

M I D L O T H I A N C O U N C I L

Supplementary Planning Guidance

DEVELOPER CONTRIBUTIONS

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PART 1

1 - INTRODUCTION

1. The Edinburgh and the Lothians Structure Plan (ELSP) 2015 and the Midlothian Local Plan 2008 (MLP) acknowledge the need for significant investment in essential infrastructure and facilities in order to deliver the development strategy.
2. The plan led approach adopted by the Council provides landowners and developers with not only an early identification of the infrastructure and facility requirements in Midlothian, but also the means by which these will be secured.
3. The scale of growth in Midlothian (committed, planned, and cumulative through windfall and future allocations by way of the strategic and local development plan process) is such that only a partnership involving the public and private sectors will ensure the managed implementation of the development strategy. Much public and private investment has already been made in infrastructure and community facilities but more is still needed. The Council has played an active part in this process by forward funding the community schools replacement programme, building in excess of 700 new social houses for rent and by making funding contributions to Borders Rail. However, on its own, the Council does not have the ability to provide the entire physical and social infrastructure associated with major planned development.
4. Managing the scale of growth proposed in Midlothian also places an obligation on the Council to apply best practice in current “place making” principles and for developers to demonstrate that new development can successfully integrate with existing settlements and urban areas. This brings with it an added understanding and requirement for partnership and co-operation with the Council and communities to make appropriate provision for facilities and services to support the expanding towns and villages.
5. The Council acknowledges that the ongoing priority is to ensure that the planning obligation and other legal agreement processes continue to facilitate development. Equally the Council is aware of, and sympathetic to the economic viability issues facing the construction industry in general and house builders in particular but is of the view that market forces do not influence the requirements brought about by the proposed development

2 - THE GUIDE

6. This guidance replaces Midlothian Council’s original supplementary planning guidance on planning agreements and developer contributions first prepared in 2001 and subsequently amended in 2005. It has been updated to accord with the MLP 2008 and the ELSP 2015. It also takes into account the provisions of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

7. The guidance relates to the implementation policies of the MLP 2008 (pages 129 to 134) and the developer contributions required to enable new development to take place including the provision of essential infrastructure and contributions towards local facilities and amenities brought about by the proposed development. The guidance applies to residential and non-residential development.
8. The guide is divided into two parts. Part 1 deals with the development plan context, principles and process and part 2 identifies the specific requirements and provides indicative cost information.
9. The purpose of the guidance is:
 - to outline the guiding principles for preparing, managing and monitoring planning obligations and other legal agreements;
 - to outline how the requirements of the implementation policies of the MLP 2008 will be implemented i.e. planning conditions and/or obligations;
 - to outline how windfall applications will be dealt with;
 - to provide indicative cost information (including base date and cost indexation) for developer contributions identified under policies IMP2 and IMP3 requirements.
10. The guidance has been compiled within the context of the current Government Circular and annex (1/2010) and on the basis of the requirements identified in the adopted MLP. The guidance refers to the Circular where necessary and relevant. It assumes that the reader is familiar with the content of the Circular or will refer to it if required.
11. The guidance provides a framework for site-specific negotiations between the Council, developers and landowners regarding funding of essential infrastructure and contributions towards facility deficiencies and should be read in conjunction with the MLP 2008, in particular the implementation section and policies IMP1, IMP2 and IMP3 (section 3 pages 129 – 134).
12. The guidance outlines the governance arrangements established to manage the process, outlines the assessment process, the provisions of the Planning etc. (Scotland) Act 2006 and provides indicative costs for some of the identified requirements in the MLP 2008.
13. The guidance does not relate to the provision of water and drainage, gas, electricity or telecoms infrastructure. These are controlled by other public sector bodies and private supply companies and the standards, specifications and requirements are outwith the control of the Council. Likewise the Council is unable to provide any indicative cost information in respect of these utilities.
14. Proposals for development will be subject to the planning application process and as such each application will be assessed on its own merits. The

assessment of developer contributions will take place in this context but cannot cover every circumstance. This document is intended as a guide and should be viewed as such by the reader. It will be subject to regular review and updated if and when required and/or where appropriate.

3 - LEGISLATION AND GOVERNMENT GUIDANCE

15. The Planning etc (Scotland) Act 2006 amends the Town and Country Planning (Scotland) Act 1997 replacing the existing section 75 with a revised section 75 adding new sections 75A – 75G. Sections 75, 75A, 75B and 75C deal with planning obligations which were previously known as planning agreements or section 75 agreements. A landowner may, in respect of land, either by agreement with the Council or unilaterally, enter into an obligation (hereinafter referred to in this guidance as a “planning obligation or obligations”) restricting or regulating the development or use of the land. Sections 75D – 75G deal with good neighbour agreements. The new provisions and associated regulations came into operation on 1 February 2011. For the avoidance of doubt the regulations apply to all agreements made or in preparation prior to, and after this date.
16. Circular 1/2010 and the Annex to Circular 1/2010 set out Government guidance on Planning Agreements, Planning Obligations and Good Neighbour Agreements. Circular 1/2010 refreshes (and supersedes) the previous Circular 12/1996 on Planning Agreements but the fundamental principles remain unchanged. The advice and guidance outlined in the circular provides a framework for preparing planning policies and supplementary guidance on the matter.
17. The annex focuses on the new areas introduced by the 2006 Act namely Planning Obligations and Good Neighbour Agreements (GNAs) and deals with general principles attached to both, general content, rights and responsibilities of parties involved, procedure for modifying and/or discharging agreements, enforcement and appeal.
18. The requirements and new responsibilities are dealt with in more detail in section 5.
19. Legal agreements can also be made under other legislation including the Local Government (Scotland) Act 1973, the Countryside (Scotland) Act 1967, Sewerage (Scotland) Act 1986 and the Roads (Scotland) Act 1984 and provide a possible alternative mechanism to secure developer contributions. They are useful where the nature of the contribution is relatively straightforward, involves a one-off payment and/or does not require to be secured through successors in title. For this reason they can help speed up the development process. The Council has used, and will continue to use alternative agreements where appropriate and where they are considered to speed up the development process.

4 - DEVELOPMENT PLAN CONTEXT

20. The development plan for Midlothian comprises the ELSP 2015 and the MLP 2008. Outstanding commitments from the previous Midlothian and Shawfair Local Plans (2003) are carried forward as part of Policy COMD1 of the current MLP (paragraph 81).
21. The Planning etc (Scotland) Act 2006 introduced a new development plans framework and city region plans consisting of Strategic Development Plans (SDP) and Local Development Plans (LDP). In the case of the SDP for South-East Scotland the LDP is linked to the SDP process and progress. Preparation of the first LDP for Midlothian will move forward once the Proposed SDP has been published. The process and timetable for the SDP and LDP is outlined in the Development Plan Scheme for Midlothian which is updated annually.
22. This guidance is reviewed in line with the development plan process and periodically to reflect changed circumstances.

Scale of Development

23. The scale of growth proposed in Midlothian through the MLP 2008 is significant. It amounts to some 11,000 houses (including a new settlement at Shawfair of 4,000 houses) and 132 ha of general economic development land and specialist biotechnology development.
24. The current structure and local plans clearly indicate the need for a partnership approach between the public and private sectors towards the provision of essential infrastructure and community facilities.
25. The economic conditions, brought about by the financial crisis of 2008, caused a dramatic slowdown of house building which has affected the implementation of the MLP. The Council acknowledges the cyclical nature of the economy and the present difficulties facing the industry as it seeks to recover. There are emerging signs of activity on the committed sites and some of the new allocations (MLP 2008). While this is encouraging more than half the amount of planned development remains to be built. The Council remains committed to ensuring the delivery of all these sites and is committed to bringing forward additional allocations in the context of the SDP and Midlothian LDP to contribute towards meeting the housing requirements of the Edinburgh city region up to 2024.

Planning Policy

26. The implementation policies in the ELSP and MLP provide an early indication of the likely infrastructure and facility requirements needed to implement the development strategy.
27. The Public Local Inquiry into the MLP in 2007 concluded that the implementation policies of the plan were generally sound. The relevant section and policies of the MLP are section 3.12, policies IMP1, IMP2, and IMP3 (pages 129 – 134).

Reference should also be made to policy COMD1 (page 61) and appendix 1C, 1D, 1E, 2A, 2B, 2C, 2D, 2E and 2F (pages 161 to 165).

28. Policy IMP1 includes a commitment by the Council to prepare development briefs or master plans for the allocated sites indicated in proposal HOUS1. The briefs are aimed at assisting the detailed design and layout of the planned housing sites. Given that they are prepared after the plan is adopted they can sometimes impose additional requirements on the developer. The Council acknowledges this and accepts the need to prioritise their preparation and align any requirements with the planning obligation process following consultation with the landowner and/or developer. The detailed development policies section of the MLP (section 4.2 policy DP2 pages 140 – 145) outlines the Council's design criteria for all development proposals and planning applications. Likewise the process of assessing applications may also give rise to the need for developer contributions. Any additional issues arising from the development briefs or policy DP2 and which affect the developer contribution requirement will be addressed through pre-application discussions or during the processing of the planning applications.

