

# Planning Committee

10:00am, Thursday, 11 August 2016

## The Edinburgh Planning Concordat 2016

<b>Item number</b>	8.1
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All

### Executive Summary

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The purpose of this report is to seek Committee approval for the refreshed Edinburgh Planning Concordat.

The Edinburgh Planning Concordat was first agreed in 2010 between the Council and the Edinburgh Chamber of Commerce a way of working together when major development is proposed in the City. The concordat received an RTPI business award commendation in 2011. It was updated in 2013 to include community councils and the [Edinburgh Planning Concordat 2013](#) has now been reviewed and refreshed in conjunction with the Edinburgh Chamber of Commerce and the Edinburgh Association of Community Councils.

The aim of the refreshed Concordat is to simplify it and make it easier to use so that it can be promoted as a working document that developers are expected to use when major development is proposed in the City. Community Councils can also use it as a tool to engage with these developers and reach consensus on development in their area.

### Links

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<b>Coalition Pledges</b>	P15, P27, P28
<b>Council Priorities</b>	CO7, CO19, CO23, CO24, CO26
<b>Single Outcome Agreement</b>	SO1

## The Edinburgh Planning Concordat 2016

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 Approves the Edinburgh Planning Concordat 2016;
  - 1.1.2 The Planning Concordat Engagement Fund is closed; and
  - 1.1.3 Refers this report to the Communities and Neighbourhoods Committee.

### 2. Background

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- 2.1 Major changes to the Scottish Planning system came into place in 2009. The changes signalled a focus of resources to those applications which would deliver sustainable economic growth. The new [system](#) categorized applications into national, major and local and Councils were encouraged to prioritise major applications and deal with them efficiently.
- 2.2 The Edinburgh Development Forum was established by the Council and the Edinburgh Chamber of Commerce in April 2009. It followed from a major conference entitled “Making it Happen” which aimed to transform relations between planning and the development industry. The first Edinburgh Planning Concordat in 2010 was a direct result of this engagement. The document focused on skills, resources and process.
- 2.3 The new system of dealing with major applications introduced the concept of statutory pre-application consultation where local communities were able to have a say at pre-application stage. This was seen as important to ensure the local community was engaged with the application process and delays could be avoided. In recognition that community councils had a statutory role in this process, the Edinburgh Planning Concordat of 2013 was a tri-partite agreement between the Council, the Edinburgh Chamber of Commerce and the Edinburgh Association of Community Councils promoting a collaborative approach to major development in the City. It also included provision for an Engagement Fund to help community councils engage more widely with their local community on the development proposal. Grants of up to £300 were available for this.

- 2.4 Around 17 community councils signed up to the 2013 Concordat. More recently, anecdotal evidence suggested that it was not being applied as consistently as hoped and a review of the Concordat has been undertaken to look at ways of making it more effective.

### 3. Main report

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#### **Consultation on the Edinburgh Planning Concordat**

- 3.1 In September 2015, views were sought on the Edinburgh Planning Concordat 2013 using the Council's Consultation Hub. The questions centred on whether the Concordat had been used effectively, why the Engagement Fund was not being used by community councils and what changes should be made to the Concordat. There was also a question on whether there should be an overarching partnership protocol covering all service areas.
- 3.2 Eight community councils, one architect and one planning consultant responded. The main responses can be summarised as follows:
- 3.2.1 Seven of the eight community councils had been consulted on major applications since 2013 and felt the developer and the Council had worked constructively with them although there were still some concerns;
  - 3.2.2 Pre-application consultation is sometimes perceived as a tick box exercise and the developer does not always engage constructively with community councils on events and the Pre-Application Consultation (PAC) report;
  - 3.2.3 Some major developments are not of great interest to local communities but local housing developments often are and there is inadequate consultation on these;
  - 3.2.4 The PAC report should be clearer on how the community's views have been taken into account;
  - 3.2.5 Community council resources are limited but there is little support for the Engagement Fund. Some pointed out that community councils already get funding, others that developers are usually willing to pay to help out and others that the amount of money available would make little difference;
  - 3.2.6 Concerns about the appeals system and lack of third party right of appeal;
  - 3.2.7 The imbalance in resources between developers and community councils;
  - 3.2.8 The need for planners to do more to take the community's views into account;
  - 3.2.9 There was little support for a wider overarching concordat covering all service areas in the Council; and
  - 3.2.10 The architect and planning consultant were positive about the process but had no further comments.

- 3.3 Overall the feedback was informative but as the response rate was only 18% from community councils, it was difficult to get a full view of how the Concordat was perceived. The lack of response suggested the majority of community councils and the development industry were not engaged with the Concordat.
- 3.4 At the Edinburgh Civic Forum meeting in December 2015, five representatives of the Edinburgh Chamber of Commerce were invited to attend on the discussion about the Concordat and the relationship between community councils and developers. The meeting highlighted that some community councils are still distrustful of developers and more work is needed to build this trust. To this end a liaison meeting was held in March 2016 to discuss the way forward.
- 3.5 The liaison meeting on the Edinburgh Planning Concordat was held on 31 March 2016 and was attended by representatives of the Edinburgh Association of Community Councils, the Edinburgh Development Forum, the Edinburgh Chamber of Commerce, the Cockburn Association, the Scottish Property Federation, Homes from Scotland and the planning authority. The meeting discussed the following themes:
  - 3.5.1 There needs to be a balance between the development industry's ambition for the economic growth of the City and the wishes of people who live here who might wish a less ambitious programme;
  - 3.5.2 Communities have a distrust of the planning system because they do not understand how it works. Neither do they understand the economic mechanics of development;
  - 3.5.3 The way development is funded has fundamentally changed. 70% of funding now comes from international markets. In that context, there is a perception that Edinburgh is no longer the same economic draw and is seen as a difficult place to do business. It is now more complex to get development started;
  - 3.5.4 Need to have better engagement at Development Plan stage and focus on early engagement;
  - 3.5.5 Community councils need to be challenged on whether their views are robust and representative; and
  - 3.5.6 The Concordat should still be process driven but include more on the planning system and more about the Local Development Plan and the Strategic Development Plan. It should include more on the obligation of the planning authority and the need for all parties in the planning process to be well informed and respectful of each other's views.
- 3.6 It was agreed at this meeting that the Concordat would be redrafted with the help of the Edinburgh Association of Community Councils and then would be presented to meetings of the Edinburgh Civic Forum and the Edinburgh Development Forum both in June 2016 for discussion. A period of consultation would then follow these events.

