

10.00am, Thursday, 24 November 2016

Edinburgh Local Development Plan - Adoption

Item number	8.1
Report number	
Executive/routine	Executive
Wards	All

Executive Summary

The first statutory local development plan for the Council's area is now ready to be formally adopted. It sets out policies and proposals to guide development. It replaces two local plans, and implements the approved Strategic Development Plan for South East Scotland.

In September 2016 the Planning Committee approved modifications to the Local Development Plan (LDP) and noted that it would be progressed to formal adoption by full Council, as required by the Committee terms of reference and delegated functions.

Links

Coalition Pledges	P4 , P8 , P15 , P17 , P18
Council Priorities	CP2 , CP4 , CP5 , CP8 , CP10 , CP11 , CP12
Single Outcome Agreement	SO1 , SO2 , SO3 , SO4

Edinburgh Local Development Plan - Adoption

1. Recommendations

- 1.1 It is recommended that:
 - 1.1.1 The Council formally adopts the Edinburgh Local Development Plan in the modified form published and notified in September 2016, subject to any necessary technical drafting amendments.
 - 1.1.2 The Council notes that the Ministerial letter which confirms that the LDP can now be adopted (Appendix 1) also provides feedback on the LDP project as a whole, and that this will be reported to the Planning Committee for consideration as part of the evaluation of the project.

2. Background

- 2.1 Councils have to prepare local development plans (LDPs) for the whole of their areas. This requirement is a key part of the planning system as prescribed by the Planning etc. (Scotland) Act 2006. Once adopted, LDPs will replace local plans, in this case the Edinburgh City Local Plan (2010) and the Rural West Edinburgh Local Plan (2006, altered 2011).
- 2.2 The Council has now reached the final step in its first LDP process. The process as a whole is summarised in Figure 1:

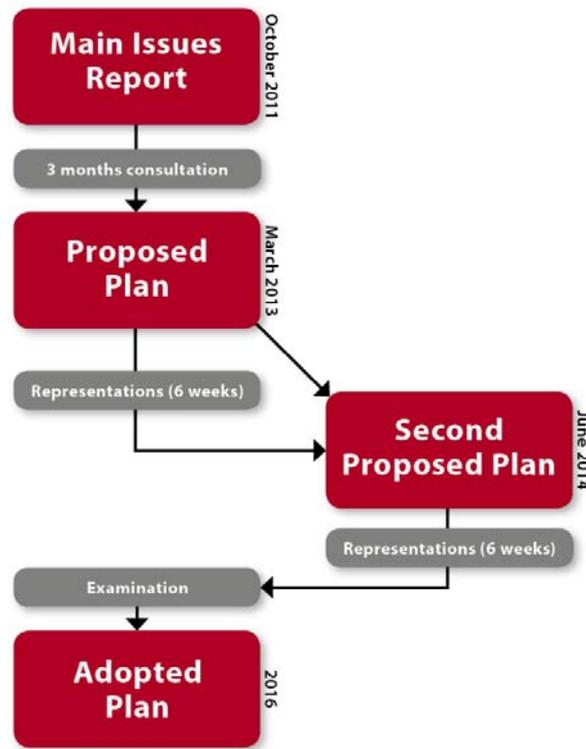


Figure 1 Key stages in LDP process

- 2.3 The LDP has been prepared to implement the Strategic Development Plan (SDP) for South East Scotland (2013, Supplementary Guidance 2014) and national planning policy.
- 2.4 The preparation process included opportunities for communities, individuals, businesses and organisations to make statutory representations on the LDP. Unresolved representations were submitted to an examination in 2015.
- 2.5 The examination considered the issues raised by representations, and reported its findings in June 2016. That report recommended some modifications to the LDP. The modifications were agreed by the Planning Committee on 5 September 2016. The report to that meeting provides an overview of the examination findings and changes to the LDP. The overview can be summarised as follows:
- 2.5.1 Endorsement of the LDP's spatial strategy, including its support for brownfield regeneration the development of the city's waterfront.
- 2.5.2 A finding that the LDP provides enough housing land overall, but that it is not currently expected to be built out quickly enough to meet SDP requirements in the short term. However, achieving that rate is not the only objective of the SDP, and it is also important to ensure that development comes forward in a planned manner which satisfactorily addresses cumulative impacts on infrastructure, such as transport and education.
- 2.5.3 Changes to policy on infrastructure provision and other matters are necessary to ensure compliance with the SDP and national policy.
- 2.6 The recommended modifications have all been made and result in the LDP as Modified. This was published on 16 September 2016 together with a notice stating

the Council's intention to adopt the LDP in that form. The LDP as proposed for adoption is therefore available online [here](#).

3. Main report

Aims and spatial strategy

3.1 The aims of the LDP have been arrived at following extensive consultation at an early stage of the project, where they received a broad degree of support. They are:

- AIM 1: Support the growth of the city economy.
- AIM 2: Help increase the number and improve the quality of new homes being built.
- AIM 3: Help ensure that the citizens of Edinburgh can get around easily by sustainable transport modes to access jobs and services.
- AIM 4: Look after and improve our environment for future generations in a changing climate.
- AIM5: Help create strong, sustainable and healthier communities, enabling all residents to enjoy a high quality of life.