5 - PLANNING OBLIGATIONS & OTHER LEGAL AGREEMENTS

Principles

29. The requirements identified in policies IMP1, IMP2 and IMP3 of the MLP comply with the tests as set out in Circular 1/2010 namely:
- Necessity;
 - Planning Purpose;
 - Relationship to the Proposed Development;
 - Scale and Kind; and
 - Reasonableness
30. Windfall development is considered the same as new development and is assessed against these same tests.
31. In negotiating obligations with developers the Council will also observe the following principles.
32. **Need** – all developer contributions will be assessed on the basis that the development that gives rise to the need contributes in part or whole to that requirement.
33. **Equity** - Developer contributions will be determined in the same manner, subject to the exemptions and concessions described in paragraphs 69 to 74. They will be based on the number of sites and the number of proposed housing units within a given settlement and calculated on a pro-rata share of the cost of the infrastructure and/or facility requirements identified in the MLP. Where there is only one site and one developer, that developer will be liable for the whole contribution. There is variation in the scale of planned growth and status of

infrastructure and facilities across Midlothian, therefore the contribution per dwelling unit may also vary between settlements and sites.

34. Where the Council owns land identified for housing in the MLP or proposes development on a windfall site, its contribution towards infrastructure requirements will be determined in the same way as for other developers. As stated in paragraph 37, contributions will be separately accounted for in the Council's finances.
35. Where costs are to be shared between or among sites, the obligation or agreement will be required to state how this will be apportioned. The assumption is that they will be shared on a pro-rata basis (paragraph 33) unless it is demonstrated or justified, and agreed between all parties involved, that an alternative approach is as fair and equitable. In this context all the obligations/agreements providing for this will include a balancing charge with regard to the ultimate level of payment. Secondary obligations/agreements relating to any additional requirements of particular sites will be entered into as appropriate prior to the granting of permission for that site.
36. **Costs** – All costs will be agreed with the Council and will be indexed using the BCIS All-In Trade Price Index which is updated on a monthly basis. Unless otherwise stated all costs exclude VAT, off-site works (footpaths, traffic calming, utilities etc), ground remediation, fees and surveys, land acquisition, statutory permissions and warrants.
37. **Openness** - Financial contributions from developers will be accounted for separately from the Council's other finances. The terms of the planning obligations (and other legal agreements) will ensure that such contributions will be used only for the purposes originally intended. Likewise where the Council is required to make contributions, these will be ring fenced for the identified purpose.
38. **Co-operation** – The principles, extent and mechanisms for addressing developer contributions have been identified and agreed through the adopted MLP. In this context the Council expects all parties to enter the obligation process with an understanding of the issues and a willingness to conclude matters in a timeous fashion.
39. **Variation** - The MLP specifies the number of houses to be built in each settlement. Developer contributions will be based initially on these figures. The Council expects these to be achieved but acknowledges that variations can result through the planning application process. Where the Council has agreed to forward fund infrastructure based on the MLP figure, any additional houses proposed will be accompanied by a commensurate increase in the expected contribution for any additional capacity requirements arising. Likewise if there is a reduction in the number of houses and corresponding requirements then the Council will consider a similar reduction of the required contribution.

Note - In the event that the Council has concluded the procurement process for the necessary infrastructure and/or facility (based on the

higher figure) then it is at the Council's discretion as to whether it reduces the contribution accordingly.

40. Likewise new sites may come forward through the planning process, which also give rise to infrastructure and other facilities and associated requirements over and above that planned for in the MLP. In these circumstances the Council will seek appropriate provision of, or contributions towards these requirements, including from affordable housing developments. This will be assessed at the time the matter arises and in line with the tests of Circular 1/2010.
41. **Viability** – The Council acknowledges that viability is an important issue. Notwithstanding the circumstances of exemption outlined in paragraphs 69 to 74 it is the responsibility of the applicant/developer to bring to the attention of the Council any issue that they consider materially affects the viability of the proposal. The Council will, through open book process, require satisfactory evidence to that effect. In this context the Council could either re-assess or remove the requirement on the developer.

Governance

42. The Council has a specific project management structure lead by the Head of Planning and Development to co-ordinate, manage, monitor and report progress on planning obligations and other legal agreements to the Corporate Management Team and Cabinet. The Head of Planning and Development is the link with the Developer Contributions Steering Group (DCSG). The management structure is set out in figure 1.
43. The DCSG comprises representatives from all the services involved in the obligation/agreement process. The group receives regular updates on the negotiation, status and outstanding issues with the new and ongoing obligations and agreements as well as information on when agreements have been successfully concluded.
44. The Council has a nominated negotiation officer who is supported by the DCSG.
45. The Council has established a database to monitor progress.
46. The relevant Council contacts in respect of developer contributions are listed below:

Negotiation Process (Heads of Terms/cost information)

- Gareth Davies
Property Strategy Manager
T – 0131 – 271 – 3495
E – Gareth.davies@midlothian.gov.uk

Development Management Process

- Joyce Learmonth
Principal Planning Officer
T – 0131 – 271 – 3311
E – joyce.learmonth@midlothian.gov.uk

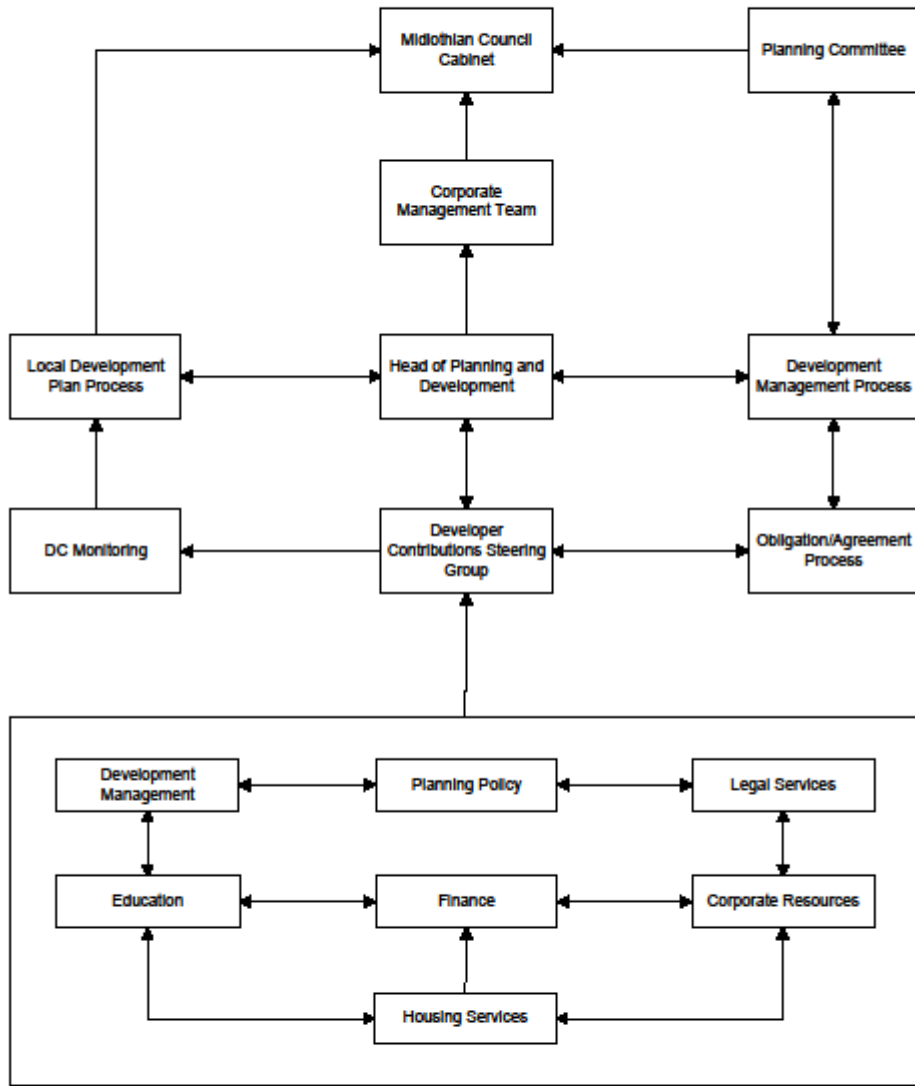
Development Plan Process

- Neil Wallace
Senior Planning Policy & Developer Contributions Officer
T – 0131 – 271 – 3459
E – neil.wallace@midlothian.gov.uk

Legal Process (drafting/registration)

- William Venters
Principal Solicitor
T – 0131 – 271 – 3075
E – William.venters@midlothian.gov.uk

Figure 1 - Developer Contributions Governance



Process

47. The process of negotiating and agreeing planning obligations and other legal agreements takes place in tandem with the Development Management procedures adopted by the Council.
48. The planning obligation (and other legal agreements) process, key stages, actions and responsibilities involved are outlined in figure 2. This process is the same for planned and windfall developments. Details of planning obligations and other legal agreements are stored in a dedicated database and updated regularly. Once all requirements have been satisfied and the agreement has been discharged the particular entry is marked “closed”.
49. The 2006 Act introduced a provision that a person may unilaterally propose and draft a planning obligation in respect of land they own or control. The Council is supportive of this approach where it has addressed the requirements identified in the MLP and/or any brief or acknowledged design statement and where this can effectively assist the development application process. The Council would incorporate any such proposal in its assessment of a planning application including, where the application requires to be reported to Planning Committee, in the report to the Planning Committee.
50. The 2006 Act introduces a right for parties to apply to the Council to have planning obligations modified or discharged (s75A). Where an application for modification is made, the onus is on the applicant to clearly demonstrate the justification for the change(s). The process is set out in figure 3. In such cases the Council has to issue a notice of their decision within 2 months of the date of validation of the application (deemed to be the date on which the last item of information required as part of the application process is received). In determining an application the Council may decide:
 - the obligation be discharged; or
 - the proposed modification be made; or
 - the obligation should continue in its current form

Note – the legislation does not permit the Council to determine that the obligation should be subject to any modification other than that proposed in the application.