- 3.7 The results of the consultation on the draft refreshed Concordat and the Forum events are set out in Appendix 1. The main feedback can be summarised as follows:
- 3.7.1 There is support for the Concordat but concern about the resources that community councils are expected to provide to implement it. As such there are some concerns about stopping the Engagement Fund;
  - 3.7.2 There is support from community councils for a two stage pre-application consultation process;
  - 3.7.3 There is some doubt about the use of the Place Standard Tool in delivering effective community engagement;
  - 3.7.4 There is a view from community councils that neither developers nor planning officers take constructive comments on board;
  - 3.7.5 The imbalance between the resources of community councils and developers means that there will always be a disparity which means supporting the Concordat is difficult;
  - 3.7.6 There is concern from the development industry that allowing community councils to comment on the draft pre-application consultation report will cause delays to the application process;
  - 3.7.7 There is concern from the development industry about the level of assistance it is expected to provide to community councils to allow them to engage more widely;
  - 3.7.8 There is concern from a planning consultant as to whether community councils are genuinely representing their local community; and
  - 3.7.9 There should be more focus by members at the Committee meeting on considering how issues raised in the pre-application consultation have been addressed.

### **The Edinburgh Planning Concordat 2016**

- 3.8 The Concordat has revised, but retains a step by step process of, the role of the three parties in the major development process. Appendix 1 also sets out the responses to the comments and many of these have been incorporated into the revised text. The revised Concordat can be found in Appendix 2 and consultation responses have informed the final version.
- 3.9 The language of the Concordat has been simplified to make it more accessible and plain English has been used throughout as much as possible. The introduction focuses on the challenges Edinburgh is facing in terms of housing and jobs and the need for Edinburgh to be economically successful. However, it also acknowledges that not everyone wants development to happen, there are potential conflicts and getting the balance right is difficult but important.
- 3.10 The main text has a section on the planning system in Scotland to give a better understanding of the context. It makes it clear that the Concordat is a process map

and a working document and not all community councils will want to make use of it. There is a small section on place-making encouraging the use of the Place Standard tool but it is acknowledged that the use of this tool is at an early stage. Finally there is a section on the differing roles of the three parties to the Concordat.

- 3.11 The step by step process has been simplified with the section on the Development Plan removed as the Concordat is about major planning applications. The columns have been changed to give more focus to the relationship between developers and community councils working together. Parts of the process which were not happening in practice have been removed as have statutory processes as much as possible. There is a new requirement for developers to arrange an early pre-meeting with community councils to discuss general principles prior to the formal pre-application process.
- 3.12 It is proposed that the requirement for the Council to provide resources for the community council to engage with the wider community is deleted. This means there is a proposal to end the Planning Concordat Engagement Fund. The fund has had only two applications over the last 3 years. Community councils have mixed views on this fund. Under the proposed revised Concordat, the community council is expected to approach the developer for assistance with leafleting, setting up websites or other means of wider engagement. The Concordat includes possible methods of engaging.
- 3.13 As a working document, the Concordat has been a useful tool to encourage improved collaborative working. However, it is clear from the responses that it has not yet delivered a real change of culture between the three parties - Council, developers and community councils - in terms of working together. The proposed revised Concordat will be supported by more proactive implementation of the Concordat by Council services as the way to do business in Edinburgh.

#### **4. Measures of success**

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- 4.1 An Edinburgh Planning Concordat which promotes effective community engagement and successful place-making.

#### **5. Financial impact**

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- 5.1 There is no direct financial impact arising from this report.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 There are no perceived risks associated with this report. The report has no impact on any policies of the Council.

## 7. Equalities impact

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- 7.1 An Equalities and Rights Impact Assessment has been carried out. There are no equalities impacts but there are positive rights impacts in that the proposals increase participation and voice by encouraging wider public engagement.

## 8. Sustainability impact

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- 8.1 The impact of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties has been considered, and the outcome is summarised below.
- 8.1.1 The proposals in this report will have no impact on carbon emissions because the report deals with community engagement in the planning process;
- 8.1.2 The proposals in this report will have no effect on the city's resilience to climate change impacts because the report deals with community engagement; and
- 8.1.3 The proposals in this report will help achieve a sustainable Edinburgh because they promote meeting diverse needs of all people in existing and future communities, they promote equality of opportunity and will facilitate the delivery of sustainable economic growth.

## 9. Consultation and engagement

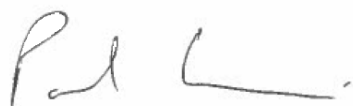
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- 9.1 Consultation and engagement has been ongoing since September 2015 with a formal consultation on the Council's Consultation Hub, discussions at the Edinburgh Civic Forum and the Edinburgh Development Forum, liaison meetings with the parties involved and further direct consultation with community councils and developers on the revised Concordat.