3.2 It is considered that these aims are broadly aligned with the Council's priorities.

3.3 The LDP sets out a spatial strategy for the city, as summarised in Figure 2:

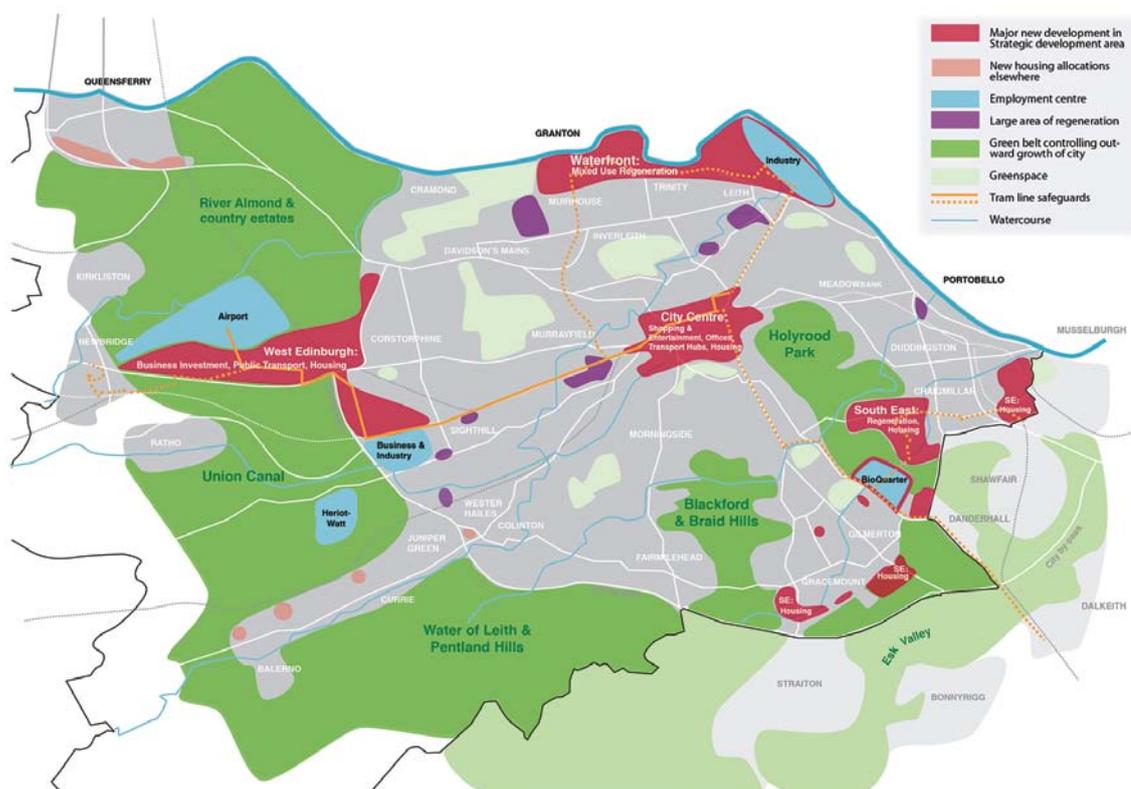


Figure 2: Spatial strategy of LDP as Modified

Process and next steps

- 3.4 When the LDP as modified was published on 16 September 2016 as described in Section 2 above, stakeholders were notified of the intention to adopt as required by legislation. Scottish Ministers were also notified and sent a copy of the LDP as modified. There followed a statutory period during which the Council could not adopt the LDP and in which Scottish Ministers could make a response. That period has now ended and the Council can complete its duty to adopt the local development plan.
- 3.5 Once adopted, the LDP will form part of the statutory development plan. The two existing local plans will be superseded and no longer referred to in development management decisions on planning applications. The LDP will be used for day-to-day development management decisions and monitored accordingly.
- Interested parties, including those who made representations to the LDP, will be notified of the adoption. The adopted LDP will be published online in interactive form. It will also be designed into a landscape document format similar to the Second Proposed Plan in June 2014, with large diagrams. Any technical drafting amendments necessary at that stage will be carried out. The designed document will be the subject of a limited print run.
- 3.6 Work to prepare and adopt the set of statutory Supplementary Guidance required by the LDP will proceed. This will consist of 12 documents on the following:
- 3.6.1 The nine town centres designated in the LDP.
 - 3.6.2 BioQuarter and South East Wedge Parkland.
 - 3.6.3 Developer contributions and infrastructure delivery.
 - 3.6.4 Heat mapping and networks.
- 3.7 There is a statutory requirement to submit an updated Action Programme to the Scottish Government within three months of adopting an LDP. Work is underway to update the Second Proposed Action Programme to take account of the modifications and address the issues identified when it was reported to the Finance and Resources Committee in October 2015. It is intended to report an updated Action Programme to the Planning Committee in December 2016, and also to the Finance and Resources Committee in January 2017.
- 3.8 The Development Plan Scheme (May 2016) indicated an intention to gather feedback from interested parties on the LDP project as a whole. This is intended to help develop and improve ways of communicating and engaging with communities, individuals and key stakeholder groups. The Ministerial letter, confirming that the Council can proceed to adoption, also provided some feedback on the LDP project as a whole (Appendix 1). It is intended to report this to the Planning Committee for consideration as part of the evaluation of the project.
- 3.9 The timetable and preparation process for the next LDP project will be informed by consideration of all stakeholder feedback. It will also be informed by the timetable

for SDP 2, the wider review of the planning system, and the reporters' recommendations that this LDP be reviewed early.

4. Measures of success

- 4.1 The Council successfully adopts the LDP in compliance with relevant legislation.
- 4.2 The growth of the city ensures sustainable places with good infrastructure.

5. Financial impact

- 5.1 There are no direct financial impacts arising from this report. The costs of publishing the adopted plan and carrying out notifications will be met from the existing budgets.
- 5.2 The LDP Action Programme is being updated to take account of the modifications and address the issues identified when it was reported to the Finance and Resources Committee in October 2015. It is intended to report an updated Action Programme to the Planning Committee in December 2016, and to the Finance and Resources Committee in January 2017. The latter report will set out in more detail the financial implications for the Council.