If the proposed modification is considered to be a minor change it will be dealt with under delegated authority and co-ordinated through the DCSG. However, in instances where the proposed modification is considered a significant departure from the original obligation commitments then it will be reported to Planning Committee or Cabinet as appropriate and applicants advised accordingly.

51. Section 75B follows on from this and establishes a right of appeal where an application is refused or not determined in the prescribed timescale. The appeal is to Ministers and is required to be made within three months from the date of the Council’s decision or the end of the two month determination period. The Town and Country Planning (Appeals) (Scotland) Regulations 2008 apply (with

modifications) to all appeals made in respect of either planning obligations or GNAs. The courses of action open to Ministers are the same as those available to Councils (outlined in paragraph 50). Most appeals will be delegated to Inquiry Reporters and will normally be determined by written submissions. Once a decision is made it cannot be reconsidered or corrected. The Reporter's decision is final save for an appeal to the Court of Session on a point of law (s239).

52. Sections 75D – 75G relate to good neighbour agreements (GNAs). GNAs follow a similar process to planning obligations including modification/discharge and appeal (figure 3).
53. A GNA can be entered into between a person (for example a landowner or developer) and a community body (as opposed to a planning authority). The community body can be a community council or a body or trust whose members or trustees have a substantial connection to the land in question and whose object or function is to preserve or enhance the amenity of the local area where the land is situated. As with planning obligations GNAs may be registered making them enforceable against future owners or occupiers of the land.
54. A GNA may govern operations/activities relating to the development or use of land either permanently or for a period prescribed in the GNA and may require that information regarding the nature and progress of development on a site be provided to the community body. However, a GNA cannot require any payment of monies nor is there any provision in the legislation for any person to propose or enter into a unilateral GNA.
55. While not a party to a GNA the Council has an obligation to consider applications to modify and/or discharge such agreements on behalf of the parties involved. The process is very similar to that for planning obligations and the same steps as outlined in figure three will be observed. However an application to modify or discharge a GNA should only be made where parties are unable to reach agreement on the modification or discharge of the GNA. Accordingly in support of their application parties must also submit evidence of what steps they have taken to reach agreement.
56. The 2006 Act also introduced powers for Councils to enforce planning obligation requirements. This is indicated in the process map in figure 4. The obligation process remains a voluntary one and, notwithstanding changed circumstances affecting the viability of the proposal, the Council expects all parties to abide by the terms of the agreement and implement their obligation accordingly. The Council considers enforcement to be a last resort, however, is committed to delivering the development strategy of the MLP and will invoke this provision if required.

Figure 2 - Developer Contributions Process

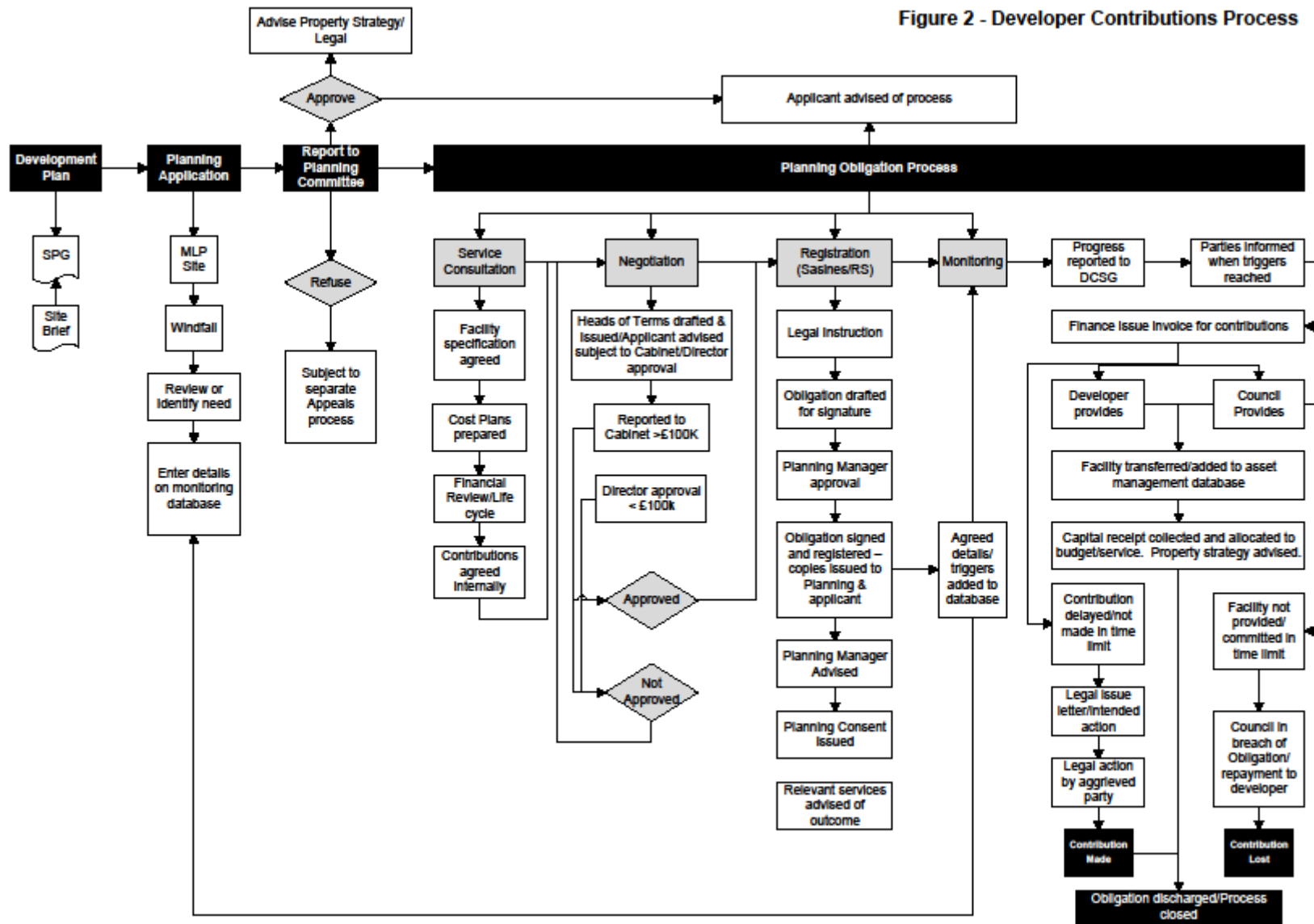


Figure 3 – Modification/Discharge of Planning Obligations and Good Neighbour Agreements

