018	1131	1504	2035, 2037

*^Extension to 1199 capacity is currently being build out*

*\*Note: Musselburgh secondary rolls could still continue to rise for a couple of years depending on what happens at Craighall (PROP MH) with build out rates*

*#Previously assumed Blindwells (PROP BW1) would provide a new secondary. Now BW1 falls within the Preston Lodge Catchment.*

## Early Learning and Childcare (ELC) Population Projections Assessments for LDP (May 2016)

### Assessment 18.07.2016 Current Capacity as at 2015-16 session

*Note: any slight differences between Established Supply and LDP sets will be due to rounding differences. Up to date Early Years and Childcare projections were not available at the time of the publication of this Technical Note. However, they will be used on in updated demand assessments of development proposals.*

#### Dunbar Cluster

Establishment	Type	Current Capacity (Places)	Established Supply (Places)	LDP Projections (Places)
Dunbar PS	Local Authority	128	143	178
East Linton PS	Local Authority	20	21	25
Innerwick PS	Local Authority	20	8	8
West Barns PS	Local Authority	20	11	11
Stenton		n/a	5	5
<i>Dunbar Partner Providers</i>		<i>50</i>	<i>26</i>	<i>25</i>
<b>Cluster Total</b>		<b>238</b>	<b>203</b>	<b>241</b>

**Haddington Cluster**

<b>Establishment</b>	<b>Type</b>	<b>Current Capacity (Places)</b>	<b>Established Supply (Places)</b>	<b>LDP Projections (Places)</b>
Haddington IS	Local Authority	40	70	70
St Mary's RC PS	Local Authority	40	38	38
Yester PS	Local Authority	20	22	22
<i>Letham Mains PS</i>	Local Authority	<i>planned capacity 50</i>	55	74
<i>Haddington Partner Providers</i>		83	39	39
<b>Cluster Total</b>		<b>233</b>	<b>215</b>	<b>222</b>

**Musselburgh Cluster**

<b>Establishment</b>	<b>Type</b>	<b>Current Capacity (Places)</b>	<b>Established Supply (Places)</b>	<b>LDP Projections (Places)</b>
Campie PS	Local Authority	60	46	47
Musselburgh Burgh PS	Local Authority	40	41	41
Pinkie St Peter's PS	Local Authority	50	63	84
Stoneyhill PS	Local Authority	30	17	17
Wallyford PS	Local Authority	40	117	148
Whitecraig PS	Local Authority	20	24	46
Loretto RC PS	Local Authority	20	20	23
<i>Craighall PS</i>	Local Authority			53
<i>Musselburgh Partner Providers</i>		185	78	91
<b>Cluster Total</b>		<b>445</b>	<b>389</b>	<b>506</b>

**North Berwick Cluster**

<b>Establishment</b>	<b>Type</b>	<b>Current Capacity (Places)</b>	<b>Established Supply (Places)</b>	<b>LDP Projections (Places)</b>
Aberlady PS	Local Authority	20	19	24
Athelstaneford PS	Local Authority	20	10	10
Gullane PS	Local Authority	30	30	47
North Berwick NS	Local Authority	70	108	111
Dirleton		n/a	12	14
<i>North Berwick Partner Providers</i>		68	12	13
<b>Cluster Total</b>		<b>208</b>	<b>180</b>	<b>206</b>



**Prestonpans Cluster**

<b>Establishment</b>	<b>Type</b>	<b>Current Capacity (Places)</b>	<b>Established Supply (Places)</b>	<b>LDP Projections (Places)</b>
Cockenzie PS	Local Authority	80	53	53
Blindwells	Local Authority	n/a	112	112
Longniddry PS	Local Authority	22	25	64
Prestonpans IS	Local Authority	60	104	103
Prestonpans Early Learning & Childcare Centre	Local Authority			
St Gabriel's RC PS	Local Authority	50	40	42
<i>Prestonpans Partner Providers</i>		45	20	18
<b>Cluster Total</b>		<b>257</b>	<b>231</b>	<b>243</b>

**Tranent Cluster**

<b>Establishment</b>	<b>Type</b>	<b>Current Capacity (Places)</b>	<b>Established Supply (Places)</b>	<b>LDP Projections (Places)</b>
Elphinstone PS	Local Authority	20	5	12
Humbie PS	Local Authority	17	6	6
Macmerry PS	Local Authority	30	20	26
Ormiston PS	Local Authority	30	44	44
Pencaitland PS	Local Authority	30	33	36
Saltoun PS	Local Authority	10	6	10
Sanderson's Wynd PS	Local Authority	66	39	43
Windygoul PS	Local Authority	70	89	115
St Martin's RC PS	Local Authority	20	18	23
<i>Tranent Partner Providers</i>		<i>50</i>	<i>13</i>	<i>16</i>
<b>Cluster Total</b>		<b>343</b>	<b>237</b>	<b>309</b>

#### 4. School Expansions and Costs

The need for any additional capacity (including land where relevant) has been identified on a school by school basis reflecting the above updated school roll projections. The planning capacity sets out the number of class bases needed and in addition to this other accommodation will be required to meet the guidance, standards and policies for education. This will include provision for general purpose activities, learning support, kitchen / dining facilities, PE accommodation, tutorial and meeting rooms, administration and offices, medical rooms as well as core areas for IT, resources, toilets and changing rooms. The Early Learning & Childcare (ELC) projections inform the additional capacity required to provide for LDP development and is based on the demand assessment and ELC pupil projections as set out above. Each school has been assessed and an outline schedule of accommodation prepared to provide for the additional pupil numbers. These assessments are in line with the Scottish Government 2014 Guidance on Determining Primary School Capacity and identify any existing requirements which are currently the responsibility of the Council.

Outline design proposals and costs have been prepared for the required expansion of existing primary schools and where relevant, apportioned proportionally and pro-rata (including between the Council where necessary) on the following basis:

- Existing Primary School expansion: the project cost is based on the total gross internal floor area of the expansion proposals, together with other costs required to enable the development, factoring in a range of actual school build contracts and based on the Scottish Futures Trust metric for all-in project cost (£2,350 per sqm at Q2 2012 indexed to £3,198 per sqm at Q3 2018). However, the Council has continued to use a rounded value of £3,000m<sup>2</sup> as per the draft Supplementary Guidance. The explanation for this rate was described as reasonable in the LDP Examination Report (paragraph 29, page 674),
- The areas of any new school facilities are based on the Scottish Futures Trust pupil and area metrics for nursery, primary and secondary schools and project costs are also based on the Scottish Futures Trust metric for all – in project cost (£2,350 per sqm at Q2 2012 indexed to £3,198 per sqm at Q3 2018). However, the Council has continued to use a rounded value of £3,000m<sup>2</sup> as per the draft Supplementary Guidance. The explanation for this rate was described as reasonable in the LDP Examination Report (paragraph 29, page 674) .
- The overall project cost for the provision of the additional capacity is divided between the assessed sources of demand in proportion with the percentage of additional impact they each generate as follows:

1. increases in baseline levels of demand beyond current capacity: will be met by the Council service or infrastructure provider;

2. further increases in capacity to accommodate demand from committed development (including proposals that have ‘minded to grant’ status): to be met via ‘anticipated, gathered or committed’ developer contributions (including that which is ‘anticipated’ from ‘minded to grant’ proposals);
3. further increases in capacity to accommodate shortfalls in capacity or accommodation notwithstanding any committed capacity increases in association with point 2: to be met by the Council service or infrastructure provider;
4. further increases in capacity to accommodate planned development without planning permission (not including proposals with ‘minded to grant’ status): to be met by developer funding from any planned development proposal(s) that does not have planning permission and is therefore still ‘eligible’ to make a contribution.

All financial payments ‘anticipated, gathered or committed’ will be subject to indexation using the BCIS All – in Tender Price Index from the date of adoption of the Supplementary Guidance until the payment is received. If the scale of the infrastructure required changes, then costs will need to be recalculated and financial payment will be indexed from the date of the demand assessment for the planning application.

The Council has identified its own responsibilities with associated costs for providing for existing deficiencies. The Council also takes account of developer contributions already received, but not yet expended, towards any required expansion. Once the liabilities of service or infrastructure providers and planning obligations ‘anticipated, gathered or committed’ have been taken into account, the percentage of project costs remaining will be apportioned pro-rata among the LDP proposals generating the impact in line with the percentage of impact they each generate.