6. Risk, policy, compliance and governance impact

- 6.1 Preparing an LDP is a statutory process in which the risk of failure to comply with relevant legislation needs to be managed.
- 6.2 There is a statutory requirement for the Council to adopt a local development plan. Councils are required to prepare such plans as soon as practicable after the coming into force of the relevant legislation. Councils are also required to keep their statutory plans under review at intervals of no more than five years.
- 6.3 Following adoption, there will be a six week period in which aggrieved parties have the opportunity to make a legal challenge to the LDP on the grounds that the Council has erred in law and some or all of the LDP should be quashed.

7. Equalities impact

- 7.1 An updated assessment of the equalities impact of the Plan is available in the report to Planning Committee of [5 September 2016](#).

8. Sustainability impact

- 8.1 An updated assessment of the sustainability impact of the Plan is available in the report to Planning Committee of 5 September 2016.

9. Consultation and engagement

- 9.1 The May 2016 Development Plan Scheme gave interested parties advance notice of the next procedural stages in the LDP process, including the publication of the LDP as Modified in September 2016, and its formal adoption in October or November 2016. Notice of the Council's intention to adopt the Plan was given in writing to all relevant stakeholders in advance of the publication of the LDP as Modified on 16 September 2016.
- 9.2 As part of the examination process, the Council submitted a report of conformity to Scottish Ministers. This set out the engagement activities which the Council carried out in relation to the period for representations to the Second Proposed Plan, in 2014. The examination reporter found these to be in conformity with what the Council had stated in the participation statement section of the development plan scheme in place at the time.

10. Background reading/external references

- 10.1 [LDP as Modified](#), published and notified on 16 September 2016
- 10.2 Edinburgh Local Development Plan – Post-Examination Modifications, [Report to Planning Committee](#), 5 September 2016
- 10.3 [Environmental Report, Third Revision](#), June 2016
- 10.4 [Circular 6/2013 – Development Planning](#)
- 10.5 [Development Plan Scheme](#), May 2016

Paul Lawrence

Executive Director of Place

Contact: Ben Wilson, Development Plan Team Manager

E-mail: ben.wilson@edinburgh.gov.uk | Tel: 0131 469 3411

11. Links

Coalition Pledges	<p>P4 Draw up a long-term strategic plan to tackle both over-crowding and under use in schools</p> <p>P8 Make sure the city's people are well-housed, including encouraging developers to built residential communities, starting with brownfield sites</p> <p>P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors</p> <p>P17 Continue efforts to develop the city's gap sites and encourage regeneration</p> <p>P18 Complete the tram project in accordance with current plans</p>
Council Priorities	<p>CP2 Improved health and wellbeing: reduced inequalities</p> <p>CP4 Safe and empowered communities</p> <p>CP5 Business growth and investment</p> <p>CP8 A vibrant, sustainable local economy</p> <p>CP9 An attractive city</p> <p>CP10 - A range of quality housing options</p> <p>CP11 An accessible compact city</p> <p>CP12 - A built environment to match our ambition</p>
Single Outcome Agreement	<p>SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all</p> <p>SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health</p> <p>SO3 Edinburgh's children and young people enjoy their childhood and fulfil their potential</p> <p>SO4 Edinburgh's communities are safer and have improved physical and social fabric</p>
Appendices	<p>Appendix 1: Letter from Minister confirming Council can adopt (9 November 2016)</p> <p>(Note: the LDP as Modified was published on 16 September 2016 with a notice of intention to adopt it in that form. It consists of a written statement and four sheet Proposals Map and is available to view at www.edinburgh.gov.uk/localdevelopmentplan or here. Once formally adopted, the LDP will be published incorporating any necessary technical drafting amendments.)</p>



T: 0300 244 4000
E: scottish.ministers@gov.scot

Mr Andrew Kerr
Chief Executive
City of Edinburgh Council
Chief Executive Department
Waverley Court, Level 2:7
Edinburgh
EH8 8BG

Our ref: A15862868

9 November 2016

Dear Mr Kerr,

**Town and Country Planning (Scotland) Act 1997
Notice of Intention to Adopt – Edinburgh Local Development Plan (LDP)**

I refer to correspondence from your colleague Ben Wilson of 16 September 2016, certifying notice of City of Edinburgh Council's intention to adopt the Edinburgh Local Development Plan.