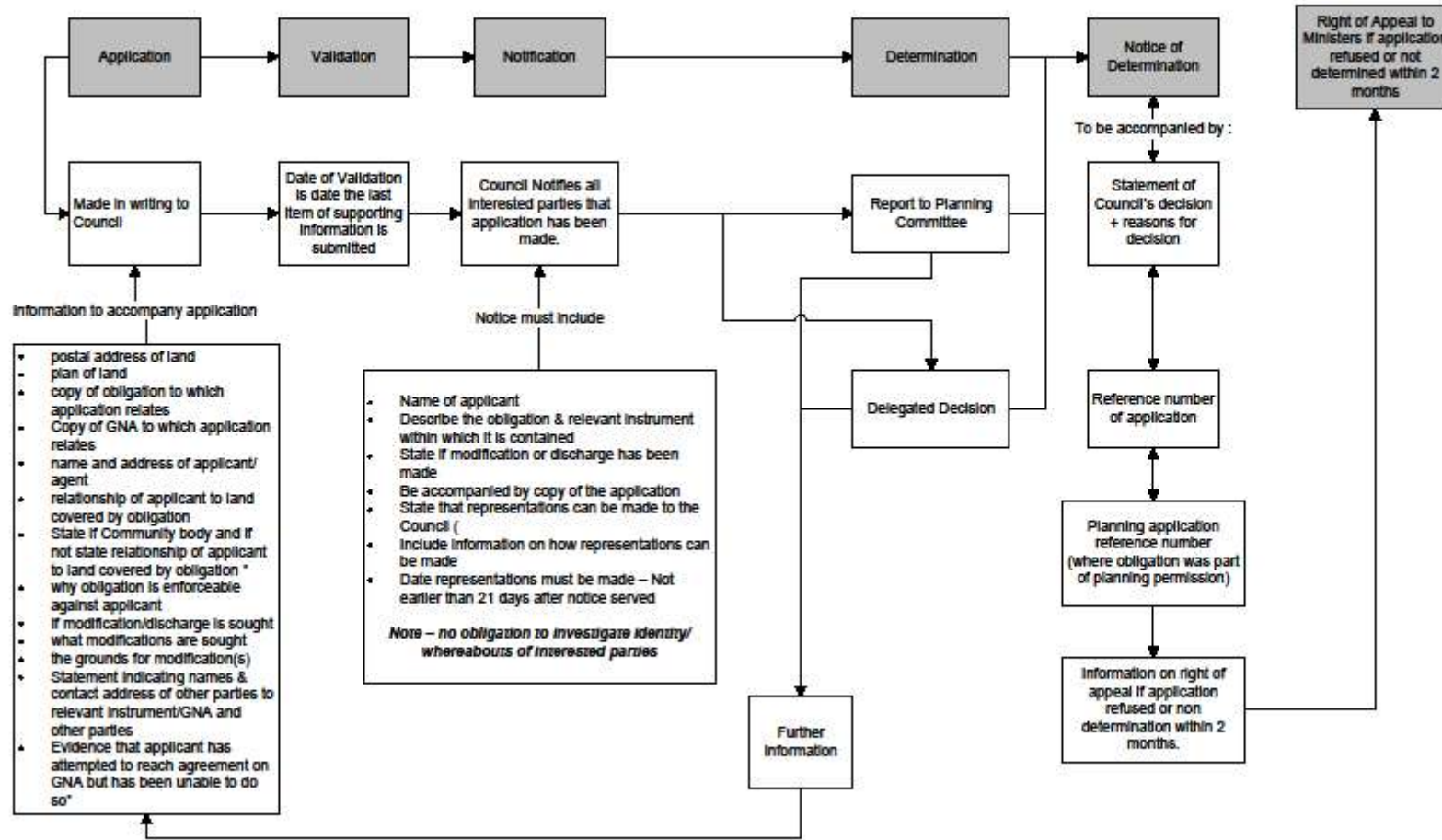
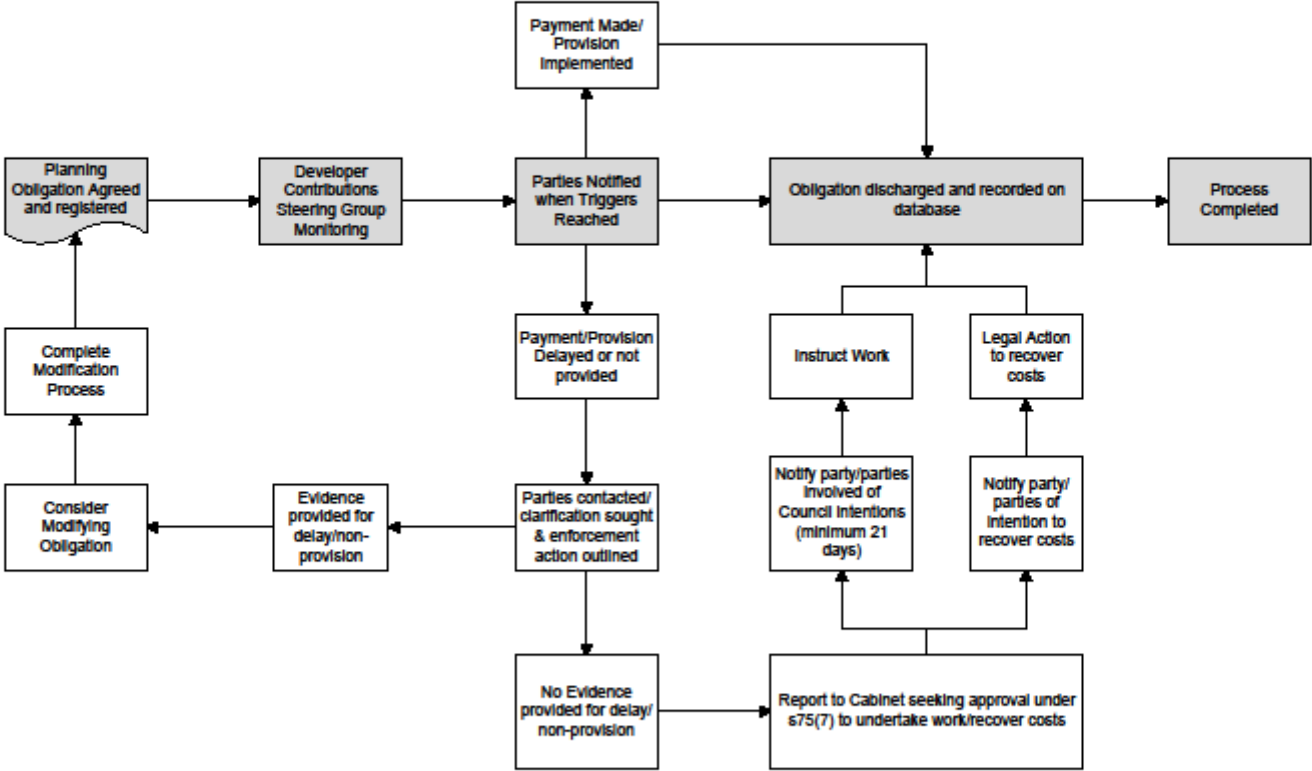


Figure 4 – Planning Obligation Enforcement Process



Implementation

57. **Preparation** - The identification of requirements in the MLP together with the indicative costs contained in this guidance should provide sufficient information to enable prospective applicants/developers to reach an early conclusion on the Heads of Terms of any obligation.
58. It is expected that the Heads of Terms will be concluded at an early stage of the negotiation process (see figure 2) and after the “minded to grant” decision on the planning application. Given that the principles and requirements for developer contributions have been agreed through the local plan process, it is expected that parties to the process will:
- refer to the MLP and this guide to familiarise themselves with the requirements and prepare for the planning obligation negotiation stage;
 - enter into the negotiation process with a willingness and spirit of co-operation to effectively and satisfactorily conclude negotiations as quickly as is practically possible, subject to available resources and appropriate information.
59. In this context, the Council will support applicants who wish to prepare a draft obligation to assist the efficiency of the process, however, pre-planning application discussions may give rise to new issues either through the design statement and/or the site brief which may have a bearing on the planning obligation process as well as the obligation itself. The judgement, therefore, rests with the applicant.
60. Once the Heads of Terms have been agreed the Council (unless volunteered by the applicant) will prepare a draft agreement and circulate it to parties for consideration and agreement. It is the Council’s practice to have the obligation registered with Registers of Scotland to ensure the responsibility transfers to successors in title therefore, it advises that parties engage a legal adviser. The due legal process can vary between agreements therefore, the Council does not set any prescribed timescale to conclude the process. However, subject to resources at the time, parties could reasonably expect most agreements to be concluded within six to eight weeks.
61. **Delivery** - Once an obligation has been agreed and registered the Council enters the details on a database for monitoring purposes. Obligations will include appropriate triggers (a time or a certain stage of the development e.g. completion of a stipulated number of houses) when the requirement must be provided and/or the contribution made. The process map (figure 2) indicates how these triggers are monitored and reported. Likewise the process map also indicates how requests for payment will be made.
62. **Funding Arrangements** – The Council acknowledges that a combination of public and private investment is required in order to provide the necessary infrastructure and facilities to support the scale of growth proposed. Equally the Council acknowledges the importance of development costs on the viability of

development proposals. The identification of the developer contribution requirements in the MLP provides an early indicator for landowners and developers on the likely impact on the proposed development. Ordinarily contributions are phased as part of an agreed build programme allowing the developer to provide the infrastructure incrementally as the development progresses. However, in some instances, contributions and/or provision are required upfront. In these circumstances the Council will work with the developer to agree a flexible approach with regard to the timing of required contributions to achieve a mutually agreeable outcome which does not place either party at an unacceptable risk.

63. The same approach applies to windfall developments.
64. The initial costs (indexed to the BCIS All-In TPI) are based on the infrastructure and facility requirements of planned development. The same costs will apply to windfall sites unless the impact of cumulative development results in a change to these requirements. Any additional cost will be attributed to the proposed development as it is giving rise to the particular need. In the case of residential development (including affordable housing), all calculations are based on a pro-rata contribution subject to the number of houses being proposed regardless of the number of sites. In the case of non-residential development, all calculations are based on the proposed floorspace being developed (and converted to a house equivalent based on an assumed household size).
65. Where there is more than one development in one settlement the costs are calculated and shared by all the developers equally and pro-rata on the number of houses proposed by each developer. In these circumstances the Council's preferred position is to encourage and support a combined obligation (amongst all developers) to ensure a more co-ordinated and effective release of sites and provision of infrastructure and facilities (paragraph 33 – 35).
66. In circumstances where the requirements result in an over provision in relation to the need generated (i.e. part of a new classroom) the Council will review the case and, where appropriate, re-imburse the developer with the portion of the original contribution not required (as indexed at the time of the contribution) and including any interest based on the Council's average prevailing interest on revenue balances rate (IROB) over the period in question.
67. The Developer Contributions Process map (figure 2) identifies that contributions made to the Council will be ring fenced for that purpose.
68. Contributions can be time limited. Limits will vary from case to case but in all cases they must be reasonable in respect of the scale, nature and extent of the requirement and of the likely timescale to develop. The Council considers anything between 10 – 15 years a reasonable period in most instances. At the expiry of that time limit, unless the Council has contacted the developer(s) and presented a case for continuation, the Council will reimburse the contributor with the original contribution (plus any interest based on the Council's average prevailing interest on revenue balances rate (IROB) over the period in question).