Summary of accommodation requirements and costs is detailed in the following table using this formula

**Contribution Per Home = (A-B-C)/D**

A – Total Project Cost

B – Committed Developer Contributions (From pre 2016 LDP sites, including indexed sums received)

C – Council Liability Funding (Often total liability for pre-LDP committed development impacts minus committed pre-LDP developer contributions)

D – Number of contributing homes (LDP site capacities are used except where a different number of homes have been permitted)

SCHOOL	Accommodation required	Existing School capacity	LDP School roll projection	LDP number of classes	area / pupil sqm	total additional area	cost /sqm	total project cost	committed developer contributions	Council funding liability	net project cost to LDP development	number of homes contributing	cost per home £
<b>Dunbar Cluster</b>													
<b>Dunbar GS</b>	LDP accommodation requirement for increase in capacity from Established (1199) to LDP (1299) new build and alterations to provide 4 classrooms, 1 science, 1 art and ancillary accommodation. 850 sqm additional new build and internal alterations are required	800	1,270	n/a	n/a	850	£3,000	£2,650,000 (includes £100k for internal; alterations)	£811,800	n/a	£1,838,200	534	£3,442
<b>Dunbar - Lochend (P4-P7)</b>	3 classrooms, 1 GP, breakout, stairs, toilets and cloaks, PE hall expansion	669 (21 classes)	793	25	n/a	948	£3,000	£2,844,000	£966,161	n/a	£1,877,839	415	£4,525
<b>Dunbar - John Muir (P1 -P3)</b>	2 classrooms and 1 GP space (1 new classroom and GP space: 1 additional classroom by internal alterations)	500 (18 classes)	527	20	n/a	1,50	£3,000	£1,470,000 (includes £120k for internal alterations)	£316,409	£180,000	£973,591	415	£2,346
<b>Dunbar Nursery</b>	additional 50 Early Learning and Childcare (ELC) (Council and committed development) liable for 30 places	128	178		n/a	300							
<b>West Barns</b>	additional classroom and ancillary space required	100 (4 classes)	117	5				£331,778	£308,000		£23,778	6	£3,963
<b>Haddington Cluster</b>													
<b>Knox Academy</b>	Overall accommodation requirement to increase from existing to LDP capacity - 14 classrooms, 1 science, 1 technology, 2 art, PE changing and ancillary requirement for increase in capacity from Established (1199) to LDP (1300) new build and alterations to provide 6 classrooms, 1 science, 1 art and ancillary accommodation.	999	1,248	n/a	n/a	2,180	£3,000	£6,590,000 (includes £50K for internal alterations)	£3,274,957	£1,743,852	£1,571,191	275	£5,713
<b>Letham</b>	Costs are for extension to proposed Letham PS for additional proposed LDP impact only. Requirement is for 3 additional classrooms, 1 GP and dining extension and a 7s MUGA	411 (14 classes)	471	17		600	£3,000	£2,310,000 (includes £150,000 for MUGA)	n/a	n/a	£2,310,000	275	£8,400
	ELC extension for 20 places	50	74			120							

SCHOOL	Accommodation required	Existing School capacity	LDP School roll projection	LDP number of classes	area / pupil sqm	total additional area	cost /sqm	total project cost	committed developer contributions	Council funding liability	net project cost to LDP development	number of homes contributing	cost per home £
<b>Musselburgh Cluster</b>													
<b>Musselburgh - New Secondary School</b>	Projections for new secondary school	0	1,148	n/a	11	12,628	£3,000	£37,884,000					
	Based on provision of a new second secondary school for Musselburgh												
	Total projected number of pupils in Musselburgh area based on Established roll		2,386										
	Total number of pupils in Musselburgh area based on 2016 LDP roll projections												
	Council responsible for Established pupil numbers in new school		66.51%						£5,724,324	£19,472,325			
	Developers responsible for additional LDP pupils		33.49%								£12,687,352	2,913	£4,355
<b>Pinkie St Peter's</b>	3 classrooms, new PE hall: internal alterations to form new GP/dance space: Council liable for 1/3 part contribution towards new hall reflecting current shortfall.	595 (21 classes)	694	24				£1,995,000		£400,000	£1,595,000		
	90 ELC places to be provided (Council is currently responsible for 70 places and LDP for 20 places:	50	84					£1,335,000		£945,000	£390,000		
	Total costs for Pinkie							£3,330,000		£1,345,000	£1,985,000	263	£7,548
<b>Whitecraig</b>	Major expansion to 13 classrooms, new PE hall, GP space, additional dining and core accommodation and 30 additional pre-school places: Council is liable for cost of extending for 2 classrooms	125 (5 classes)	345	13		1760	£3,000	£5,280,000	£239,612	£300,000	£4,740,388	550	£8,619
	Additional ELC	20	46										
<b>Wallyford</b>	New school proposals being developed. Additional capacity for LDP is calculated using metric of 6 sqm / pupil	n/a	1,158	41	6	1,452							
	Additional ELC	120	30		6	180							
	Total Wallyford					1632	£3,000	£4,896,000				600	£8,160

SCHOOL	Accommodation required	Existing School capacity	LDP School roll projection	LDP number of classes	area / pupil sqm	total additional area	cost /sqm	total project cost	committed developer contributions	Council funding liability	net project cost to LDP development	number of homes contributing	cost per home £
Craighall	New school - area based on SFT metric for pupils	n/a	623	22	6.5	4,049.50	£3,000	£12,148,500					
	ELC Facility	n/a	100		6.5	650	£3,000	£1,950,000					
	Total Craighall	n/a				4,699.50		£14,098,500				1500	£9,399

North Berwick Cluster													
<b>North Berwick HS</b>	Overall accommodation requirement - 11 classrooms, 1 science, 1 technology, 1 music, 1 art, additional dining, PE hall, changing and other core requirements to increase from existing capacity (950) to LDP capacity (1200). Additional PE hall will offset need for additional community requirements for LDP developments. Proposals include both new build and internal alteration / extension of existing school. Internal alterations and external works	950	1,219	na	n/a	2,390	£3,000	£7,170,000					
	Total cost (excluding land)							£110,000					
	0.858 ha additional land required for the school							£7,280,000	£4,923,456	n/a	£2,356,544	350	£6,733
<b>Gullane</b>	3 classrooms, 1 GP and PE hall	238 (9 classes)	293	12		715	£3,000	£2,145,000					
	20 additional ELC capacity	30	47			120	£3,000	£360,000					
								£2,505,000	£889,548		£1,615,452	213	£7,584

SCHOOL	Accommodation required	Existing School capacity	LDP School roll projection	LDP number of classes	area / pupil sqm	total additional area	cost /sqm	total project cost	committed developer contributions	Council funding liability	net project cost to LDP development	number of homes contributing	cost per home £
<b>Tranent Cluster</b>													
<b>Ross</b>	Overall accommodation requirement - 15 classrooms, 2 science, 1 technology, 1HE, 2 music, 1 art, additional dining/social, changing and other core requirements to increase from existing capacity (1100) to LDP capacity (1550). Proposals include both new build and internal alteration / extension of existing school and new MUGA (not- floodlit)	1,100	1,504	n/a		2,800	£3,000	£8,400,000					
	MUGA and external works							£432,000					
	Total – Council liable for increased required from pre LDP sites (36.93%)							£8,832,995	£1,917,995	£1,609,232	£5,304,773	1,071	£4,953
<b>Elphinstone</b>	1 additional classroom -and ancillary	75 (3 classes)	105	5 (can only be expanded to 4 classes)	6.5	130 (for 1 additional class)		£470,000 (includes £80k for internal alterations)	n/a	n/a	£470,000	80	£5,875
<b>Macmerry</b>	1 classroom, 1 GP space, additional dining and ancillary	175 (7 classes)	183	8		270	£3,000	£810,000				170	£4,765
<b>Windygoul</b>	6 additional classrooms required to meet LDP roll. Additional GP and core accommodation (including dining extension) required and new PE hall and changing rooms. Council to fund 50% cost of new hall to reflect current deficit. Alterations and replacement MUGA required. This is subject to change as the Council is working on a revised design, subject to the assessment of catchment development proposals	758 (26 classes)	903	32	n/a	1,517	£3,000	£4,771,000 (includes £100k for alterations and £120k for MUGA)	£90,802	£750,000 (50% of new hall)			
	50 new ELC places needed: Council to fund 20.	70	115			300	£3,000	£900,000		£360,000			
	Total cost apportioned							£5,671,000		£1,110,000	£4,470,198	670	£6,672
	Additional 1.124ha land required for school campus: Council liable for 0.5ha and Developer for 0.624ha												



SCHOOL	Accommodation required	Existing School capacity	LDP School roll projection	LDP number of classes	area / pupil sqm	total additional area	cost /sqm	total project cost	committed developer contributions	Council funding liability	net project cost to LDP development	number of homes contributing	cost per home £
<b>Prestonpans Cluster</b>													
<b>Preston Lodge</b>	Calculation is based on incorporating Blindwells 1600 dwellings into PL HS. 15 classrooms, 3 science, 1 HE 1 music, 1 Technology, additional social/dining external works etc.	1,050	1568	n/a	n/a			£8,410,000	£150,595	n/a	£8,259,405	2050	£4,029

## 5. Campus Land Contributions

Developer contributions will be required to fund campus land purchases for the New Secondary School in Musselburgh, as well as for extensions to Whitecraig Primary and Windygoul Primary. How the values for these contributions will be calculated is set out below.

### Musselburgh Secondary Campus Land Contribution

The Approved 2018 Council Budget contains a land purchase cost for the New Musselburgh Secondary School of £3,703,000. As per the calculation for the Musselburgh Secondary Capital Contribution, the Council will be liable for 66.51% of cost of this, the remaining 33.49% is the responsibility of developers, as it is that proportion of the total Musselburgh Secondary School Roll that arises from LDP development. In order to calculate a per home estimate, the cost attributed to LDP Development is divided by the number of contributing homes as follows:

Per Home Rate = £1,240,135 / 2913 homes = £426 per home

### Whitecraig Primary and Windygoul Campus Land Contributions

The purchase costs for both areas of campus land required has yet to be determined. However, they will be based on District Valuer valuations. Costs will be apportioned to contributing developments based on the number of homes in each proposal as a proportion of the total capacity of LDP developments in the catchment. Where the landowner of the campus land is also the developer/owner of one of the contributing housing sites, the Council expects that the proportion of the campus land required for that site will be transferred to the Council at a zero value. For Windygoul, as part of the need for the additional campus land is because of existing conditions, the Council will contribute that proportion of the campus land cost.

Where the serviced land required to be transferred to the Council is only required because of a single site's impacts, the service or infrastructure provider will seek the transfer of that land in association with that development. Where the serviced land would relate to a wider need than that of solely the allocated site in which it is located, then the service or infrastructure provider will normally seek the transfer of the serviced land on a phased basis as the need arises and as resources allow, or may consider alternative mechanisms that would allow all or a greater proportion of the land to be transferred to the service or infrastructure provider at once.