## 10. Background reading/external references

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- 10.1 [Edinburgh Planning Concordat 2013](#)



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## 11. Links

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<b>Coalition Pledges</b>	<p>P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors</p> <p>P27 - Seek to work in full partnership with Council staff and their representatives</p> <p>P28 - Further strengthen our links with the business community by developing and implementing strategies to promote and protect the economic well being of the city</p>
<b>Council Priorities</b>	<p>CO7 – Edinburgh draws new investment in development and regeneration</p> <p>CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm</p> <p>CO23 - Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community</p> <p>CO24 – The Council communicates effectively internally and externally and has an excellent reputation for customer care</p> <p>CO26 – The Council engages with stakeholders and works in partnership to improve services and deliver agreed objectives</p>
<b>Single Outcome Agreement</b>	<p>SO1 Edinburgh’s economy delivers increased investment, jobs and opportunities for all</p>
<b>Appendices</b>	<p>Appendix 1 – Consultation responses</p> <p>Appendix 2 - The Edinburgh Planning Concordat 2016</p>



Appendix 1

Edinburgh Planning Concordat 2016

Consultation Responses (from consultation In September 2015 and June 2016)

Community Council	Comments	Response
Corstorphine	<p>Recently in the local western area there have been a couple of instances where developers have deviated from the spirit of the concordat.</p> <p>16/00927/PAN by the Ardrossam subsidiary of GVA James Barr for major mixed use development 100m N.E. of 194 Glasgow Rd.</p> <p>Under the PAN on the website only the site boundary outline is shown with verbal description of intended development. There was a staffed public meeting at the Marriott Hotel on 30/03/2016 which I attended but no production of any boards etc. showing indicative plans of intended development which is important for assessing traffic flows, pedestrian walkways, cycle ways etc. Staff were not prepared to provide any details or to indicate when they would be available etc. I asked that such details be made available and posted on the Planning Portal website. A later e - mail has received no reply.</p> <p>To date only a minimum of 6 documents are posted on the Portal with the only plan being of the site boundary. The developer must have prepared detailed layout plans for such a development and they should have been</p>	

	<p>made available for public scrutiny during the PAN consultation process. The preparation of plans etc. is specifically recommended within the terms of the concordat.</p> <p>The other development is 16/00837/PAN by Taylor Wimpey at 195m South of west Craigs cottage for major housing development. In this instance only a site boundary plan is published on the Portal website. At the staffed public exhibition at the Marriott on 28/04/2016 an indicative plan board was produced and staff were willing to discuss - I requested of staff that the indicative plan be posted on the website and later e - mailed but received no reply. The indicative plans were again produced at the unstaffed viewing period at Drumbrae library hub between 2<sup>nd</sup> and 6<sup>th</sup> May. To date no indicative plan has appeared on the Planning Portal website despite requests as indicated.</p> <p>Taking both cases above as examples - developers should provide indicative plans of sites on the Portal website at the earliest opportunity for full public engagement.</p>	<p>In both these cases, the applications are for planning permission in principle so no plans were available.</p>
Cramond and Barnton Community Council	<p>a. The Concordat should set out clear commitments as to how the Council treats submissions by community councils where the community council has sought statutory consultee status. It is our experience that different officers take different approaches to the posting of submissions on the planning portal – sometimes on the ‘documents’ section; sometimes on the ‘comments’ section. It is likely that Committee members give greater weight to documents posted under ‘documents’.</p>	<p>A statement has been included that community councils’ comments are of significant importance.</p> <p>The Concordat now includes this.</p>

	<p>b. The document refers under ‘The Role of the Council’ to ... As part of the decision-making process, it has to consider not just the Plan but other material planning considerations, such as representations from the local community and what weight to give to them. Under ‘The Role of Developers’, the document refers to developers engaging with the community ... so that they have an opportunity to shape it and make constructive suggestions on improvements. This community council’s experience is that constructive suggestions for improvements made to Council staff by the community council on behalf of the community we represent are seldom, if ever, given weight by these officers and do not lead to requirements by the Council for developers to amend their plans and designs. This was our direct experience in respect of the Cammo Fields proposals, where little, if any, of our constructive recommendations were taken on board by the developers or the Council staff dealing with the proposed development. The Concordat needs to commit the planning authority to give greater consideration to constructive observations and recommendations made by community councils on development proposals.</p>	<p>The Concordat is about the processing of applications and is not intended to influence the decision-making process and the weight given to planning considerations. However, a sentence has been added to confirm that pre-application consultation is a material planning consideration and the consultee status of community councils is significant.</p>
Currie	<p>Still feel our concerns ignored and this process is simply a tick box exercise. Nothing changes. Give us real teeth!! We are amateurs amongst a team of professionals. Not an even contest. Reduce developers input and give communities real support. Engagement Fund is, in principle, a great idea.</p>	<p>Comments noted</p>
Fairmilehead	<p>In a recent case the CC had to inform the agent that the local library was not actually local but a good bus ride</p>	<p>The Concordat includes a requirement for the pre-application consultation process to be discussed</p>

	<p>away and not convenient for the area. They rearranged for the local church premises. Also we had to supply a map of suggested coverage for their leaflets. Although this worked to our benefit the developer/agent should have done their homework. The developer's agent was very amenable and keen to get things right. Engagement Fund - It could be that the developers are doing what is expected of them and hence the CCs don't need to apply for funding.</p>	<p>between the developer and the community council.</p>
<p>Gilmerton/Inch</p>	<p>More resources needs to be dedicated to meaningful consultation with the local community - including the short and long term impacts on every aspect of the environment and the much needed infrastructure. To date, this has not been at all satisfactory. First of all, in the Gilmerton Inch Community Council area, the small grant would not even begin to cover printing costs for every area. Next, it's difficult for a small CC to find time and people to organise public engagement - it's difficult enough keeping up with the proposed developments in our area - 9 at present - never mind trying to do the job that, quite frankly, council planning dept should be doing. More resources to engage effectively with all the community including the vulnerable and those who have English as a Secondary Language. Unless there is a commitment to truly engage your constituents, it doesn't matter what you do. You will always reach a half baked conclusion which does nothing to encourage meaningful dialogue.</p> <p>At times the developers have been aggressive, condescending and spout a lot of untruths! We are mainly able to organise public meetings etc but our community council area is too large and the</p>	<p>Pre-application consultation is between the applicant and the community. Whilst the Council can assist with the process, its statutory role is limited</p>