I write to confirm that Scottish Ministers do not propose to issue a Direction in the case of this plan. The Council may therefore proceed to adopt the plan in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997. Two copies of the Edinburgh Local Development Plan should be sent to Scottish Ministers in due course.

My decision not to intervene in this plan will enable its adoption and provide communities and investors with a greater degree of confidence about the future development of Edinburgh. However, this decision has not been made lightly, and I must stress my dismay at the very significant issues with timing and content that have arisen in this instance.

The city's first LDP has been in preparation since 2011, yet it is only being adopted now. Not only has the plan preparation period been lengthy but at the end of the process the Reporter has found that it contains a shortfall in the housing supply of over 7,000 homes. As I am sure you will agree, these homes are needed. In failing to provide an appropriate supply of land for housing, the opportunity for planning to support the continued growth of Scotland's capital city is being missed. Whilst I appreciate that this is a particularly challenging time for housing delivery, my concern as Minister is compounded by the fact that there is unmet need and demand for housing across Scotland and we need to take the steps that are necessary to resolve this situation. I appreciate that the City of Edinburgh Council has been taking positive action, for example in its support for private rented sector projects, but this imperative must also be an essential driver for the local development plan.



Substantial concerns have been raised throughout the plan's preparation that there is insufficient infrastructure, either available or being planned, to support future development and the much needed housing. The independent examination has resulted in significant changes to the plan to identify the relevant infrastructure required for development areas. Concerns also remain that City of Edinburgh Council will delay decisions on applications until further supplementary guidance is published. However, with a newly adopted LDP, I expect the City of Edinburgh Council to make decisions at the earliest opportunity which provide for or contribute to the infrastructure requirements identified in it. In part, I am reassured by the published statement that 'At the hearing the Council explained it would carry the risk of the required infrastructure provision and this would not delay development' (Examination Report page 146, paragraph 96). I expect to see this assurance carried through to future decision making.

In the instance of the International Business Gateway, I do not believe it is appropriate to support a change in housing numbers to a scale six times that identified as the settled view of the Council, which departs from the National Planning Framework (NPF) and which would effectively become one of the largest housing allocations in the plan. Such significant changes late in the process reduces the transparency on which trust and confidence is built. The International Business Gateway is of significant interest to Ministers given its status as a National Development and it having been considered by the Scottish Parliament. As the updated masterplan is prepared, I would wish to reinforce the conclusions of the Reporter regarding consistency with NPF and housing elements being subordinate to the primary role of business-led development which supports strategic airport enhancement.

Strong and effective leadership at the local level of government is absolutely vital, particularly so for a capital city. Planning involves taking difficult decisions about change to local areas and Councils should be resolute in fulfilling their responsibility, as planning authorities, to uphold the public interest and make those decisions. It is unacceptable that uncertainty is introduced by Council motions and late support for changes which are significantly different to the published Proposed Plan. This effectively passes responsibility to others and falls short of providing a fair and transparent planning service to members of the public who have engaged in the process in good faith.

An early review of this plan is to be progressed, as recommended by the Examination Reporter. I trust this review will be achieved in a timely and transparent manner. It is essential that the confidence of communities and investors in the value of the development plan process for Edinburgh is restored. When done well, I believe development plans have a critical role to play in setting the direction for the future of our places and in contributing to the achievement of overarching objectives of sustainable growth and reducing inequalities.

I hope to see this successfully delivered in the next Edinburgh LDP. In the meantime I would be happy to meet with you to discuss these issues further.

Yours sincerely

Kevin Stewart
KEVIN STEWART

Copied to:

John Bury, Head of Planning
Ben Wilson, Development Plan Team Manager