### Statement of Conformity with Circular 3/2012

#### PROVISION OF TRANSPORT NETWORK CAPACITY

The following table and Appendix 1 explains why Road Services Network Improvements and Mitigation can be justified against the 5 tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and thus why it should feature in East Lothian's Planning Obligations Framework.

#### TEST1

Necessary to make the development acceptable in planning terms

Local Authority operations with regard to Road Services are underpinned by various pieces of legislation, international directive and national policy and guidance. These include, but are not limited to:

#### **National Policy, Strategy & Guidance Context**

- 1) **Scottish Planning Policy (SPP)** - Scottish Planning Policy (SPP). SPP has two principal policies, one on 'sustainability' and one on 'placemaking'. Due weight is to be given to net economic benefit in planning decisions, and Scottish Government advice on this is awaited. SPP expects plans to be tailored to their area, contribute towards the delivery of economic strategies and Single Outcome Agreements and complement work of the Community Planning Partnership. Placemaking means linking the planning strategy with design tools and other processes and decisions to achieve positive, design-led outcomes on the ground that help create better places. SPP also contains subject policies on matters such as natural and cultural heritage, rural development and coastal planning, and on town centres, business and employment and housing as well as energy, resources and infrastructure.  
<http://www.gov.scot/Publications/2010/02/03132605/0>
- 2) **Planning Advice note (PAN) 75 – Planning for Transport**

- 3) **Transport Assessment Guidance** – The guidance sets out requirements according to the scale of development being proposed; from a local development which requires a simple Transport Statement providing an explanation of transport issues through to a major development where detailed technical analyses will be required in a Transport Assessment accompanied by a supporting travel plan. When the proposed development is not in accordance with the Development Plan then the proposal should be appraised in accordance with the Development Planning and Management Transport Appraisal Guidance (DPMTAG). <http://www.transport.gov.scot/stag>

[DPMTAG Guidance Available at http://www.transport.gov.scot/development-planning-and-management-transport-appraisal-guidance-dpmtag](http://www.transport.gov.scot/development-planning-and-management-transport-appraisal-guidance-dpmtag)

- 4) **National Planning Framework** - NPF3 sets out the long term development strategy for Scotland and identifies National Developments that should be included in development plans. South East Scotland, including East Lothian, is to continue as the driver of the Scottish economy. NPF3 notes a need to deliver land for new homes and to invest in associated infrastructure, including where cross local authority boundary impacts are expected such as on the trunk road network, including the A720 city by-pass. Opportunities for regeneration are to be maximised. The importance of towns in the city region is also recognised. NPF3 acknowledges that infrastructure capacity in general is a significant issue: in some cases new facilities will be needed, but best use should first be made of existing capacity and facilities where appropriate; innovation and joint working will be needed to secure funding and delivery mechanisms for more capacity. Into the longer term the spatial strategy for the city region will need to acknowledge regional infrastructure constraints.
- 5) **SESplan Strategic Development Plan** - The SDP sets out the broad strategic planning vision, strategy and policies as well as development requirements for the city region, including East Lothian. It was approved with modifications by Scottish Ministers on the 27th June 2013. This approval was subject to the preparation of Supplementary Guidance on Housing Land, which was adopted as part of the SDP on 28th October 2014. The SDP and its Supplementary Guidance set out specific land requirements to be planned for by LDPs for the periods up to 2019 and 2024. The SDP is also accompanied by an Action Programme which identifies actions associated with the delivery of the SDP. Some of these actions are specific to East Lothian while others have cross local authority boundary implications including for East Lothian.

The SDP sets out a spatial strategy which broadly continues that of previous plans. The SDP is clear that land allocations made by previous plans are to be carried forward and must be complemented and not undermined by land allocations made by LDPs. The SDP identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar.

SDP available at [http://www.sesplan.gov.uk/current\\_sdp-2013.php](http://www.sesplan.gov.uk/current_sdp-2013.php)

- 6) Sustran's Regional Transport Strategy (2015-2025)** - SEStran's Regional Transport Strategy (2015 – 2025) was approved by Scottish Ministers in July 2015. East Lothian's Local Transport Strategy 2017 is being developed in parallel with the LDP. There are a range of other plans, policies and strategies to which this LDP has regard. These include the Council's Draft Open Space and Sports Pitch Strategy, its Biodiversity Action Plan and its Core Path Plan. Adjoining planning authorities have been consulted in the preparation of the LDP and account has been taken of their emerging LDPs. Cross boundary opportunities and constraints have also been explored.

Regional Transport Strategy available at <http://www.sestran.gov.uk/about/35/regional-transport-strategy/>

- 7) Designing Streets, A Policy Statement for Scotland** – Sets out government aspirations for design and the role of the planning system in delivering these. Along with Designing Places they are the Scottish Governments two key policy statements on design and place-making. Both documents are national planning policy and are supported by a range of design based planning advice notes (PAN'S) <http://www.gov.scot/Publications/2010/03/22120652/0>

- 8) Climate Change (Scotland) Act (2009)** - This sets the framework for combating climate change in Scotland. The approach includes reductions in carbon emissions and promotes adaptation to a low-carbon economy. Use of sustainable modes of transport is part of the process towards reducing carbon emissions. <http://www.legislation.gov.uk/asp/2009/12/contents>

**Local Policy, Strategy & Guidance Context:**

- 1) **East Lothian Council Transport Strategy 2017:** The Local Transport Strategy has been prepared by East Lothian Council to cover the period from 2015 to 2020. The strategy sits within a complex planning hierarchy and focuses on local issues that the council has the power to make significant changes to during its lifetime. The strategy is supplemented by supporting delivery plans focusing of Parking Management, Active travel, Asset management and Road safety. However, the strategy also looks at the more strategic, long term issues which will require partnership working with other industry bodies.
- 2) **ELC Design Standards for New Housing Areas –** Supplementary planning guidance to draw together in a single document East Lothian Councils key planning and Transportation requirements for the design of new housing areas.  
[http://www.eastlothian.gov.uk/downloads/download/374/design\\_standards\\_for\\_new\\_housing\\_areas](http://www.eastlothian.gov.uk/downloads/download/374/design_standards_for_new_housing_areas)

## TEST 2

### Serve a Planning Purpose

Effective and efficient transport and digital communications networks are fundamental to today's lifestyles and to supporting sustainable economic growth. The transport network is needed to attract economic development and encourage job creation, to conveniently access work, education, services, leisure and recreation opportunities, and to allow for the delivery of goods and services. Digital communications can help reduce the need to travel and provide new ways to work, learn and to access information, goods and services. Investment in these networks, including with new development, will be required to maintain and enhance their performance and the area's competitiveness. This will help to ensure the need to travel is minimised, encourage the use of sustainable transport modes, and contribute towards the transition to a low carbon economy.

The LDP takes the Council's Local Transport Strategy (LTS) 2015 – 2025 into account. The LDP seeks to integrate new development with East Lothian's existing transport networks and services and the LTS's vision for how these will change and be improved in future. The LTS promotes an enhanced active travel network that is integrated as part of East Lothian's Green Network and public transport options: this could provide a realistic alternative to the private car for some journeys, including longer ones, and may in time form part of the national walking and cycling network. The LTS vision includes improvements to the road and rail networks, including the enlargement of station car parks and platforms (for larger trains), the potential provision of new rail halts, and improvements to the trunk and local road network, including to junctions and interchanges. Real time travel information systems and integrated timetabling and ticketing are also promoted. The LTS will discuss where in the area there may be opportunities to support additional freight or passenger transport, including the potential for a new port related to energy development.

East Lothian is a relatively well connected place, but its transport and digital networks could be improved to reflect that it is a part of Edinburgh's housing and labour market areas. The majority of new development is planned in parts of East Lothian that are, or will

become, connected via high speed digital networks or that are, or can become, accessible, including by public transport. Nodes where interchange between different modes of travel can occur are to be enhanced and will provide a focus for new development. Promoting local services and new development alongside sustainable transport options will help maximise accessibility and social inclusion. In areas of significant change, or in the design of sites, the Council will ensure that digital networks can be provided and that the order of travel priority can be walking, cycling, public transport then private cars where possible

The Transport Appraisal and DPMTAG Report has informed the LDP with a micro-simulation traffic model developed for the western side of the county and a multi-modal model for the whole County. These identify a package of measures required to maintain the performance of the transport networks. The traffic models predicts changes in travel movements and has informed decisions on development associated infrastructure improvements with East Lothian. This is particularly relevant for the growth planned for by the LDP. Where it would be inappropriate for developers to provide, or fund the provision of, transport infrastructure in its entirety, financial contributions to an infrastructure fund maintained by the Council will be required. In accord with Policy DEL1, the type and scales of development that will normally be expected to contribute to this fund

### TEST 3

Related to the proposed development either as a direct consequence of the development or the cumulative impact of development in an area

This is set out in the Transport Appraisal published alongside the Proposed Plan, the updated DPMTAG report and Developer Contributions Framework: Outline Methodology Technical Note. The interventions for which contributions are sought, are required wholly or partially because of conditions arising from LDP scales of development and therefore it is appropriate to recover all or a proportion of their costs from planned LDP development. This was confirmed in the Reporter's conclusion to Issues 18A to E of the LDP Examination Report. The accompanying Developer Contribution Framework: Outline Methodology Technical Note sets out the proportion of need for the intervention that relates to LDP development.