	<p>engagement fund just wouldn't help! They should be forced to meet with parent associations, CCs and community groups to get a broad basis of voices heard. They should NOT be allowed to have the stock answer "if our application fails then we will take it to the reporter and there is a STRONG likelihood that we will win our appeal". WHICH SEEMS TO BE EXACTLY WHAT GOES ON TO HAPPEN IN MOST CASES NEARLY ALL!</p> <p>The Concordat should allow for the members of the public to appeal against planning outcomes. I would like the system to take into account public opinion. The local residents know an area better than the council or developers!</p>	<p>Comments noted</p> <p>The Concordat is not a statutory document and third party right of appeal would require new planning legislation.</p>
Grange/Prestonfield	<p>Having been involved with the drafting of the 2016 Concordat for EACC, the following comments are offered not from EACC but on behalf of this community council having given the matter a bit more thought from a slightly different perspective. Under the Section Heading "The Edinburgh Planning Concordat", in the 2nd paragraph at the end of the 2nd sentence after the words "community councils" add "being voluntary organisations". In the Step by Step Process, in the Pre-Application Consultation Stage, under the "Community Councils will" column change the last but one item to avoid the introduction words "Seek help from the developer" because it is really the developers obligation to get the views of the wider community. Maybe change the introduction wording to "Ensure the developer is aware of any special measures needed in getting etc ". Finally in the same column under "During Processing of the Application" and also "The</p>	<p>This has been added.</p> <p>The aim of this section is for community councils to potentially get help from the developer in getting the views of the wider community. The words have been changed to 'Consider seeking help from the developer'</p>

	Committee Meeting" avoid the use of the words "Make members available" because we can't do that. Maybe instead something like "Ensure members are aware of the arrangements for" in the 1 <sup>st</sup> case and similarly in the 2 <sup>nd</sup> "Ensure members decide who will, if any, represent etc".	These changes have been made.
Marchmont and Sciennes	Perhaps Comm Council members are too busy to think of ways of spending the Engagement Fund money?	
Merchiston	I don't really see the point of these grants since CCs already have funds with which to hire a hall to let local people know what is going on and we also of course hold regular meetings which are open to the public in which planning issues are raised. Developers also hold their own events. Public engagement is basically a very difficult task. People are basically disinterested until it affects them directly. A lot can change between a PAN or PPP and what is finally built, so what's the point? It's the final detail that counts, not the basic idea. Plus developers are just going to do whatever they want, and the planners are just going to let them. It's not really possible for ordinary people to influence the planning process in any meaningful way. In my view it's the planners who are the problem. They ought to listen to public opinion, then mediate that to developers. In my area we ask again and again and again and again for the same thing but are just ignored. This is for more affordable 2-3 bed family homes. But all we ever get are offices, apart-hotels, and student housing. Developers tell us that that's what planners recommend them to build.	Comments noted
Morningside	<u>September 2015 Response</u> – There should be a clearer statement on how the community's views have been	The PAC report is that statement and is submitted with the planning application.

	<p>taken into account prior to the detailed planning application being accepted as legitimate. It is not a balanced coming together of equal partners. Two of the parties have access to almost infinite professional and legal advice. The local community has no significant access to such resources. The professionally represented parties can apply the full working week to the task in hand, with several strands of professional effort running in parallel, to meet stated timescales as necessary. The community representatives are working in odd moments of their spare time. The degree of inequity is breathtaking and something that I have advised Morningside Community Council to have nothing to do with. Expenditure on producing information flyers to the public and hiring of halls has to be done at great speed without waiting for any Council or developer approval. We do not in any way wish to accept tainted funding from the developer/applicant. The funding is not significant.</p> <p><u>June 2016 Response</u> - I have looked at the revised document and it seems little changed. There remains the fundamental imbalance between a very few of us volunteers on the CC, the City's professional planning team, and the manpower resources that a developer can bring to bear on any given application. This can never be a partnership of equals.</p> <p>We lack volunteers, so we cannot agree to "make the necessary resources available" as required by the Concordat. Based on past experiences, the Community Council would rarely be willing to "seek help from the developer in getting the views of the wider community</p>	<p>Comments noted</p>
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	<p>for example by leaflets". The independence of the CC would be too likely to appear compromised.</p> <p>The CC is not in a position to "ensure" anything (as required by the Concordat) when the CC is dependent upon the occasional and part-time involvement and goodwill of a small number of its members. The CC is not in a position undertake to "Make members available to represent the CC at hearings". CCs cannot instruct "staff" to attend.</p> <p>CCs are expected to engage in wide consultation. It appears very strange that there is a clear expectation that this is likely to be by "postcards, leaflets, brochures and mail-shots, and (even) newspaper adverts", when CCs have no source of funding for any of these costly measures. Such measures would quickly run up a bill in the thousands of pounds. (CC is aware that some very limited Council funding can be made available but only if the developer has declined to help. Such funds are quickly exhausted just on hiring a meeting hall.)</p> <p>So, I remain totally opposed to the Concordat and recommend that Morningside CC does not sign up to it.</p>	<p>The wording of this section has been changed as it is recognised this is not always possible.</p> <p>The Community Council Scheme approved by the Council expects community members to represent the wider community. Even without the Concordat, there is that requirement.</p>
Portobello	<p>Overall, Portobello Community Council is of the view that the Concordat is worthwhile and we have signed up to it.</p> <p>Our first 'experience' of referencing the Concordat was 14/03736/PPP where the developer said: "What's the Concordat? Never heard of it"</p> <p>The developer initially refused our request for funding to</p>	