Exemptions

69. The Council accepts that there may be circumstances when the application of contributions is not necessary, reasonable and/or may adversely affect the viability of the proposed development. However, any exemption, either in whole or in part is at the discretion of the Council. The Council has identified the following circumstances when it would consider exemptions from contributions.
70. **Exemptions relating to scale of development** – In respect of new sites, contributions to infrastructure/facilities will not be sought for schemes of 1 or 2 houses. Contributions to infrastructure/facilities for schemes of between 3 and 9 houses will be sought but with an exemption from contributions for the first 2 units. Proposals for 10 or more houses will be liable to make contributions based on the total number of units proposed.
71. **Exemptions relating to redevelopment involving fewer houses** - Contributions to infrastructure/facilities will not normally be sought from redevelopment schemes which result in a net decrease in housing units (subject to the above limits).
72. **Exemptions for developments not likely to result in resident children** - Contributions towards educational capacity will not be expected from housing or other developments not capable of use as family housing, such as sheltered housing or student housing.
73. **Concession for derelict and contaminated brownfield sites** - The removal of dereliction and contamination is seen as a significant planning benefit. Exceptionally, where it can be demonstrated that the cost of such removal would render the development economically unviable, the Council will consider relaxing contributions for facilities. The Council will require independent verification of the site development costs, prior to agreeing any such relaxation.
74. **Exemptions for affordable housing** - Where a developer provides affordable housing on MLP and/or windfall sites, over and above the requirements of policy HOUS4, the Council will consider relaxing the requirements for contributions under policies IMP2 and IMP3 for the additional number of units.

PART 2

6 MLP DEVELOPER CONTRIBUTIONS

Proposed Development

75. Settlement growth as part of planned expansion and/or through windfall development inevitably affects the physical and social fabric of its locality and the wider area. On average the population of a settlement increases by around 2.4 people per house built. In order that this growth can be properly managed in future, new development must be properly serviced not only by physical infrastructure but also by associated social infrastructure to meet the needs and demands of a growing and changing community. Developer contributions are sought where new development gives rise to the need for new or improved infrastructure and/or community facilities. This approach is consistent with the principles of Scottish Government Circular 1/2010 and the provisions of the current development plan for Midlothian.
76. The MLP identifies new allocations as well as committed development sites and any associated infrastructure and/or facility requirements over and above existing available capacity.

Implementation Policies

77. Policy IMP1 of the MLP sets out the context for, and the range and scope of, the use of planning conditions and obligations (and other legal agreements) where new development (including windfall) gives rise to the need for additional infrastructure or facilities. It identifies the general requirements for site design and development which are specific to the detailed negotiation stage of the pre-planning application or planning application process, is subject to the application of set standards (open space, roads etc) and is dependent on a number of variables specific to an application (house numbers, density and floorspace, transport assessments etc). Realistically this can only be identified and assessed at this stage. It is not possible to provide indicative costs for these matters at this stage.
78. It also highlights the use and role of development briefs and/or master plans for allocated sites as well as the detailed site design requirements of policies DP2. This may identify additional issues for the developer to address over and above the specific requirements of policies IMP2 and IMP3.
79. The focus of policy IMP2 is on enabling infrastructure, principally education and transport related requirements. Policy IMP3 addresses the social infrastructure or community facilities required. Technical standards govern many of the requirements such as roads, drainage, water supply, utilities, street lighting etc. The specification of drainage and water supply infrastructure requirements are outwith the control of the Council.¹ In terms of the Council's school estate,

¹ Note: Provision to meet these standards are to be made in accordance with the requirements of Scottish Water and Scottish Environment Protection Agency. Contributions may be required to augment provision

Scottish Government requires set standards in terms of class sizes to be implemented and the Council has adopted model specifications for nursery, primary and secondary education accommodation. Recreation and open space facilities are assessed using accredited methodologies and guidance from sportscotland and Fields in Trust (previously the National Playing Fields Association).

80. Changing social and cultural trends and community aspirations can make it difficult to plan ahead and adapt to different demands at different times. Nonetheless the Council has a public obligation to ensure that it manages future development in the wider community interest and seeks, wherever possible, to meet and reflect community demands and aspirations. As and when the need to enhance or replace existing facilities arises, the Council will seek to make the necessary provision on the most appropriate and practicable basis at that time, ensuring that the facilities are fit for purpose.

Committed Development

81. Policy COMD1 outlines the proposals from the previous Midlothian and Shawfair Local Plans. Some of these sites have been subject of planning agreements and are under construction, some are the subject of planning applications and some are outstanding. The cost of the requirements will be priced on the same basis and indexed at the same rate applied to the MLP 2008 requirements and will supersede any estimates calculated to date.

Windfall Development

82. Policy HOUS3 relates to windfall housing development. Windfall development will be treated in the same way as planned development on the basis that “if the development gives rise to the need then a contribution/provision is required”. In each case, an assessment of any requirement will be carried out at the pre-planning application stage or on receipt of the planning application. As part of that assessment consideration will be given to proposed planned development, known timescales/phasing programmes of planned development and any payments already made.
83. Windfall development will also be assessed on the basis of the tests set out in Circular 1/2010 and the principles outlined in paragraphs 29 to 41 of this SPG.

Affordable Housing

84. The need for, and provision of affordable housing is a clearly stated objective of the MLP articulated through the principal policy HOUS4. That need is echoed in policy IMP1 which includes the provision of affordable housing as part of the planning obligation process.
85. Policy HOUS4 seeks to incorporate the provision of affordable housing as an integral part of the overall design and development of allocated or windfall sites.

It is an obligation on the developer to make the required provision. In this context the Council's preferred options are:

- First The delivery of affordable housing units, preferably on the site of the proposal

A developer can enter into agreement with an RSL (approved by the Council) to enable the delivery of the required affordable housing, or the developer can enter into agreement with another body and/ or use a model approved by the Council to enable the delivery of affordable housing to the requirements of the Council. This might include, for example, the transfer of land necessary to provide the required affordable housing at a negotiated value, the developer building the affordable units themselves, and also the use of a variety of subsidised/ unsubsidised affordable housing tenures approved by the Council to meet affordable housing requirements.

Unless agreed differently with the Council, construction of the affordable housing requirement will be expected to have started by the time 45% of any market housing has been constructed.

- Second Transfer of land capable of providing at least 25% of the proposed residential units on the site for no monetary value to the Council, or a third party nominated by the Council.

This land will normally be proven and verified to be fully remediated and consolidated in accordance with the findings of a comprehensive Site Investigation, possess the required planning consent(s), essential services and road access to the land subject of the transfer. The costs of the Site Investigation and the required planning consent(s), essential services and road access to the land subject of the transfer will normally all be met by the developer/ land owner.

Planning Obligations, where relevant, will clearly set out when land is to be transferred. The Council envisages the transfer would take place before 30% of the market units are completed.

The Council will have a time limit of 60 months from the date of transfer of land to agree contracts for the delivery of the affordable housing. If within that timescale the Council cannot arrange for a delivery on-site, or for another arrangement to be agreed with the developer, the land will revert to the applicant for market housing.

86. The expectation is that new housing development will include affordable housing (in line with policy HOUS4) on site. Commuted sums will only be used where they will help achieve an enhanced solution for the delivery of affordable housing. The acceptance and use of commuted sums is at the Councils discretion. Full details and further information on the requirements for affordable housing provision, including the use of commuted sums, are identified in separate SPG entitled "Affordable Housing". The two SPG documents should be read in conjunction.

Non-Residential Development

87. Non-residential development would fall to be considered under the criteria of policy IMP1 of the MLP.
88. It is acknowledged that the principal benefit/contribution of non-residential development is the jobs created. However, such development may generate additional traffic and travel patterns and likewise may benefit from proximity to transport infrastructure. Within the A7/A68 Corridor, non-residential sites within proximity of the Borders Railway Line will be expected to make a contribution to this project. Similarly developments within proximity of, or taking access from, Sheriffhall Roundabout will be expected to contribute to the upgrading of this transport interchange. Likewise in the A701 Corridor, development within proximity to planned transport infrastructure and/or identified as giving rise to a local need will be expected to contribute accordingly.

7 THE REQUIREMENTS

MLP IMP2 Essential Infrastructure

89. Policy IMP2 of the MLP identifies, in general terms, the essential infrastructure required to enable the implementation of the housing allocations identified in Proposal HOUS1 of the MLP. This section provides more detail on the education and transport requirements including indicative costs.