LDP Transport Appraisal and DPMTAG Report available at [https://www.eastlothian.gov.uk/downloads/file/27707/transport\\_appraisal\\_-\\_ldp\\_2018](https://www.eastlothian.gov.uk/downloads/file/27707/transport_appraisal_-_ldp_2018)

Developer Contributions Framework: Outline Methodology Technical Note available at [https://www.eastlothian.gov.uk/downloads/file/27411/east\\_lothian\\_modelling\\_framework\\_-\\_technical\\_note\\_peter\\_brett\\_associates](https://www.eastlothian.gov.uk/downloads/file/27411/east_lothian_modelling_framework_-_technical_note_peter_brett_associates)

#### TEST 4

Fairly and reasonably related in scale and kind to the proposed development

This is defined in the Transport Technical Assessment below as well as the associate Transport Appraisal prepared in support of the Proposed Local Development Plan, the Updated DPMTAG Report and the Developer Contribution Framework: Outline Methodology Technical Note. In summary the value of each contribution is based on the number of additional trips arising from each site related to that intervention, as a proportion of the total number of additional journeys as a result of all LDP and uncommitted sites.

Active Travel contributions are based on a spatial catchment of 1.2km either side of the Proposed Route. Full details of this are set out in the Developer Contribution Framework: Outline Methodology Technical Note

#### TEST 5

Reasonable in all other respects

Workshops were held with colleagues involved in countryside management, open space and parks management, sports development and healthy living. Planning obligations were identified by each team and per cluster area. Opportunities were sought to combine obligations within the same parcel of land to reduce the financial burden. Further refinements were made by each specialist team.

Most of the Transportation planning obligations are large infrastructure projects and shall therefore be required to be designed to the Design Manual for Roads and Bridges standards along with the East Lothian Council Standards for Development Roads.

A number of additional strategies and supplementary planning guidance reports are in preparation for the Local Development Plan. The gathering of developer contributions towards transport interventions required as a result of new development will help deliver the aims of these reports, including:

i) East Lothian Council - Local Transport Strategy.

- a. Roads Asset Management Plan
- b. Parking Management Strategy
- c. Active Travel Improvement Plan.
- d. Road Safety Plan

iii) East Lothian Council Green Network Strategy. This sets out ideas, concepts and actions for enhancing biodiversity and access to the countryside across East Lothian, in line with the aspirations of the Central Scotland Green Network.



## Transportation – Technical Assessment

The Statement of Conformity, 2016 Transport Appraisal, DPMTAG Final Report and Developer Contribution Framework: Outline Methodology Technical Note all provide justification for Road Services Planning Obligations: Trunk Road Interchanges, Local Public Road Network, public transport, local path networks and the segregated active travel corridor.

The following table sets out the costs and the proportion of the interventions that should be recovered through developer contributions. Please note these have changed since the 2016 consultation. This is because further scheme development and preliminary designs have been prepared by transport consultants. Details are set out in the DPMTAG Final Report and the Developer Contribution Framework: Outline Methodology Technical Note, both of which are being made available alongside this Technical Note. Although both the DPMTAG Final Report and Outline Methodology Technical Note set out that the need for works at Dolphingstone A1(T) Interchange, the A198 Link and Meadowmill arise from the cumulative effect of LDP developments, the Council will not seek developer contributions towards these works as there are no developer contribution zones for these interventions in the LDP.

LDP Transport Proposal	Description	Indicative cost	Developer Proportion
<b>PROP T15: Old Craighall A1(T) Junction Improvements</b>	Providing additional capacity at Old Craighall junction, including signalisation and improvements on the slip roads and roundabout widening.	£995,000	£194,520
<b>PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)</b>	Signalisation and potential lane widening at the Salter's Road Interchange to accommodate increased demand	£272,000	£272,000

<b>PROP T17: A1(T) Interchange Improvements (Bankton Interchange)<sup>1</sup></b>	Signalisation, SCOOT integration, and junction improvement at the Bankton Interchange to accommodate increased demand	£848,767	£848,767
<b>PROP T9 + PROP T10: Rail Package</b>	Expansion of Musselburgh, Drem and Longniddry car parks and platform lengthening at Musselburgh, Wallyford, Prestonpans, Prestonpans, Longniddry, and Drem stations to allow for an increase in train lengths to 8 carriages to accommodate forecast rail demand.	£5,007,000	£4,369,000
<b>PROP T21: Musselburgh Town Centre improvements</b>	Signalisation and junction improvements to manage vehicle flows through Musselburgh Town Centre	£283,000	£243,019
<b>PROP T27 &amp; T28: Tranent Town Centre improvements</b>	Enhancements, including introduction of a one way system, to improve traffic flow in Tranent Town Centre	£449,000	£449,000
<b>PROP T3: Active Travel Corridor</b>	Segregated walking and cycling route running from Dunbar to East Edinburgh	£23,400,000	£3,856,501

### Securing Transportation Developer Contributions

Since 2016 publication of DCF, the Council has had further meetings with Network Rail and Transport Scotland regarding gathering contributions towards Old Craighall and the Rail Package. For the Rail Package, developer contributions will be gathered through Section 75 agreements and transferred to Network Rail when a project to deliver to platform improvements is confirmed. With Old Craighall, contributions will also be gathered through Section 75 Agreements and will then be transferred to the party who undertakes the works, when that is confirmed.

Please note that values of the transportation contributions for some of the sites, as set out in Tables 2 to 5 the DCF have changed since 2016. This is because of further modelling work undertaken using the micro-simulation model, the changes to the costs of the interventions and a change in the proportion of the costs to be received through developer contributions. Where development proposals have already been granted minded to grant status

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<sup>1</sup> The A198 Link costs, including dualling and Blindwells access roundabout, are not included in the Bankton Interchange costs. The Bankton costs solely related to signal control of northern roundabout with local widening and redesign of southern roundabout with local widening.

and the values of the transportation contributions have been agreed between the Council and the developer/applicant, the Council will not look to recover any increase from the level of contributions agreed.

A representation was received on the Proposed Plan that the small size of some of the transport contributions sought indicated that there was an insufficient strength of relationship to warrant a developer contribution under the necessity test. The LDP Examination Reporter in dealing with this unresolved representation set out the following (page 1060) “regarding the scale of contribution varying within zones, such an effect is to be expected if the strength of scale and kind relationship between individual sites and interventions is to be reflected. This does not mean that where this results in small amounts it is necessarily trivial. Therefore, I consider that the reference to contribution zones should remain within Policy DEL1. The threshold for the application of Policy DEL1 which excludes proposals of less than five dwellings and commercial development of less than 100 square metres also suggests a proportionate response in dealing with this matter.” As set out in the updated DCF page 13, the Council will confirm in all cases whether a contribution is required with each being assessed on a case by case basis.

## SPORTS FACILITIES

### Post LDP Examination Report Update

The following changes have been made to the likely contributions rates towards sports facilities. They are as a result of the removal of the Howe Mire LDP allocation and the inclusion of the Newtonlees Farm (PROP DR12) housing allocation in Dunbar.

- Land at Dolphingstone (PROP MH10) likely contribution increased from to £761 per home. This is because the same level of provision is required as previous but without the Howe Mire proposal. Therefore the per dwelling rate has increased.
- All Dunbar Cluster Proposals Sports Facilities contribution levels have decreased from £1,276 per home to £980 per home. This is because the same level of provision is required as previous but now with Newtonlees Farm (PROP DR12) also contributing. Therefore the per dwelling rate has decreased.

The Technical Assessment following the Statement of Conformity sets out the exact figures and calculations for each of the Sports Facilities contribution levels.

## Statement of Conformity with Circular 3/2012

### PROVISION OF ADDITIONAL CAPACITY IN SPORTS FACILITIES

The following table explains why the need for additional capacity in outdoor sports facilities can be justified against the 5 tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and thus why it should feature in East Lothian's Planning Obligations Framework.

#### TEST1

Necessary to make the development

Need arises in order to mitigate the impact of the increased population on current active infrastructure, more specifically, outdoor sports facilities.

The Local Government (Scotland) Act 1994 requires the Council to provide adequate community services. Anticipated demographic changes due to new housing development in the area will generate demand for community services and for provision of more

<p>acceptable in planning terms</p>	<p>capacity, specifically in relation to outdoor sports and the provision of new facilities to ensure that high quality service delivery can be maintained.</p> <p><u>Supporting national Outcomes Framework:</u>  Active Scotland’s Outcome Framework outlines Scotland’s ambitions for sport and physical activity and the identified need for additional sports facilities allows us to meet the specific outcome – ‘We improve our active infrastructure - people and places’  <a href="http://www.gov.scot/Topics/ArtsCultureSport/Sport/Outcomes-Framework">http://www.gov.scot/Topics/ArtsCultureSport/Sport/Outcomes-Framework</a>  ‘Reaching higher’ – Scotland’s sports strategy to 2020:  <a href="http://www.gov.scot/Resource/Doc/169113/0047106.pdf">http://www.gov.scot/Resource/Doc/169113/0047106.pdf</a>  Scottish Planning Policy 2014:  <a href="http://www.gov.scot/Publications/2014/06/5823/7">http://www.gov.scot/Publications/2014/06/5823/7</a></p>
<p><b>TEST 2</b>  Serve a Planning Purpose</p>	<p>To ensure that new residents can access appropriate sports facilities and to ensure that the local authority can maintain standards of service provision for all residents. The Council recognises the importance of conducting an active and healthy lifestyle and is committed to providing healthy choices for residents and visitors.</p> <p>To ensure that residents have access to appropriate sports facilities to enable them to meet the minimum recommended national daily physical activity levels (Adults min 150 minutes per week &amp; Children min 60 minutes every day)  <a href="https://www.gov.uk/government/publications/uk-physical-activity-guidelines">https://www.gov.uk/government/publications/uk-physical-activity-guidelines</a></p>
<p><b>TEST 3</b>  Related to the proposed development either as a direct consequence of the development or</p>	<p>To assist the delivery of the LDP, taking into account financial impact and development viability, we have looked to co-locate these facilities with education campuses where possible. This approach is further applied in relation to indoor sports hall facilities where there are no additional needs highlighted beyond those identified by the Education Authority as these will service both education and community requirements.</p> <p>As part of the spatial strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The approach is informed by the Council’s open space audit and strategy, which includes an assessment of playing field provision. The need for additional open space and playing fields in association with LDP strategy and sites has been based on this work. These documents</p>

the cumulative impact of development in an area

assess how well the needs of East Lothian's communities are being met against the Council's standards and help to identify the new provision needed to meet increased demands while maintaining associated quantitative, qualitative and accessibility standards.