	<p>pay for an awareness / engagement campaign around the planning application although they did relent after talking to the Planning Dept. We applied for and received money from the Engagement Fund in August 2015 to help increase engagement and awareness around the SESPlan Main Issues Report.</p> <p>Where subsequent major planning applications have arisen, and we've received a PAN, we've replied with a list of suggestions where consultation and engagement could be improved during the PAC. For example 15/05835/PAN and PAN 16/02796. The Planning Dept have said: "For many of the points you raise I can only encourage the agent/developer to work with you on these, I cannot formally request them at this time. The concordat refresh is now to be reported to Committee in August."</p> <p>This tantalisingly hints at something which might be coming through in the revised concordat and that doesn't appear to be obvious in the draft.</p> <p>Consequently, our view, based on our experiences are that:-</p> <ul style="list-style-type: none"><li>• The requirement for the developer to be the first port of call in funding awareness/engagement around major planning applications needs to remain</li><li>• The community engagement fund is a necessary and useful fallback and should also remain</li><li>• The overall requirements around PAC engagement / consultation need to be brought</li></ul>	
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	up to date in a meaningful way	Further work is being done with major team planners to look at embedding Concordat principles into working practices.
Queensferry and District	We didn't get proper consultation when the Builyeon Road and South Scotstoun sites were added to LDP at the last minute but things are going better now regarding consultations. I am hoping that the Placemaking tool is going to help with the pre-application stage. Engagement Fund - to be honest I didn't really know much about this but will look into it more and I'm sure we will be using in the future. I want to make sure that developers and council officials do listen to the community and answer concerns and work with all the community regarding developments.	Comments noted
Ratho and District	<u>September 2015 response</u> – IBG and airport hotels generate no community interest. However, local housing proposals do. We do not always get feedback from the developers on how the PAC has gone, which would allow us to improve on community involvement. It would be better if developers would briefly consult with us informally about the community consultation event before advertising, as they may not have local knowledge of what would involve residents, or the best place to hold the event. It sometimes feels as if the paper or email feedback is structured to get the answer a developer wants. Some residents do not necessarily have a particular view and feel it is a waste of time giving their opinion. However, it is recognised that developers need to demonstrate involvement so perhaps a format of feedback acknowledging attendance (with sufficient space for comment for residents if they want) would get round that. Developers are usually willing to leaflet neighbouring households of	The PAC report is basically the feedback and is submitted with the planning application.  This was in the 2013 Concordat and remains in the new one.

	<p>PAN, so we have not had the need for the fund. However, one or two have been reluctant to publicise the event widely but we have been able to publicise the event locally. It is actually at the planning stage that residents are most interested and that is when funding is required. However, we acknowledge that bias is likely so extending funding for this would require guidelines. Development Plans are of no interest to the majority of residents. This is because they are perceived as full of planning jargon and of no immediate relevance. Developers should discuss the arrangements with community councils for public exhibitions before submitting the PAN. This includes dates and venues and notices. The Council should ensure that developers are aware of the Concordat which they did not all seem to be initially. Clearer arrangements for consulting with community councils as distinct from the public exhibition. Where we have had feedback meetings after the event these have proved useful all round.</p> <p><u>June 2016 response</u> - In general we are supportive of the aims and objectives of the Concordat but our recent experience has created much scepticism and mistrust about some developers' commitment to its cause. In Ratho, for example, we, as a small Community Council with limited resources, are currently struggling to engage with the wider community about four disparate speculative developments (total in excess of 600 houses at Appeal, PAN and PPP stages) submitted by developers who seem driven by commercial gain rather than the principles of "Placemaking". Whilst we eagerly await the emergence of the new Local Development</p>	
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	<p>Plan, the current free-for-all attitude by some developers is generating considerable strain on communities and community councils and, whilst we make best endeavours against the commercial might of developers and their agents, we are totally dependent on the planning system to provide protection to our communities and our already over-loaded public facilities and poor transportation infrastructure. Without a clear commitment by all developers to sign up to the Concordat it will serve little purpose in supporting your Council and beleaguered Community Councils to achieve its desired end.</p> <p>On specific aspects of the draft I offer the following comments:</p> <p>Page 3/4 - Promoting Placemaking  <i>"At pre-application stage, the use of the Place Standard Tool and development briefs can be used to empower communities to get involved....."</i>  <b>This is meaningless "planning speak" which fails to understand the difficulty in engaging communities in this level of debate.</b></p> <p>Page 4 - Role of Developers  <i>"Developers should welcome this and work constructively in line with the Concordat"</i>  <b>Agreed. In practice not all developers appear to be aware of the document and others pay scant attention to it!</b></p> <p>Page 5 - The Role of the Council  <i>At the pre-application stage, the Council can encourage</i></p>	<p>The Place Standard Tool is only one way of getting communities involved but the wording has been changed in the final draft.</p> <p>Noted</p>
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	<p><i>ways of developers and community councils working together.</i></p> <p><b>It would be helpful if policy implications of the development proposal was disseminated to the Community Council as each planning application is submitted - what arrangements are available for this?</b></p> <p>Step by Step Processes:</p> <p><u>Pre-Application Consultation Stage</u></p> <p><i>Page 5 - Developers will request an early meeting with relevant Community Council - <b>we have never received such a request.</b></i></p> <p><i>Page 6 - The Planning Authority will inform the Neighbourhood Partnership of the PAN and seek views - <b>We are not aware that this has happened in the past. Is this a new proposal and, if so, can you please clarify the intended role of the Neighbourhood Partnership in this process?</b></i></p> <p><i>Page 7 - Developer to let Community Council see a draft of the PAC report for comment. Community Council to review the draft PAC report promptly flagging up any disagreements. - <b>This has never happened in our experience.</b></i></p> <p><u>During the Processing of the Application</u></p> <p><i>Pages 8/9 - Community Councils will attend briefing sessions on progress of the application if required. <b>We as</b></i></p>	<p>The Pre-application Report that goes to the DM Sub sets out the policy implications and the Concordat has been amended to make this clear.</p> <p>Noted</p> <p>This is done at present but it is largely for notification purposes. There are rarely any responses. The process does form part of the Neighbourhood Partnership Protocol but this will be reviewed under new Locality working procedures.</p> <p>This has been changed to optional and it would be agreed when the consultation is initially discussed with the developer</p>
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	<p><b>a Community Council have never been afforded this opportunity and we have to rely on our own regular website searching to obtain application updates.</b></p> <p><i>Page 9 - Community Councils will make members available for attendance at the site visit if desired. It would be helpful to clarify the role and authority of the Community Council representative at site meetings.</i></p> <p><u>After the Decision</u></p> <p><i>Page 10 - The Community Council to complete survey requests on the community engagement exercise so that the planning authority can monitor the success of the process - <b>we have never been asked to undertake this response.</b></i></p>	<p>Further work is being done with major team planners to look at embedding Concordat principles into working practices.</p> <p>It has been clarified that this is observer status.</p> <p>A new survey is being prepared.</p>
Southside	<p>We would very much like to support the work of the Planning Department and engagement work suggested within the Concordat. We believe that close engagement with the community is certainly the way to achieve a better living environment for all, with better planned developments and better communities. The aim of the Concordat is therefore noble.</p> <p>However, we have reservations as to how the Community Council can fulfil that role without adequate resources. Community engagement requires a lot of manpower, time and money. It was noted that at the same time as the Concordat was published, the Community Engagement Fund was abolished. Although it may have been a long administrative process to apply for the fund, it was nonetheless available for Community Councils who wished to participate; it is now no longer</p>	<p>As there have only ever been 2 applications for the Fund, it is difficult to justify its continuation. However,</p>