Education Requirements

90. The education requirements identified in the MLP and outlined in the tables below are based on an assessment of existing school rolls and capacities; the estimated pupil generation product from new housing and existing school catchment areas.
91. Education and Children's Services record and monitor school rolls and capacities at nursery, primary and secondary levels. Information is updated annually at the start of the educational year in August. Any adjustment in the requirements and implications for planning obligations, as a result of changes to school rolls, will be identified and agreed through the planning application and planning obligation processes. This approach is consistent with Circular 1/2010.

Note - Information on school rolls is available to developers on request

92. School capacity invariably refers to pupil places/teaching accommodation but may also include core facility space. Equally the nature of the teaching accommodation can vary between standard classroom accommodation and more specialist curriculum accommodation such as sports halls, science laboratories and technical studies accommodation. The capacity of a school will depend on its design (single, twin or three stream) and the prevailing class size

restrictions from P1 to P7 and S1 to S6 (governed by legislation). Legislation on inclusion and equalities can also affect the capacity of a school and the need for additional accommodation. Such changes are not within the control of the Council but the requirements at the time of delivery need to be reflected in the contribution made.

Note – the MLP requirements take account of the Government’s reduced primary and secondary school class sizes.

93. The likely number of school age children generated by planned (and windfall) housing development is taken into account in assessing whether the catchment school has any capacity. Contributions are sought for non-denominational and denominational schools at primary and secondary levels. For non-denominational schools, a pupil ratio of 0.28 children per house/unit for primary school and 0.2 for secondary school is used to calculate the likely number of pupil places arising from allocated housing developments and from windfall housing developments. For denominational schools, the ratios are 0.028 children per house/unit for primary and 0.02 for secondary. Pupil generation is then assessed against the existing school roll and any spare operating capacity of the relevant catchment school for the proposed development. Requirements for additional provision are identified and contributions are sought where no capacity exists or where existing capacity is insufficient to meet the need arising from the proposed development.

Note – Changes to the final number of houses granted planning permission may have a bearing on the extent of the requirement. In these cases the revised requirement will be agreed through the planning application process.

94. In considering the capacity of a school, the Council is assessing the ability of the existing buildings to accommodate the additional pupil places generated by the planned development.
95. School catchment areas are periodically reviewed and may be subject to change over time. Catchment reviews are subject to public consultation and, in respect of developer contributions, the impact of any proposed changes will be addressed through the local plan review process (subject to timing) and/or through the pre-planning and planning application process.

Primary and Secondary School Requirements

MLP Site Ref	Location	Indicative Site Capacity	Primary Catchment	Primary School Pupil Product	Primary School Requirement	Pupil Places Req'd	Secondary Catchment	Secondary School Pupil Product	Secondary School Requirement	Pupil Places Req'd
H1	Cowden Cleugh, Dalkeith	100	Woodburn	28	extension to Woodburn PS	28	Dalkeith	20	extension to Dalkeith HS	20
H2	Larkfield North, Eskbank	50	King's Park	14	extension to Woodburn PS	14	Dalkeith	10	extension to Dalkeith HS	10
H3	Dalhousie Road, Eskbank	40	King's Park	11	extension to Woodburn PS	11	Dalkeith	8	extension to Dalkeith HS	8
						53				38
H4	Bryans Easthouses	65	Lawfield	18	extension to Lawfield PS	18	Newbattle	13	extension to Newbattle HS	13
H5	Langlaw, Easthouses	50	Lawfield	14	extension to Lawfield PS	14	Newbattle	10	extension to Newbattle HS	10
H6	Langlaw Road, Easthouses	85	Lawfield	24	extension to Lawfield PS	24	Newbattle	17	extension to Newbattle HS	17
						56				
H7	Dykeneuk, Mayfield	50	Mayfield	14	extension to new Mayfield PS	14	Newbattle	10	extension to Newbattle HS	10
H8	Redheugh/Prestonholm	700	Gorebridge	196	new school at Redheugh	196	Newbattle	140	extension to Newbattle HS	140
H9	Robertson's Bank, Gorebridge	55	Gorebridge	15	extension to new school at North Gorebridge	15	Newbattle	11	extension to Newbattle HS	11
										201
H10	Gorton Loan, Rosewell	125	Rosewell	35	extension to Rosewell PS	35	Lasswade	25	extension to Lasswade HS	25
H11	Gortonlee, Rosewell	50	Rosewell	14	extension to Rosewell PS	14	Lasswade	10	extension to Lasswade HS	10
						49				35
H12	Ashgrove, Loanhead	170	Loanhead	48	extension to Paradykes PS	48	Lasswade	34	<i>capacity at Beeslack CHS or Penicuik HS dependent on catchment review</i>	

MLP Site Ref	Location	Indicative Site Capacity	Primary Catchment	Primary School Pupil Product	Primary School Requirement	Pupil Places Req'd	Secondary Catchment	Secondary School Pupil Product	Secondary School Requirement	Pupil Places Req'd
H13	Seafield Moor Road, Bilston	150	Roslin	42	new school at Bilston	42	Beeslack	30		
H14	Seafield Road East, Bilston	150	Roslin	42	new school at Bilston	42	Beeslack	30		
						84				
H15	Penicuik Road, Roslin	50	Roslin	14	<i>capacity at Roslin</i>		Beeslack	10	<i>capacity at Beeslack CHS or Penicuik HS dependent on catchment review</i>	
H16	North West Penicuik	400	Mauricewood	112	extension to Cuiken PS	112	Penicuik	80		
All Sites							Dalkeith Community Campus - St David's HS		Contributions sought at fixed rate of £135 per unit	
		2290		641		869		458		274

96. Experience through the Council's recent schools replacement programme indicates that, generally, the cost of building a one stream school (7 class) is approximately £6,396,500 or £29,075 per pupil place, a two stream (14 class) £8,000,000 or £19,048 per pupil place and a three stream (21 class) £10,500,000 or £16,667 per pupil place. The approximate cost of one additional primary school class is in the region of £350,000.
97. The above costs are based at Q2 2009 prices and on a comprehensive design specification and incorporate core facility space, community rooms/facilities, ancillary facilities and fitting out.
98. However, while these prices can be used as a general guide, the unit construction costs cannot simply be applied to all circumstances or requirements without applying some reasonable assumptions and caveats which will, and can only realistically be, addressed at the planning application stage when the exact number of units proposed is known. Exclusions to the cost information provided are highlighted in paragraph 36.
99. Extensions to existing schools are a case in point. They do not benefit from the economies of scale associated with building an entire school, therefore, the unit cost may be greater. They may have an impact on the core facilities of the school requiring redesign/additional works, which again may increase the overall contribution required. At secondary level the accommodation requirements differ from that of primary schools mainly due to the nature of the curriculum, which may require consideration of more specialist accommodation such as sports halls and science/technical areas. Increasingly, accommodation is being provided on a multi-functional basis with many end users having differing requirements. The provision of this type of accommodation requires different standards to be applied, different specification to adhere to and therefore a variation in the standard unit cost. This can only be identified through a detailed design exercise, which is ordinarily carried out at the planning application/pre-planning application stage.
100. At secondary level the Council has replaced Dalkeith High School, St David's High School and Saltersgate (special needs) schools with the Dalkeith Community Campus. The model for the replacement Newbattle and Lasswade High Schools with an estimated 1,480 pupil capacity and an accommodation area of 18,831sqm is estimated at approximately £37,100,000 at Q2 2009 prices. On this basis the capital cost per pupil would be £25,067. In addition contributions for denominational places at St David's High School will continue to be collected at the current rate of £135 per unit.
101. The same assumptions and caveats made in paragraphs 36 and 97 regarding costs also apply to the secondary school issues and requirements.

Transport Requirements

102. The undernoted transport requirements (as indicated in the MLP) are necessary to enable the proposed development of the following local plan housing sites:

MLP Site	Location/Settlement	Requirement
H4 H5 H6 H7	Bryans, Easthouses Langlaw, Easthouses Langlaw Road, Easthouses Dykeneuk, Mayfield	<ul style="list-style-type: none"> • Access & junction improvements to local road network
H8	Redheugh/Prestonholm New Community	<ul style="list-style-type: none"> • New road junctions (subject to Transport Assessment)
H10 H11	Gorton Road, Rosewell Gortonlee, Rosewell	<ul style="list-style-type: none"> • Junction improvement at A6094/B7003 Gorton Road
H12	Ashgrove, Loanhead	<ul style="list-style-type: none"> • New Edgefield Relief Road
H16	North West Penicuik	<ul style="list-style-type: none"> • New North West Penicuik link road

103. The Midlothian roads standards provide a definitive technical design specification for road construction, associated transport infrastructure and standards i.e. parking provision. The specific nature of such requirements is usually determined through a Transport Assessment (TA) in association with the preparation of a planning application. It is the responsibility of the applicant/prospective developer to prepare or commission the preparation of an appropriate TA. This allows for detailed traffic impacts to be properly addressed and suitable design solutions for the scale and nature of the proposed development identified prior to consent being granted.
104. Transport Scotland encourages early engagement where development has the potential to impact on the trunk road network. It is noted that trunk road infrastructure in addition to that listed within this SPG may be required to support development, the cost of which is expected to be met by the developer. As roads authority, any modifications to the trunk road network will require Transport Scotland approval.