The open space quantity standard is 60m<sup>2</sup> per dwelling. Provision of formal and informal open space is expected. Open spaces should be multifunctional and can include district, town and local parks, sports pitches and civic space. The Council has set maximum catchments for facilities, including 1.2km for sports pitches. Guidance for Open space and play provision show that 160 – 499 dwellings require the provision of sports facilities and 500 upwards will require the provision of formal sports facilities E.g. 1 full size pitch and associated changing facilities.

#### TEST 4

Fairly and reasonably related in scale and kind to the proposed development

Based on the open space strategy guidance that 160 – 499 dwellings require the provision of sports facilities and 500 upwards will require the provision of formal sports facilities, the need for any additional land/or capital costs of grass sports pitches and associated changing facilities has been identified, and where relevant apportioned proportionally and pro-rata on the following basis:

The grass sports pitch design meets the standards set out by Sportscotland and the relevant governing bodies of sport to accommodate football and rugby participation, and has been costed based on Sportscotland's 'Changing places' data sheet 2012 and recent costs for the design and build of sports pitches in East Lothian, with a contingency of 15% to derive the project costs for the provision of the necessary additional capacity.

The overall project cost for the provision of the additional capacity is divided between the assessed sources of demand in proportion with the percentage of additional impact they each generate as follows:

1. Increases the baseline levels of demand beyond current capacity: to be met by service or infrastructure provider;
2. Further increases in capacity to accommodate demand from committed development (including proposals that have 'minded to grant' status): to be met via 'anticipated, gathered or committed' developer contributions (including that which is 'anticipated' from 'minded to grant' proposals);
3. Further increases in capacity to accommodate shortfalls in capacity notwithstanding any committed capacity increases in association with point 2: to be met by service or infrastructure provider;
4. Further increases in capacity to accommodate planned development without planning permission (not including proposals with 'minded to grant' status): to be met by the developer funding from any planned development proposal(s) that does not have planning permission and is therefore still 'eligible' to make a contribution.

Once the liabilities of service or infrastructure providers and planning obligations ‘anticipated, gathered or committed’ have been taken into account, the percentage of project costs remaining will be apportioned pro-rata among the proposals generating the impact in line with the percentage of impact they each generate.

The land needed to deliver sport pitches and associated facilities will form part of the open space requirement for a site. Where the pitch is to serve a wider area than the site on which it is to be located, then the capital cost for the creation of the pitch shall be shared between the developments that generate a need for the facilities.

#### TEST 5

Reasonable in  
all other  
respects

Linked directly to the **Council’s SOA 2013 - 2023** – Outcome 6 and the contributory outcome ‘ People are more physically active’ it is essential that we have the appropriate active infrastructure to allow East Lothian Residents the opportunity to be physically active through participation in sport

[http://www.eastlothian.gov.uk/downloads/file/9787/the\\_east\\_lothian\\_plan\\_single\\_outcome\\_agreement\\_2013](http://www.eastlothian.gov.uk/downloads/file/9787/the_east_lothian_plan_single_outcome_agreement_2013)

**The physical activity framework and action plan for East Lothian** identifies the importance active infrastructure plays in allowing residents to meet the daily recommended physical activity levels and to increase opportunities to become and stay regularly physically active. This has been approved by the RPP subject to consultation and impact assessment which will be complete in June 2016.

**Sportscotland ‘Guide to preparation of sports pitch strategies’:**

<http://www.sportscotland.org.uk/Documents/Resources/guidetopreparationofsportspitchstrategies.pdf>

This outcome is also a key objective in **East Lothian’s Sport, countryside & Leisure business plan 2014 - 17:**

[SCL Business Plan 2104 - 17](#)

**East Lothian Open Space Strategy 2012:**

[Open Space Strategy](#)

**Sportscotland – School playing fields, planning and design guidance:**

[http://www.sportscotland.org.uk/Documents/Resources/SSC0100192AmendedPlayingFields\\_PlayingFields\\_WEB.pdf](http://www.sportscotland.org.uk/Documents/Resources/SSC0100192AmendedPlayingFields_PlayingFields_WEB.pdf)

## Sports Facilities – Technical Assessment

The following tables set out the level of additional Sports Facilities Provision required in each contribution zone and how the likely per home contribution rate has been calculated.

### Musselburgh Cluster

Provision Required	Comments	New Total Project Cost	Deficit in New Project Cost	No. Of Eligible LDP Dwellings	Pro-rata Cost per Eligible Dwelling	Contributing Sites
<b>Craighall</b>						
Craighall - 3 x full size grass sports pitch provision - Three ha required: costs given are for construction of pitches only - no land costs identified	grass required - not all-weather	£555,000	£555,000	1,550	£358	Craighall (MH1), Newton Farm (MH2)
Six team changing facility		£960,000	£960,000	1,550	£619	Craighall (MH1), Newton Farm (MH2)



<b>Wallyford</b>						
For existing Wallyford 1,450 home consent and LDP allocation (600 homes) a total of 2 grass and 1 all-weather pitches are required. This is a net increase of 1 grass pitch.	All Outdoor Sports provision should be co-located. The 1 x 3G pitch and 1 x grass pitch identified for the Established developments to be co-located with additional 1 x grass = 2 grass and 1 x 3G in total	£185,000	£185,000	600	£308	Dolphinstone (MH10)
For existing Wallyford 1,450 home consent and proposed LDP (600 homes) allocation, a six team changing facility is required (four team changing already agreed)		£401,000	£401,000	600	£668	Dolphinstone (MH10)

<b>Whitecraig</b>						
1 x full size grass sports pitch		£185,000	£185,000	500	£370	Whitecraig South (MH13), Whitecraig North (MH14)
Two team changing pavilion linked to new full sized sports pitch		£450,000	£450,000	500	£900	Whitecraig South (MH13), Whitecraig North (MH14)

**Prestonpans Cluster**

<b>Provision Required</b>	<b>Comments</b>	<b>New Total Project Cost</b>	<b>Deficit in New Project Cost</b>	<b>No. Of Eligible LDP Dwellings</b>	<b>Pro-rata Cost per Eligible Dwelling</b>	<b>Contributing Sites</b>
<b>Longniddry</b>						
1 x full size grass sports pitch	Provide all formal sports infrastructure within new development/Urban Park	£185,000	£185,000	450	£411	Longniddry South (PS1)
	2 team changing pavilion no longer required. Instead will utilise existing changing pavilion in recreation park as long as safe access routes are in place					

## Tranent Cluster

Provision Required	Comments	New Total Project Cost	Deficit in New Project Cost	No. Of Eligible LDP Dwellings	Pro-rata Cost per Eligible Dwelling	Contributing Sites
<b>Tranent</b>						
1 x full size grass sports pitch linked to developments at Windygoul South.	within 1 ha land south of Windygoul PS, Tranent - costs £185K included for construction of pitch. Title of land to be transferred to Council	£185,000	£185,000	670	£276	Windygoul South (TT1), Lammermuir Terrace (TT4)
Enhance provision within Polson Park including upgrade to existing 11 a side grass park		£21,297	£21,297	200	£106	Lammermuir Terrace (TT4), Bankpark (TT5)
<b>Elphinstone</b>						
Contribution towards modest refurbishment of existing pavilion	To take account of increased usage arising from increase in population	£50,000 – Estimate. Cost to be determined	£50,000	80	£625	Elphinstone (TT11)

## Blindwells Cluster

Provision Required	Comments	New Total Project Cost	Deficit in New Project Cost	No. Of Eligible LDP Dwellings	Pro-rata Cost per Eligible Dwelling	Contributing Sites
<b>Blindwells</b>						
3 x full size grass community sports pitches		£550,000	£550,000	1,600	£347	Blindwells (BW1)
Six team changing pavilion	Pavilion to include referee room, storage and social space	£960,000	£960,000	1,600	£600	Blindwells (BW1)
1 x cricket wicket		£8,000	£8,000	1,600	£5.00	Blindwells (BW1)
4 tennis court provision with changing pavilion as part of main facility		£200,000	£200,000	1,600	£125	Blindwells (BW1)

**Haddington Cluster**

Provision Required	Comments	New Total Project Cost	Deficit in New Project Cost	No. Of Eligible LDP Dwellings	Pro-rata Cost per Eligible Dwelling	Contributing Sites
<b>Haddington</b>						
Land required for additional 7 a side grass pitch 60mx40m informal recreational area within Letham development	costs are for construction of pitch - excluding land costs	£92,500	£92,500	275	£336	Letham Mains Expansion (HN2)