	<p>available.</p> <p>We note that the developers are supposed to contribute to the costs of printing of flyers and other outlays. However we have no effective means to deliver the printed flyers, nor do we have the time or money to properly consult the local residents. Information distribution is only one aspect of community engagement, and much further work would be required if surveys (with meaningful /representative results) or meetings are to be organised. These will require more than volunteered time and efforts in order to be successful. It is essential however, to engage in such consultation work to really understand the community needs and vision that ought to be included with developments, not just flyer and website presence which is mainly a one way communication. We also note that there are no timescales mentioned for these consultations and meetings. While we would endeavour to contribute, and do our best to encourage community engagement, if we are not given a sensible time frame to do so, a developer might approach us at the last minute asking for a decision, and our response would not perhaps truly reflect the views of the local community.</p> <p>We would suggest a minimum timescale of 9 weeks overall at the pre-planning stage; 6 weeks of intensive pre-planning engagement, (meetings, surveys, engagement event with developer etc) which should only start 3 weeks after the initial flyer/website information/publicity release. The developer should therefore make their initial approach to the Community Council, to ask for such engagement, at least 12 weeks in advance of developing a scheme for planning</p>	<p>this is a decision for the Planning Committee.</p> <p>The statutory timescale for pre-application consultation is 12 weeks before an application can be submitted. It is difficult for the Concordat to be prescriptive as each scheme is different. The new Concordat suggests a 2 stage consultation process with community councils but does not specify timescales as this needs to be flexible and subject to agreement. Good developers will agree to the level of engagement suggested but not all community councils will be resourced for this level of engagement.</p>
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	<p>purposes. There should also be the opportunity to see the scheme after it has been reconsidered with the community suggestions - which may mean a review meeting with the community at the end of the engagement process drawing up conclusions of meaningful suggestions and another meeting when the developer has made their considered response in scheme amendments as necessary. This could be a helpful timeline to suggest to the developers, as well as the Community Councils and Planning Department to all work together with the same frame of mind, to plan in the early engagement process as part of this Concordat. We would like to reiterate that we strongly support the proposal for planning engagement with the community, although an increase in scope of work will require appropriate matching funding, resources and attainable timescales indicated as part of a workable plan.</p>	
Tollcross	<p>We favour such a concordat as it tends to define realistic expectations of service provision for most stakeholders. However we have the same criticism of this draft as of the previous Concordat. That is the unrealistic expectations of the ability of Community Councils to fulfil all the stated obligations as they have neither the financial nor the manpower resources. This represents a rather negative view of the Concordat but not with its principles of wanting better public engagement. The 2013 Concordat did make the point about CCs limited resources in several places but that has been dropped.</p> <p>Producing a document like this makes it appear that wide and regular public consultation is taking place. This might be feasible in some Community Councils where there are hardly any planning applications. In the</p>	<p>The role of the community council has been changed to reflect this.</p>