Borders Rail Line

105. The housing and economic allocations within the A7/A68 Corridor are predicated on the re-introduction of the former Waverley Railway Line, now known as Borders Rail. The Waverley Railway (Scotland) Act 2006 allows Midlothian Council to use developer contributions to secure contributions towards the implementation of the line.
106. The Council will seek contributions towards the Borders Rail Line from the following residential and non-residential MLP 2008 sites:

MLP Site	Location	Settlement	Requirement
H1	Cowden Cleugh	Dalkeith	Contribution to the re-instatement of the Borders Railway Line
H2	Larkfield North	Eskbank	As Above
H3	Dalhousie Road	Eskbank	As Above
H4	Bryans	Easthouses	As Above
H5	Langlaw	Easthouses	As Above
H6	Langlaw Road	Easthouses	As Above
H7	Dykeneuk	Mayfield	As Above
H8	Redheugh/Prestonholm New Community	By Gorebridge	As Above
H9	Robertson's Bank	Gorebridge	As Above
H10	Gorton Loan	Rosewell	As Above
H11	Gortonlee	Rosewell	As Above
E1	Shawfair Park Extension	Shawfair	As Above
E3	Hardengreen	Eskbank	As Above
E4	Stobhill	Newtongrange	As Above
E5	Redheugh/Prestonholm New Community	By Gorebridge	As Above

107. The total number of houses (excluding windfall) expected to contribute to Borders Rail and identified in the table above is 1,370 units. It is considered that the re-instatement of the railway will also enhance the prospects of the economic allocations at Shawfair, Hardengreen, Stobhill and the new community at Redheugh. Accordingly these sites will be required to contribute along with the identified housing sites. The total area of economic land allocated and identified in the table above is 27 hectares.

108. No sites within the A701 Corridor are expected to contribute as they are sufficiently remote from the stations to derive any direct benefit.

109. Under Policy COMD1 the development of Shawfair will also contribute to the project (3,990 houses and approximately 23 hectares of economic land)

110. Windfall sites within this corridor will be expected to contribute on the same basis.

111. The Minute of Agreement between the Scottish Ministers and the relevant authorities to implement the terms of the Act estimates the cost of the line, as it relates to Midlothian, to be £8,624,300 (forecast at 2012 prices). On this basis

contributions for the housing sites (identified above) would be in the region of £1,609 per unit and pro-rata based on the total number of units built. The contributions for non-residential development will be based on a floorspace equivalent ratio. In each case the costs will be indexed using the prevailing BCIS All-In Trade Price Index at the time.

MLP IMP3 Developer Contributions towards facility deficiencies

112. The requirements for additional or enhanced community facilities (including open space, leisure, recreation, library, accommodation and town centre improvements) arising from the new housing allocations are as follows.

MLP Site	Location	Settlement	Requirement
H4 H5 H6 H7	Bryans Langlaw Langlaw Road Dykeneuk	Easthouses Easthouses Easthouses Mayfield	Improved Library provision
H10 H11 H13 H14	Gorton Loan Gortonlee Seafield Moor Road Seafield Road East	Rosewell Rosewell Bilston Bilston	Community facilities
H8 VH1 VH2	Redheugh/Prestonholm new community Crichton Road Borthwick Castle Road	By Gorebridge Pathhead North Middleton	Community/Leisure facility
H9	Robertson's Bank	Gorebridge	Community/Leisure facility - Gorebridge Community Hub
H12	Ashgrove	Loanhead	Additional fitness facilities
H1 H2 H3 H9 H16	Cowden Cleugh Larkfield North Dalhousie Road Robertson's Bank North West Penicuik	Dalkeith Dalkeith Dalkeith Gorebridge Penicuik	Town Centre improvements

Leisure and Recreation

113. The open space requirements set out in policy DP2 of the Plan are based on the Field in Trust (formerly the National Playing Fields Association) minimum standards.
114. Indoor and outdoor recreation requirements are based on guidance and specifications from the national advisory body, sportscotland. Formal indoor

facility requirements have been assessed using sportscotland's Facilities Planning Model.

115. Sportscotland produce facility specification documents to assist the design and costing process. The specification for sports hall provision is available on their web site at www.sportscotland.org.uk
116. Alongside indoor facilities sportscotland advises that councils should prepare sports pitch strategies to assess the demand and capacity of outdoor pitches. The current Midlothian Sports Pitch Needs Assessment was prepared by Torkildsen Barclay in 2007 and is based on the sportscotland guidance on preparing "Sport Pitch Strategies".
117. The above study identified that there was a generally acceptable level of provision in most instances but there was potential to introduce further capacity by addressing issues of quality, maintenance, management, pricing policy and changing accommodation. No requirement has been identified under IMP3 but the Council will carry out a review of these issues to assess the best way to meet any deficiencies.

Library Provision – Mayfield, Easthouses and Newtongrange

118. Libraries offer an important and diverse range of community facilities and services catering for all age ranges within communities. They have been and continue to be at the heart of community development. They not only provide lending services but also a base for other activities such as Councillor surgeries, Community Council meetings and a range of community group meetings and activities. The recent introduction of "Live IT" suites in all libraries provides public access to the internet. However, the impact of such developments affects the quantity and quality of other facilities delivered in the same building.
119. Libraries have traditionally been stand alone facilities but increasingly, economies of scale and issues of accessibility, mean they are being extended, enhanced or replaced as part of joint service provision. This can often result in more flexible accommodation which better reflects changing social trends and the diverse needs and demands of growing generations. The most recent example of this form of service delivery is the library at Penicuik which is combined with leisure and community facilities linked with the High School.
120. The International Federation of Library Associations (IFLA) publishes standards for library provision and ranks the preferred scale of provision according to the size of settlement. This is commonly accepted as the basis for assessing requirements and the Council uses it as a guide to provision within Midlothian. A copy of the standards can be viewed on the IFLA web site by clicking on the following link – [The Public Library Service – IFLA/UNESCO Guidelines for development](#)
121. The current library in Mayfield has a total floorspace of 244sqm which is below the threshold indicated by the IFLA standard. The requirement for improved

library provision/community facilities was identified in the MLP 2003 and contributions from the committed sites in this plan will be collected for this purpose. Likewise the proposed allocations will be subject to the same requirement.

122. The Council is seeking to upgrade the library provision by extending or replacing the existing facility whichever is most appropriate and practicable. An initial assessment of the likely floorspace requirements to meet the needs of an increased population generated by committed and planned developments, has indicated the need for a facility in the region of 410 sqm. Experience of recent comparable community building projects is limited but a replacement facility of the size suggested may cost in the region of £1,000,000 to £1,500,000 at 2008 prices. On this basis it could be assumed that an extension of the size proposed may be in the region of £500,000 at 2008 prices. Contributions will be sought towards the cost of providing the additional 166sqm. Costs will be calculated on a pro-rata basis subject to the number of units proposed.
123. Options to extend or replace will be assessed and agreed at the planning application stage. Costs may vary depending on the option assessed to be most practicable and because of any unforeseen and/or abnormal circumstances. Detailed cost plans will be drawn up at the planning application stage when the exact number of units proposed is known. Costs are indicative based on 2008 prices and will be index linked to the BCIS All-In Trade Price Index.

Community Facilities

124. Community facilities can be distinguished from school accommodation, library provision or sports and recreation space. Such facilities provide meeting space, rooms or halls of varying sizes where community groups can meet to participate in a range of activities from Community Council meetings and day services/clubs, to public meetings and social events. However, increasingly it is more appropriate to combine some of the above activities into a shared complex to provide flexible accommodation that can respond to changing demands but at the same time is economically viable to maintain over time. To this end the Council is developing a multi-purpose approach seeking to identify a community-based development model that combines more than one service function and which is accessible by more than one sector of the community at different times of the day. The best example is the primary and secondary school replacement programme which combines leisure, library and community accommodation in the one campus.

Redheugh New Community

125. Provision of recreation and community facilities will be identified, negotiated and agreed through the masterplanning process. However, the costs indicated in paragraphs 130 and 133 relating to community facilities at Rosewell and Bilston could be used as a general guide. The principles to be applied will remain the same, that is, the scale and nature of the facilities required will reflect the scale of development proposed (in this case 100% provision). Provision will be made for both indoor and outdoor activities. However, consideration will also be given

to the impact on the proposed facilities of any future expansion of Redheugh (potential for this is supported through the current ELSP 2015 and reference is made in the Local Plan) as well as existing facilities in Gorebridge which, by virtue of their accessibility to Redheugh, could be considered complementary. Likewise, the same benefit may apply to residents of Gorebridge from facilities provided by the development of Redheugh.

Gorebridge

126. The allocation of the site at Robertson's Bank requires contributions to be made towards a community/leisure facility. The Council has provided a new Gorebridge primary school which includes community accommodation and addresses some of the needs generated by the committed development sites. There is also the prospect of a new "Community Hub" building on a site adjacent to the leisure centre. Working in partnership with the Council, Gorebridge Community Development Trust has secured partial funding for this project. It will be the focus of community facilities and activity for the expanding population of Gorebridge.
127. Contributions will be sought towards community facilities on a pro-rata basis calculated at £465 per unit (Q3 2006) subject to the caveats in paragraph 36 and any adjustment to reflect final design and cost confirmation.