**Dunbar Cluster**

<b>Issues</b>	<b>Comment</b>	<b>New Total Project Cost</b>	<b>Deficit in New Project Cost</b>	<b>No. Of Eligible Dwellings Remaining</b>	<b>Pro-rata Cost per Eligible Dwelling</b>	<b>Contributing Sites</b>
<b>Dunbar</b>						
1 x full size grass sports pitch at Hallhill	Area for community sports pitch identified east of the Primary School, south of Hallhill	£185,000	£185,000	495	£374	Hallhill North (DR2), Brodie Road (DR4), Newtonlees Farm (DR12), Abbeylands, Abbeylands Garage, Belhaven
Two team changing extension to Hallhill Healthy Living Centre	£300K allowance	£300,000	£300,000	495	£606	Hospital Field, Coastguard Site, Assembly Rooms

## North Berwick Cluster

Issues	Comment	New Total Project Cost	Deficit in New Project Cost	No. Of Eligible Dwellings Remaining	Pro-rata Cost per Eligible Dwelling	Contributing Sites
<b>Gullane</b>						
Improve quality of existing 11 a side grass pitch in Recreation Park (Levelling/drainage) to take account of increased usage		£18,191	£18,191	195	£93	Saltcoats (NK7), Fenton Gait East (NK8), Fenton Gait South (NK9)
Land required south of the school site and construction of new additional 7 a side football pitch - overall 70m x 50m		£92,500	£92,500	195	£474	
<b>Aberlady</b>						
Improve drainage to increase capacity and usage of existing 11 a side grass pitch		£12,323	£12,323	100	£123	Aberlady West (NK10)



## AFFORDABLE HOUSING

### Statement of Conformity with Circular 3/2012

PROVISION FOR AFFORDABLE HOUSING (See also the Technical Note in Support of the Affordable Housing Policy and Supplementary Planning Guidance).

The following table explains why the need for affordable housing can be justified against the 5 tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and thus why it features in East Lothian's Planning Obligations Framework.

#### TEST1

Necessary to make the development acceptable in planning terms

#### 1) National Legislative and Policy Context:

East Lothian Council has a number of statutory duties relating to the provision of affordable housing. These include, although are not limited to the Local Housing Strategy (LHS); fuel poverty; house condition; housing support (specialist provision) and homelessness as well as a strategic response to national outcomes and national housing priorities i.e. the Scottish Housing Quality Standard, town centre living, the housing contribution to the reduction of carbon emissions, improving environmental and design standards and supporting the development of sustainable communities.

**Local Housing Strategy** – Housing (Scotland) Act 2001: Increasing the supply of homes is a national performance indicator and a high profile policy objective for the Scottish Government, with a 2020 vision for 'a housing system which provides an affordable home for all'. The achievement of this objective is at the heart of the housing planning framework. The East Lothian LHS sets out the joint and strategic approach of the local authority and its partners to delivering high quality housing and housing related services across all tenures, to meet identified need in its area, including the need for affordable housing.

**Fuel Poverty** – The fuel poverty strategy is a key element of the East Lothian LHS, covering all tenures including affordable housing, aiming to meet the national target to end fuel poverty as far as is reasonably practicable.

**House condition** – Introduction of the Scottish Housing Quality Standard in 2004, to ensure social housing (a key component of affordable housing) in East Lothian meets a minimum level of housing quality including energy efficiency and compliance with Energy Efficiency in Scottish Social Housing (ESSH) milestone set for 2020.

**Homelessness** – Housing (Scotland) Act 2001 and Homelessness etc (Scotland) Act 2003 including assessment of homelessness (extent and nature) and Strategy for preventing and alleviating homelessness. The strategic approach to homelessness is a key area of the East Lothian LHS and given the highly pressured housing system, is closely linked to increasing affordable housing.

**Housing Support (Specialist Provision)** – Housing (Scotland) Act 2001, The Public Bodies (Joint Working) (Scotland) Act 2014 and assessment of provision of housing and related services. Affordable housing has a key role to play in contributing to the effective integration of health and social care. The East Lothian LHS clearly sets out the contribution that housing can make in support of this agenda, through the design and delivery of housing and housing related services, capable of responding to the needs of individuals as they arise.

**Regeneration and Town Centres** - Housing can have a significant impact on regeneration outcomes, making an important contribution to the creation of sustainable places and improvements to the physical environment. Achieving a Sustainable Future: Regeneration Strategy (2011) outlines the Scottish Government’s vision for regeneration, with housing playing a key role. The East Lothian LHS sets out the role of housing with regard to regeneration, opportunities that exist for town centre living and the scope that town centres may provide to meet housing need and demand, including affordable housing. It sets out how opportunities for affordable housing will be prioritised to support effective delivery.

**Climate Change** – Climate Change (Scotland) Act 2009 including mitigation, adaptation and sustainability and 2020 milestone. The Act sets out a statutory framework for the reduction of greenhouse gas emissions. It requires emissions to be reduced by 42% by 2020 and 80% by 2050. East Lothian Council recognises that housing is a critical factor in achieving a shift towards a low carbon economy, with housing (all tenures, including affordable housing) accounting for circa 12% of total emissions nationally.

## **2) National Policy, Strategy and Guidance Context:**

- i) Part 5, Section 89 (1) and (2) of the **Housing (Scotland) Act 2001** places a statutory requirement on local authorities to produce a **Local Housing Strategy (LHS)** which will set out its strategy, priorities and plans for the delivery of housing and related services. This must be supported by an assessment of housing provision and related services.

The **Housing Need and Demand Assessment (HNDA)** forms a critical part of the evidence base for both the LHS and Development Plans, with regard to the provision of affordable housing. Local authorities, as both the statutory housing and planning authority are responsible for assessing housing requirements, ensuring a generous supply of housing land and enabling the delivery of both market and affordable housing.

- ii) **Scottish Planning Policy (SPP)** paragraph 128 states that “Local Development Plans (LDPs) should clearly set out the scale and distribution of the affordable housing requirement for their area.” The HNDA is a joint evidence base, linking together the LHS and LDP. SPP states “Where the HNDA and LHS identify a shortage of affordable housing, the LDP should set out the role that Planning will take in addressing this”. SPP provides guidance which harmonises the LHS and LDP through a shared evidence base in HNDAs.

<http://www.gov.scot/Resource/0045/00453827.pdf>

- ii) Informed by evidence in the HNDA, the LHS and Development Plans should set out a **Housing Supply Target (HST)** for both affordable and market housing. SPP states that the HST is a “policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the LHS and LDP, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability”.

- iii) **Planning Advice Note (PAN) 2/2010** – Section 1 of this PAN outlines in more detail, the categories of affordable housing which can contribute to the delivery and increased supply of affordable housing within local authority areas.

<http://www.gov.scot/Publications/2010/08/31111624/4>

### **3) Local Housing Policy, Strategy & Guidance Context:**

East Lothian Council has a number of local plans, policies and strategies in place which contribute towards meeting its statutory duties and national guidance set out in parts 1 and 2 above:

**i) Local Housing Strategy (LHS)**

The East Lothian LHS 2012-2017 sets out the nature, extent and type of housing need and demand across the county and the role that specific tenures are likely to play, both now and over the longer term. It sets out the local authority's strategic vision for the future of housing across all tenures, taking into account national priorities. The LHS also provides clear direction for investment in affordable housing throughout East Lothian, with the LDP supporting the strategic aims set out in the LHS. The LHS sets out five outcomes including outcome 1 "Increase housing supply and improve access to appropriate housing including affordable housing."

[http://www.eastlothian.gov.uk/downloads/file/6106/east\\_lothian\\_local\\_housing\\_strategy\\_2012-17](http://www.eastlothian.gov.uk/downloads/file/6106/east_lothian_local_housing_strategy_2012-17)

A revised LHS will be published in 2018 to cover the period 2018-2023 and this will align with Development Plans as appropriate.

**Strategic Housing Investment Plan (SHIP)**

East Lothian Council published a Strategic Housing Investment Plan (SHIP) in 2015, covering the period 2015/16 – 2019/20, in accordance with revised Scottish Government Guidance on Preparing Strategic Housing Investment Plans (2014).

The SHIP sets out East Lothian's housing development priorities over a five year period to help achieve the outcomes set out in its LHS and demonstrate how they will be delivered through a range of funding streams. It is a working tool to improve long-term strategic planning and provides an opportunity for East Lothian Council to:

- Set out key investment priorities for affordable housing;
- Demonstrate how these will be delivered;
- Identify the resources required to deliver these priorities; and
- Enable the involvement of key partners in the delivery of new affordable housing.

The priorities identified in the SHIP will deliver the outcomes set out in East Lothian's LHS and guide the application of Scottish Government and local authority funding for housing development through the Strategic Local Programme (SLP). The SHIP includes affordable housing supply through new provision, replacement, rehabilitation, remodelling, housing provided or assisted by other Scottish Government initiatives and housing provided by the local authority.

The SHIP makes reference to the Council's policy of maximising Scottish Government investment in East Lothian. Where potential under spend is identified in the Scottish Government Programme, the Council will continue to examine alternative opportunities

with RSL partners and the Scottish Government to ensure investment is fully spent, to support the further provision of affordable housing.

**Equalities** - Comply with Section 106 of Housing (Scotland) Act 2001 and Equality Act 2010

**TEST 2**

Serve a Planning Purpose

To ensure that the provision of affordable housing in East Lothian contributes towards the Scottish Government's vision for housing by 2020 '*...a housing system which delivers an affordable home for all*'<sup>2</sup>.

Provision of affordable housing in East Lothian seeks to comply with the Scottish Government's Joint Delivery Plan (2015), developed by the Joint Housing Policy and Delivery Group. This identifies priority actions to ensure delivery of the strategic objectives set out in Homes Fit for the 21st Century, specifically the requirement to build new, high quality, affordable homes to meet need and demand from a growing and ageing population, including the needs of those on lower incomes.