	<p>Tollcross area there are hundreds of planning applications every year with many major applications. There are developments worth hundreds and hundreds of millions of pounds. Last year there were six major developments.</p> <p><b><u>More Specific Points;</u></b></p> <ol style="list-style-type: none"> <li>1. <i>'Ensure local communities are fully involved in the Development Plan process especially at Main Issues Report stage.'</i> This would be a very large exercise which is currently undertaken by the Council. Is it really feasible for 44 CCs to be undertaking this consultation exercise? Incidentally, one mailshot would use all our annual financial resources.</li> <li>2. <i>'Review the draft PAC report promptly flagging up any disagreements. Copy the Planning Authority into the final response to the developer.'</i> This may be about to change but we do not get to see this report until it is added to the papers on the website, during the 21 day period for responses.</li> <li>3. <i>'Ensure that the wider community view is sought as part of the community council's response to the application.'</i> We make every effort to gain public opinion but it is not feasible to carry out this level of public engagement suggested in the Concordat. We often do not even have a scheduled Community Council meeting in the twenty one day period for responses, let alone have the capacity to carry out the sorts of activities listed in Appendix 1 of the Concordat. The references to the wider community and a</li> </ol>	<p>This could include posting details on the CC website or social media to make the community more aware.</p> <p>This has been changed to optional and it would be agreed when the consultation is initially discussed with the developer</p>
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	<p>diverse range of local opinions suggest we should be consulting with residents, students workers, tourists etc. This is patently not feasible.</p> <p>4. The CC is expected to seek help from the developer in getting the views of the wider community, the developer is required only to provide assistance to the CC to publicise the proposals to the wider community which is not the same as helping with getting the wider community's views.</p> <p>There is a feeling that producing a document like this, in some way absolves the Council of its statutory and non-statutory duties in the realm of public engagement. We are happy to try our best to increase public involvement in the spirit of this Concordat but were we to agree to all these duties we would use all our resources and more and planning is only one of many of our roles. Other Council Departments (and other agencies) are also pushing the public engagement responsibility down to CCs. In the last year we have been asked to consult on at least a dozen policies and strategies and have not been able to cope with them all.</p> <p>The increasing levels of community engagement, and indeed empowerment mentioned by the new Scottish Government, will require a concerted effort to achieve and such activity will require resources.</p>	<p>More and more CCs now have website pages and use social media. These could be used to get the wider community view.</p> <p>Seeking help from the developer could be even helping set up a webpage for public comment and paying for leaflets</p> <p>The pre-application consultation process is essentially between the applicant and the community and the Concordat is seeking to smooth this process.</p>
West End	The revised version appears to cover very well all the points raised at any discussions I have attended. Other members of WECC have no particular comments to make.	

	I note the inclusion of an opportunity for CCs to "include a review of the Pre-Application Report within the consultation response". This is welcomed.	This has been changed to optional and it would be agreed when the consultation is initially discussed with the developer
<b>Development Industry</b>	<b>Comments</b>	<b>Response</b>
Edinburgh Property Federation	<p>We welcome the encouragement given to community councils to work collaboratively with developers while bearing in mind that if a proposed new development complies with the Development Plan, it is likely to be approved.</p> <p>It would be helpful to have clarification on what is meant by planning authorities making sure they provide sufficient support to community councils in understanding the proposals and what the policy implications are. Clarification would also be helpful on what is intended by developers providing assistance to the community council to understand the proposals and publicise the proposals to the wider community.</p> <p>Scotland's Real Estate industry has undergone fundamental structural change and sourcing and structuring capital for development projects has never been more difficult. We rely on international investors to see the potential of Edinburgh ahead of other European opportunities. However, Edinburgh is being increasingly seen by some as a difficult city to do business and Edinburgh developments now compete for the attention of Investors with projects across Europe.</p> <p>We note at page 8 of the concordat the Planning Authority will automatically consult community councils</p>	<p>The section on the Role of the Developer has been expanded to clarify this may mean helping with leaflet drops and the step by step process has been amended to clarify this means having people at the public events who can help to explain the proposals.</p>

	<p>on major applications and agree to extensions of time where required. There is also a reference under the pre-application consultation stage on the conclusion of the PAC exercise that developers should let the community council see a draft of the PAC report and allow a short period for comments. In suitable cases, it is suggested that there should be a discussion with the community council as to whether a short period of re-consultation would be appropriate. A key concern of our members is that delays can and do add considerably to project costs and it is critical that Edinburgh remains positive and open to business. Any extensions to time must be controlled appropriately.</p>	<p>This has been changed to optional and it would be agreed when the consultation is initially discussed with the developer</p>
<p>GVA Grimley</p>	<p>In overall terms we welcome the publication of the revised Planning Concordat. It provides clear introductory text about the planning process and helpfully defines the Concordat as a <i>'process map'</i> of how developers, community councils and the Council can work together when a Major development is proposed. The release of this updated version is considered timely, given the recently issued report "Empowering Planning to Deliver Great Places", which includes a range of recommendations, with some of them complementary, to deliver a more efficient, better resourced and more inclusive planning system. We note that the outcomes of this latest reform process may have some bearing on the final content of the Concordat and therefore suggest that its finalisation should firstly await the outcome and decisions of the Scottish Ministers in this regard, as this will help to ensure greater consistency for these processes in the future.</p>	<p>The Concordat will be kept under review for any significant changes which may affect it.</p>