Rosewell

128. The Council has agreed to extend the existing primary school in a number of phases. The option to redevelop on the current site was deemed to be the best practicable option to balance resources and the needs of an expanding population. However, any community facilities would be in the later phases. Consequently there are two possible options for the provision of the required community facilities in the short to medium term:
 - Redevelopment of Rosewell Pavilion; and
 - Support the Rosewell Community Development Trust in developing a new community facility on the site of the former Rosewell Steading.
129. The Council acknowledges that further assessment of each of these options is required. In the case of the Pavilion a detailed assessment and option appraisal including cost plans and detailed future management and tenure arrangements will be required. Similarly in the case of the Steading the Council would require a detailed business plan setting out in detail the nature, cost, funding sources, build programme and future management strategy including succession arrangements and revenue projections.
130. Community facilities provided through the replacement schools programme has identified, for similarly-sized settlements the provision of approximately 150sqm floorspace for community use. While the Council acknowledges that the costs associated with this requirement (paragraph 96) may not be directly comparable with the Pavilion and Steading options, they do provide an indication of possible costs. On this basis the provision of 150sqm could cost in the order of £360,000.

The same assumptions and caveats regarding costs outlined in paragraphs 36 and 97 would also apply to these community facility requirements.

131. The above costs are based at Q2 2009 prices and will be index linked using the BCIS All-In TPI. The developer contribution towards this would be a pro-rata cost based on the number of units proposed. Options will be assessed and agreed at the planning application stage. Costs may vary depending on the option assessed to be most practicable. Detailed cost plans will be drawn up at the pre-application stage where a more accurate picture of proposed development is known.

Bilston

132. The MLP Inquiry Reporter accepted that the scale of growth proposed for Bilston would not only require a replacement primary school but also new community facilities. The new school will include community space in one building at the heart of the village.
133. A feasibility study has been completed which incorporates two community rooms (1 x 50 sqm and 1 x 30sqm). The cost of the new school has been estimated at £6,020,000 (Q4 2010) or approximately £2,600 per sqm. On this basis it is estimated that the cost of community facility provision in Bilston could be in the order of £208,000. The standard cost exclusions outlined in paragraph 36 apply, however, an allowance for fees and external works relative to a new school are included in the above costs.

Pathhead and North Middleton

134. Both communities have been identified for small-scale housing development through proposal HOUS2. Pathhead now has a new Tynewater Primary School with community facilities. North Middleton has the new Moorfoot Primary School and a new village hall (a stand-alone facility). In each case further contributions will be sought to enhance outdoor recreation/play facilities. Further assessment is required in the case of Pathhead to consider the impact of any change to the management arrangements governing public access to school facilities. In the case of North Middleton a contribution to enhance the community play park facilities would be sought at a cost of £30,000.

Fitness Facilities – Loanhead

135. The Council introduced Tone Zone facilities into its Leisure Centres some years ago to extend the range of health and fitness facilities available to local communities. They are a key element of the Council's Leisure Strategy. As part of a replacement programme the Council is seeking contributions towards additional Tone Zone equipment and/or enhancements to the existing fitness facilities at Loanhead Leisure Centre to address additional demand anticipated from the increased population arising from the allocated housing site at Ashgrove, Loanhead. The cost of upgrading the facility is estimated at £92,000 at 2011 prices (excluding VAT).
136. Contributions are sought towards the provision of these facilities on a pro-rata basis subject to the number of units proposed. Costs will be index linked to the

BCIS All-In TPI. A final assessment will be carried out at the planning application stage to confirm the level of contribution once a more accurate understanding of proposed development is known.

Town Centre Improvements – Dalkeith, Gorebridge and Penicuik

137. The appearance, function and accessibility of the public realm of a settlement and of its town centre in particular have a strong bearing on the vitality and viability of any centre.
138. The principle of seeking developer contributions for town centre improvements was established through the MLP 2003 and supported by the MLP 2008 Inquiry Reporter. The schemes identified in the MLP 2003 were based on preliminary design work and costs prepared by the Derek Lovejoy Partnership on behalf of the Council in 1997. Some of the proposals have been implemented. As the designs and costs are now 11 years old, the outstanding projects will require to be reviewed, and the costs indexed up to current prices.
139. In Dalkeith, town centre improvements are being delivered as part of the Dalkeith Heritage Regeneration. A fixed contribution of £150 per unit has been agreed.
140. In Gorebridge a fixed contribution of £64 per unit towards town centre improvements has been agreed.
141. In Penicuik, a review of the Derek Lovejoy Partnership proposals (1997) will be required to identify options for the next phase of the enhancement programme (including design and costs). This will be carried out in advance of or in tandem with planning applications and when a more accurate picture of the proposed development is known.
142. In this and all other cases, contributions will be collected on a pro-rata basis subject to the number of units being proposed. All prices will be based at the date of application or index linked to that date from the date of the original estimate using the BCIS All-In TPI.

MLP COMD1 Requirements

143. The requirements identified in Policy COMD1 relate to sites allocated in the MLP of 2003 and the Shawfair Local Plan of 2003. The sites are listed in Appendices 1A.2 and 1A.3 of the MLP 2008. While they remain part of the development strategy the Council acknowledges that circumstances can change over time (legislative requirements, education catchment reviews etc) and, in this context and to ensure they continue to reflect the scale and nature of the development proposed, will either:
 - review these requirements at the point when a planning application is submitted; or

- review the requirements as part of the ongoing developer contributions monitoring process; or
- revise in line with local development plan preparation and review periods; and
- liaise with the applicant, developer or landowner to inform and negotiate the basis of any required changes.

144. The committed development requirements are reproduced from the MLP (Policy COMD1, appendices 1C to E and 2A to F) and are set out below:

New Education Infrastructure (applicable to sites in appendix 1A)	
Location	Requirement
Danderhall/Shawfair	<ul style="list-style-type: none"> • x2 no. new twin stream PS at Shawfair • x1 no. new denominational PS + nursery at Shawfair • Extension to Danderhall PS + nursery • Extensions to Dalkeith & St David's HS
Dalkeith	<ul style="list-style-type: none"> • x1 no. new single stream PS at Wester Cowden + nursery. • Extensions to Dalkeith & St David's HS
Bonnyrigg	<ul style="list-style-type: none"> • x1 no. new single stream PS + nursery • Extension to Lasswade HS
Gorebridge	<ul style="list-style-type: none"> • x1 no. new single stream PS + nursery north Gorebridge • Extension to Stobhill PS • Extension to Newbattle HS
Mayfield/Newtongrange	<ul style="list-style-type: none"> • x1 no. new single stream PS + nursery South Mayfield • Extension to Newbattle HS
Penicuik	<ul style="list-style-type: none"> • Extension to Mauricewood PS
Essential Infrastructure (appendix 1D/relates to sites in appendix 1A)	
Location	Requirement
Danderhall/Shawfair (Shawfair Masterplan & design guide)	<ul style="list-style-type: none"> • A new town centre & related facilities • New roads, road improvements, paths & cycleways • Structural landscaping • A district heating or CHP scheme if feasible • Undergrounding of power lines

Essential Infrastructure (appendix 1D/relates to sites in appendix 1A)	
Location	Requirement
Gorebridge	<ul style="list-style-type: none"> • Powdermill Brae/A7 junction improvements • Engine Road improvements • Improvements to Lady Brae including pedestrian access to proposed Gorebridge rail station on Waverley rail line.
Bonnyrigg	<ul style="list-style-type: none"> • A6094 – A68 Bonnyrigg – Dalkeith distributor Road (Hopefield Section)
Dalkeith	<ul style="list-style-type: none"> • Wester Cowden/Salter's Road improvements
Penicuik ^{*1}	<ul style="list-style-type: none"> • A702/A701 junction improvements
Mayfield/Newtongrange	<ul style="list-style-type: none"> • Upgrading of B6482 (Blackot to Gowkshill) • Distributor road (Bogwood Road to B6482)
Midlothian	<ul style="list-style-type: none"> • Water and drainage infrastructure as required
Community Facilities (appendix 1E/relates to sites in appendix 1A)	
Location	Requirement
Danderhall/Shawfair (Shawfair Masterplan & design guidance)	<ul style="list-style-type: none"> • Community woodlands & parkland • x4 no. full size grass sports pitches • x1 no. full size STP & floodlighting • x1 no. STP multi-sport area • x1 no. cricket square • x2 no. bowling greens • Changing Facilities
Gorebridge	<ul style="list-style-type: none"> • A community/leisure facility
Bonnyrigg	<ul style="list-style-type: none"> • Improved sports/community facility
Dalkeith	<ul style="list-style-type: none"> • x1 no. swimming pool • x1 no. 8-court indoor sports facility
Penicuik	<ul style="list-style-type: none"> • x1 no. swimming pool • x1 no. 4-court indoor sports facility • improved library provision • junior football pitch/public park improvements
Mayfield	<ul style="list-style-type: none"> • improved library provision

Note ^{*1} - Refer to requirements of paragraph 100