Paragraph 129 of Scottish Planning Policy states that 'Plans should identify any expected developer contributions towards the developer of affordable housing.'

**TEST 3**

Related to the proposed development either as a direct consequence of the development or the cumulative impact of development in an area

**Assessing the Need for Affordable Housing**

The East Lothian housing market is a part of the wider South East Scotland Strategic Development Plan (SESPlan) housing market area. This includes the administrative boundaries of the City of Edinburgh, East Lothian, Midlothian, West Lothian, Scottish Borders and Fife (Southern half) Councils.

SPP requires Development Plans and the LHS to be informed by and aligned through a Housing Need and Demand Assessment (HNDA), prepared in line with the Scottish Government's HNDA Guidance. This assessment provides part of the evidence base to inform both LHSs and Development Plans. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at Development Plan examination.

<sup>2</sup> <http://www.scotland.gov.uk/Publications/2011/02/03132933/2>

SESPlan HNDA1 was signed off as robust and credible by the Scottish Government in June 2011, with two modifications subsequently made by Scottish Ministers. It covers housing need and demand across the South East Scotland area including East Lothian and provides part of the evidence base to set Housing Supply Targets (HSTs) in the LHS. The Housing Supply Target is used to determine the housing land requirement for the LDP and ensure suitable land is allocated to meet this requirement.

The HNDA provides an estimate of total housing need by calculating current housing need and estimating future housing demand. The estimated supply from existing stock turnover is then deducted to provide the net housing need and demand figure. SESplan HNDA1 identifies a need for 10,050 dwellings from 2009-2024 with 6,250 up to 2019 and a further 3,800 from 2019-24. Over a 10 year period, the average number of households anticipated to need affordable housing is 547 per annum, with 314 affordable units projected to become available each year from turnover, leaving a deficit of 232 affordable dwellings each year.

The HNDA sets out evidence showing that to meet identified need, 33% of the total housing supply in East Lothian should be for affordable housing. In the period up to 2019, it demonstrates that affordable housing need is more acute with a 41% annual requirement. This is significantly higher than SPP, which suggests the quota of affordable homes that can be expected from a market housing site should normally be no more than 25% of units.

In accordance with SPP, the HNDA provides part of the evidence base for setting Housing Supply Targets (HSTs) in the LHS. These HSTs are then used to determine the housing land required for the Local Development Plan (LDP).

The cumulative impact of providing the required affordable housing will necessitate S75 contributions from developers and allocated funding from the Scottish Government.

There is significant pressure on existing housing in the form of high levels of need and demand for all housing tenures, including affordable housing. The population of East Lothian is growing significantly, with households becoming smaller in size, combined with an ageing population. Further population growth, reducing household size and a continued ageing population are projected. An increase in affordable housing is required to both meet existing need, changing needs and fulfil anticipated requirements of demographic change.

<p><b>TEST 4</b></p> <p>Fairly and reasonably related in scale and kind to the proposed development</p>	<p>Changing homelessness legislation has a significant impact upon affordable housing provision, placing increased pressure on this resource.</p> <p>Difficulties arising for first time buyers with high open market prices and challenges around mortgage lenders and borrowing.</p> <p>Paragraph 129 of Scottish Planning Policy states that ‘Plans should identify any expected developer contributions towards the developer of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within the development site to be for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Evidence from the SESplan HNDA support provision of 25% affordable housing as part of market housing developments.’</p>
<p><b>TEST 5</b></p> <p>Reasonable in all other respects</p>	<p><b>East Lothian Single Outcome Agreement (SOA) 2011</b></p> <p>The SOA is the overarching plan for the future of East Lothian, which sets out how East Lothian Community Planning Partners will contribute to the 15 national outcomes, local needs and priorities. It provides the strategic direction for the LHS and in turn, the LHS is a key driver in delivering the SOA and national outcomes.</p> <p>Outcome 9 of the SOA is “Everyone in East Lothian has access to high quality sustainable housing”. Meeting the need for affordable housing is a key priority for the East Lothian Housing Partnership with the SOA stating the Partnership “must make every effort to meet the need for affordable housing by maximising opportunities to increase supply. One of East Lothian’s strengths is the strong sense of community in each of its towns and villages. The projected increase in population with significant housing developments being planned across the county could threaten this sense of community. Therefore new settlements or significant additions to existing communities should be accompanied by the community infrastructure required to make viable, balanced and sustainable communities.</p> <p><b>Housing Need and Demand Assessment Guidance (Managers and Practitioners Guides) (2014)</b></p> <p>HNDA Guidance sets out a step by step prescriptive approach to preparing HNDAs, the evidence base used to both inform decisions and align the LHS and Development Plans.</p>

## GENERAL PRACTICE HEALTH CARE CAPACITY

### Post LDP Examination Report Update

The only change to the DCF relating to General Practice Health Care is a reduction in the per home rate for Blindwells, down from £1,250 per dwelling to £1,125 per dwelling. This is because the costs of the facility at Blindwells has be updated to £1,800,000, which is less than previously assumed.

Following representations received on the 2016 Proposed Plan, the Reporter agreed with the Council's position that it is justified to seek developer contributions towards primary healthcare facilities at Blindwells, as the need for such facilities is directly attributable to new development. For more detail, please see the Reporters Conclusions to Issue 16 in the LDP Examination Report.

## Statement of Conformity with Circular 3/2012

### PROVISION OF ADDITONAL GENERAL PRACTICE HEALTH CARE CAPACITY

The following table explains why the need for additional NHS capacity can be justified against the 5 tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and thus why it features in East Lothian's Planning Obligations Framework.

#### TEST1

Necessary to make the development acceptable in planning terms

NHS Lothian has a statutory duty to ensure all residents can register with a General Practice to allow access to primary care services. Support to and development of primary care services within East Lothian is the responsibility of East Lothian Health and Social Care Partnership which has a particular strategic focus on meeting the needs of East Lothian's increasingly elderly population.

#### TEST 2

East Lothian Health and Social Care Partnership supports provision of 'community hubs' or multi-use facilities to provide access to primary care, social care and community health support for all age groups and client groups. Any developments need to be jointly



<p>Serve a Planning Purpose</p>	<p>planned between partners to assess the viability of developing single points of access to a range of services within communities, to simplify access and to reduce duplication of services.</p>
<p><b>TEST 3</b></p> <p>Related to the proposed development either as a direct consequence of the development or the cumulative impact of development in an area</p>	<p>East Lothian Health and Social Care Partnership has embarked on the development of the new East Lothian Community Hospital on the Roodlands Hospital site in Haddington. This new facility (the first phase of which is scheduled to open in 2017/18) will provide modern health and care services for the county. Similarly, the provision of frail elderly services will be improved through a review of Belhaven Hospital in Dunbar and Edington Hospital in North Berwick as well as social care services in Belhaven Hospital in Dunbar, Abbey Care Home in North Berwick and Eskgreen Care Home in Musselburgh. There is an intention through the review to improve capacity to care for older people at home, so reducing the need to increase care home capacity. Population growth arising from housing developments across East Lothian will need to be accommodated within the new community hospital, in other community health services and in GP services.</p>
<p><b>TEST 4</b></p> <p>Fairly and reasonably related in scale and kind to the proposed development</p>	<p>Because of current population growth, GP services across the County are at capacity, meaning demand for access to primary care services is outstripping availability. As a result, GP Practices are close to restricting their patient lists, limiting the number of patients who can register. Any marked growth in population risks new residents being unable to register with their local practice and as pressures increase may have to travel to a neighbouring town to access primary care services. This would potentially disadvantage people without transport. Work is underway to increase capacity of the existing GP practices in Prestonpans and Cockenzie/Port Seton. Recent work has increased capacity in Ormiston, Tranent and Musselburgh. Further expansion or reprovision of the existing premises at Haddington, North Berwick and East Linton is still required. These developments may in due course reach capacity as their local population continues to grow, but developer contributions will not be sought for this during this plan period for committed developments.</p>

The implications of future windfall developments on GP Practices whose boundary they are within will need to be assessed and considered in terms of the direct impact (and therefore cost) of meeting the needs of an increased practice population. Developer contributions might need to be sought in these cases.

Accelerated population growth arising from the East Lothian Development Plan will place further pressure on GP Practices. In the case of Blindwells, which is not in an area currently served by any GP practice a further 1 to 2 new practices will be needed in a new facility, ideally containing other health, social care and public services.

Although a review of GP Practice boundaries adjoining Blindwells could be carried out there is no obligation on Practices to extend their boundaries to bring Blindwells into their catchment or to increase the size of their patient list. It is therefore necessary to plan for the staged introduction of a new GP practice accommodated within new GP premises at Blindwells:

- Initial development of a new GP Practice for Blindwells residents might initially be accommodated in the short term within another practice until new dedicated premises provision in Blindwells is available.
- The first stage requirement for primary care premises on the Blindwells site would serve 5,000 patients and would need approximately 600m<sup>2</sup> of premises to accommodate a GP practice and attached services – this would be at an initial capital cost of around £1.8m.
- If in time the population at Blindwells increases to its ceiling of circa 18,000 patients this will need provision of 2 large, 9,000 patient GP practices with a space requirement of approximately 1,500m<sup>2</sup> in order to accommodate required GP and attached services – this would be at a capital cost of around a further £4m.

Provision would need to be made in both these scenarios for any non-GP services that are to be co-located within the new premises.

#### TEST 5

Reasonable in all other respects

The provision of modern, co-located and co-delivered services for health and social care fits with the Scottish Government's integration agenda and will reduce duplication or gaps in service delivery while simplifying the pathways to providing appropriate health and social care as close to a service user's home as possible. Local strategies supporting such developments include the NHS Lothian Strategic Plan 2014 – 2024 and the East Lothian Integration Joint Board's Strategic Plan for adult services, 2016-2019.

**Primary Care and Community Service Implications of Population Growth**

**1.0 Background**

1.1 The 16 GP Practices in East Lothian and the practice team of General Practitioners, Practice Nurses and other staff serve populations (table 1) of all ages in defined practice boundary areas, some of which overlap.

**Table 1 – East Lothian GP Practices Registered Patients (at 15 December 2015)<sup>3</sup>**

<b>Practice Name and Location</b>	<b>List Size</b>
Eskbridge Medical Practice, Musselburgh	8,768
Riverside Medical Practice, Musselburgh	9,820
Inveresk Medical Practice, Musselburgh	8,740
Tranent Medical Practice, Tranent	14,074
Prestonpans Group Practice, Prestonpans	8,693
The Harbours Medical Practice, Cockenzie	9,807
Ormiston Medical Practice, Ormiston	3,166
Tyne Medical Practice, Haddington	5,861
Lammermuir Medical Practice, Haddington	4,601
The Orchard Medical Practice, Haddington	4,668
East Linton Surgery, East Linton	2,670
Gullane Medical Practice, Gullane	5,183

<sup>3</sup> [http://www.isdscotland.org/Health-Topics/General-Practice/Workforce-and-Practice-Populations/\\_docs/Prac\\_ContactDetails\\_Oct2015\\_final.xls](http://www.isdscotland.org/Health-Topics/General-Practice/Workforce-and-Practice-Populations/_docs/Prac_ContactDetails_Oct2015_final.xls)

North Berwick Group Practice, North Berwick	8,106
Whitesands Medical Practice, Dunbar	4,445
Lauderdale Medical Practice, Dunbar	3,591
Cromwell Harbour Medical Practice, Dunbar	3,898

1.2 List sizes of registered patients within the practice boundary are agreed with NHS Lothian, through its Primary Care Contracts Organisation (PCCO) and in discussion with the relevant Health and Social Care Partnership. In recent months, pressures on practices have resulted in 30 practices across the NHS Lothian area restricting growth of their list size. At present only one East Lothian Practice has a restricted list. Where lists are restricted this can have a knock-on effect on neighbouring practices which then have to register further patients.

1.3 There has been a steady growth in practice list registrations in East Lothian from 2009 to 2015 (table 2). This is projected to continue as East Lothian’s population continues to grow.

**Table 2 – Growth in East Lothian Practice List Size** (at October each year) <sup>4</sup>

GP List Sizes in East Lothian (1000s)								List Increase	
Year	2009	2010	2011	2012	2013	2014	2015	2009-15	Average per annum
List size	101.59	102.15	103.96	103.39	104.22	104.96	106.10	4.51	0.64

1.4 Some current NHS Lothian funding is available to support limited practice list size growth. However where growth is ongoing and creates pressure on existing premises and staffing, more permanent solutions are required to maintain quality of service delivery.

<sup>4</sup> <https://isdscotland.scot.nhs.uk/Health-Topics/General-Practice/Publications/2015-12-15/2015-12-15-GPWorkforce2015-Report.pdf?71847170592>

## **2.0 Impact of Population Growth and Demographic Change on Primary Care**

- 2.1 The population increases resulting from planned housing developments across East Lothian will have an impact on a number of practices through an influx of people seeking to register as patients. Increasing demand for registrations creates pressures on practices at a time when there is a national shortage of GPs and many GP vacancies are being filled in the medium term through temporary (and more expensive) locum appointments. In addition, the workload of GPs and of practice teams is increasing as the population ages (with an 18% increase in over 65s registrations in recent years) and as older people live longer at home with chronic and often multiple illnesses.
- 2.3 Primary care has a central role in supporting the development of pathways of care to avoid unnecessary hospital admissions and to facilitate timely supported discharge home. This is important in meeting various targets.
- 2.4 Recent years have seen a shift in the balance of care from hospital-based provision to primary care and community provision. This changed focus has had an impact on primary care, with increased demands through developments such as point of care testing and the transfer from secondary care of patient management for conditions such as Type 2 diabetes.

## **3.0 Current, Planned and Required Premises Developments**

- 3.1 Modern primary care premises increasingly provide a 'one stop' solution under the one roof, providing health, social care and other services to local populations. This has the advantage of reducing duplication and increasing partnership working to meet patient/client needs and bringing services closer to patients.
- 3.2 NHS Lothian has in recent years invested in new build and extended primary care premises across East Lothian. A number of practices however remain in need of extension or replacement to meet the natural growth in patient numbers and demand associated with this. In the larger towns of Musselburgh, Haddington and Dunbar several GP practices share a building.
- 3.3 'Our Health, Our Care, Our Future' NHS Lothian's Strategic Plan 2014-2024 notes that the capital costs of building new practice premises or of extending current premises can vary widely. It suggests that every 1,000 patients require 90m<sup>2</sup> of floor space, thus an average sized practice of 5,000 patients needs 450m<sup>2</sup>.

- 3.4 The build cost of a single practice or multi-practice/multi-service building might range between £3m and £6m. Added to which are the ongoing revenue costs and staffing costs.
- 3.5 The impacts on practices associated with the committed and planned levels of LDP development are set out below. Only in the case of Blindwells, where new dedicated practice premises will be needed, are developer contributions to be sought as other practices are either not in need of an extension, already being extended, are past of planned re-provision or are privately owned/leased.

### **3.6 Prestonpans/Cockenzie/Longniddry**

To meet existing population growth a £2m renovation and extension of Prestonpans Group Practice is planned. Work will commence on this in 2016. A £1.8m extension to The Harbours Medical Practice in Cockenzie is also planned.

Housing developments near Longniddry will require increased primary care provision. This growth is within the catchment area of The Harbours Medical Practice.

Edinburgh Road/Dolphingstone developments may be outwith existing practice boundary areas catchments. Discussion will be needed with neighbouring primary care practices to see what solutions are possible to meet such growth.

### **3.7 Haddington**

Current housing commitments will create pressure on the three existing practices: Lammermuir Medical Practice, The Orchard Medical Practice and Tyne Medical Practice, which are all within the Newtonport Surgery building. Work is needed to develop alternative premises as the current building cannot be extended to accommodate growth in patient registrations.

### **3.8 Musselburgh**

The three Musselburgh Practices: Eskbridge, Riverside and Inveresk are accommodated in purpose-built premises in the Musselburgh Primary Care Centre completed in 2012. Although the building can accommodate projected population growth around Musselburgh, the three Practices are at capacity and would need to recruit further GP and practice team staff to accommodate the projected increase in population.

### **3.9 Tranent**

Having been extended, Tranent Medical Practice has sufficient capacity to respond to the small amount of expected population growth resulting from committed developments. However, the proposed developments will create extra pressure which may not be possible to accommodate within the practice, which is already the largest in East Lothian.

### **3.10 Ormiston**

As Ormiston Practice is within a new building it has spare capacity to respond to the limited population growth expected within its catchment area.

### **3.11 North Berwick**

With the projected local housing growth, North Berwick Group Practice will be unable to cope and will need to be extended or reprovided.

### **3.12 Gullane**

The new building accommodating Gullane Medical Practice has inbuilt capacity sufficient to respond to projected population growth.

### **3.13 Dunbar**

The Dunbar Medical Centre accommodates three Practices: Cromwell Harbour Medical Practice, Lauderdale Medical Practice and Whitesands Medical Practice. The Practices have some room to grow to meet the committed further possible population growth.

### **3.14 East Linton**

The impact on East Linton Surgery from population growth is expected to be minor, though there will be issues with the existing building arising from any population growth.

### **3.15 Blindwells**

The area of the Blindwells development is not within any existing practice boundary and the initial projected population growth cannot be easily accommodated by the neighbouring practices in Tranent, Cockenzie or Prestonpans.

One initial, short-term solution would be to seek to accommodate a small number of patients within one of the local practices.

Another option is the establishment of a branch surgery (operated by one of the existing practices) within the Blindwells development to meet initial population need. The practice boundary for the new facility at Blindwells would emulate the boundaries of the new settlement, including any expansion of it; as such, the need for the additional facilities would be generated solely by new development. The GMS (GP) contract does not allow NHS Lothian to oblige existing GP premises to expand their services beyond their existing boundaries to meet the primary care needs of new populations such as proposed at Blindwells.

Although the Council is seeking developer contributions for any required primary care premises, (which may be contained in multi-use buildings) it would be willing to discuss with developers options to lease a suitable developer-built facility.

In the longer term, to cope with projected population growth, including Proposals BW1 and BW2, two new GP Practices will need to be established. This will have capital cost implication of between £3m to £6m. It is appropriate to seek contributions to the capital costs of a building which will in due course accommodate two practices as well as other health and social care services.

## **4.0 Conclusion**

- 4.1 The committed and proposed developments of housing across East Lothian and the population growth this brings will place high demands on an already pressed primary care service. Some practice teams and the premises they occupy are prepared for growth in their local population. However to meet demand many practices need to modernise their buildings and associated service provision while ensuring they have sufficient multi-disciplinary team members to deliver services to a growing and increasingly complex patient group.



- 4.2 Where existing premises are a limiting factor for the practice team work will be needed to either extend the premises if feasible or to provide replacement premises. Any development will need to be designed with flexibility of use in mind and sized to meet growth.
- 4.3 The Blindwells development poses particular problems as the scale of planned population growth means that in due course up to two large GP practices will be needed. This will require considerable investment by East Lothian Health and Social Care Partnership. The size of this investment will need to be assessed as the development moves nearer to delivery and a business case prepared.



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