	<p>In terms of our specific comments on the document, Chris Stewart’s presentation at the EDF, referring to findings of the Scottish Property Federation, underlined the urgency of Edinburgh needing to improve its competitiveness as a location which can still attract investment for development projects from international funders in a market which has undergone fundamental structural change since recession. To this end it is important to keep the last sentence of the Concordat’s first paragraph as drafted, <i>‘As a world-renowned city increasingly Edinburgh has to compete internationally to attract the inward investment it needs.’</i> Perhaps you might add a second sentence afterwards, <i>‘This investment is vital to the funding of development projects which make significant contribution towards enabling sustainable economic growth in the capital city.’</i></p> <p>We agree it is useful for the document to acknowledge the realities that <i>‘not everyone wants development’</i> and <i>‘tensions can arise,’</i> but that <i>‘Getting the balance right is difficult but important.’</i> We also welcome the Council’s intention, <i>‘All parties have a responsibility to be <u>well informed</u> and <u>respectful</u> when making an input into new development.’</i></p> <p>As regards the role of Community Councils, we are not opposed to the principle of increased emphasis on their representing the view of the <i>‘wider’</i> community when new development is proposed, rather than only a few, or even singular, voices. This chimes with their role and responsibility as a statutory consultee to</p>	<p>This has been added</p>
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	<p>represent the whole community. It may be possible in some circumstances for applicants to assist with funding the Community Council's own wider engagement. However, it would seem fair for the applicant to have some say in the related format and material as this still relates to their own development project around which impartiality in consultation would be reasonable to expect, minimising the perceived risk of doing so. Indeed we would suggest Community Councils should be neutral at least until they have engaged with a fair level of representation of their local area. Indeed, we consider that evidence of the vote of the community should be required as part of their representation.</p> <p>Rather than Community Councils being sent the developer's draft PAC Report for comment prior to submission of a planning application, and even allowing further periods of '<i>re-consultation</i>' as proposed, we would suggest that Community Councils can comment on the PAC Report as part of their representations on a planning application. This is because it would genuinely cause further delay to the planning process. Also, PAC reports are mainly fact based, reporting on the results of surveys at events and detailing changes to the scheme which have been made in response, therefore it is most appropriate for the developer to write this. Perhaps a better option might be to require Community Councils to offer initial views at an event (or shortly after) with input from locals and being balanced in their views, or send a number of questions / suggestions which require to be answered within the PAC report? Furthermore, we welcome the measures for meeting and engaging with Community Councils, ideally as early as possible in the</p>	<p>The content of the consultation exercise would still be the responsibility of the applicant.</p> <p>This cannot be required through the Concordat</p> <p>This has been changed to optional and it would be agreed when the consultation is initially discussed with the developer</p>
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	<p>process.</p> <p>Lastly, we would hope to see an increased focus on developer's PAC reports within Planning Officers' committee reports, and for the PAC report to be considered as a material part of the determining process. Presently we find little attention, if any, is given to them, with little reference to their outcomes, despite the significant resource which clients put into consultation activity.</p>	<p>The materiality of the PAC report has been emphasised in the new Concordat. However, reports on major planning applications are already long and including details of the PAC outcomes would make them longer. There was little support for this in discussion with the major teams.</p>
Homes for Scotland	<p>We welcome the Edinburgh Planning Concordat as a positive and collaborative approach to speed up the planning application process and we support the transparency of the document preparation process, and its aims. We are particularly pleased to see the useful references to the statutory planning system, helping community councils and others to understand the presumption that if a development is compliant with the Development Plan, it should be approved unless there are particular planning reasons as to why it should not be approved. Many of the suggestions within the Concordat are currently undertaken by our Members and are best practice.</p> <p>There are a couple of points within the draft document on which we would seek further clarification:</p> <ul style="list-style-type: none"> <li>- The draft (under page 3, paragraph 5) states that Community Councils should aim to ensure local communities are fully involved in the Development Plan process, particularly at MIR stage. We agree that this is an important role for Community Councils, but would also argue that this is an important role for the planning</li> </ul>	

	<p>authority as well, and that the document could be amended to reflect this.</p> <ul style="list-style-type: none"> <li>- We support the section on the role of Community Councils but would like to see clear wording to express the importance of Community Councils being truly representative of the community views.</li> <li>- In the sentence at the top of page 5 under the section of the Role of the Council, the draft states that “the council also has to make sure it provides sufficient support to community councils in understanding the proposals...”. It would be useful to have some clarity on what “sufficient support” actually entails, and assurance that while support is of course necessary to community councils, that this will not add any delays to the processing of the application.</li> <li>- In the final bullet on Page 6 in the left column under the role of the Developer, the draft states that the Developer will “provide assistance to the community council to understand the proposals and publicise the proposals to the wider community”. It would be useful to have clarity on what assistance is expected of the applicant, and whether this is expected to be monetary, or in spending time with community council representatives. We agree that the community council must adequately understand the proposals in order to represent the community and make any comments on proposals, but again we would not like to see this stage adding any delays to the application</li> </ul>	<p>This has been added.</p> <p>This is noted but representing the community views is the greatest challenge for community councils and is often difficult to fully achieve. There has to be an element of trust that office bearers know their areas.</p> <p>The aim is not to add delays but to promote the wider engagement needed for these schemes. The text has been amended to clarify this.</p> <p>Monetary assistance is not expected and the concordat clarifies this may be help with leafleting or setting up websites for public comment. We would expect time to be spent with community councils discussing and explaining the proposals.</p>
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	<p>process.</p> <ul style="list-style-type: none"> <li>- We would like some clarity on the final bullet in the blue section on page 7 under the Developer column – whilst we support the collaborative working between the applicant and the community council to ensure that the proposals are understood, we would not like to see any delays to the application determination process brought in through this paragraph whereby the applicant would let the community council see a draft of the PAC report and allow time for comments, and the potential for a period of re-consultation. We acknowledge that some of this already happens as good practice, but would not like to see any delays being built into the determination period unless extreme circumstances indicate that this is necessary.</li> <li>- Again in terms of unnecessary delays, we would like to have some clarity on the planning authority agreeing extensions of time where required to community council (bullet 2, column 3, page 8). We understand that this does already happen in some cases, and we would like to remain flexible to ensure that community councils have the time within their meeting schedules to respond to planning applications, but would like to make sure that this does not negatively impact the determination period for the application.</li> </ul>	<p>This has been changed to optional and it would be agreed when the consultation is initially discussed with the developer</p> <p>This does already happen in practice but timescales involved are relatively short.</p>
Edinburgh Civic Forum	<ul style="list-style-type: none"> <li>• A flow chart of the process should be included</li> <li>• There should be more about the development industry's responsibilities in the Concordat</li> </ul>	The Concordat has been amended to take these points into account
Edinburgh	<ul style="list-style-type: none"> <li>• Handling of the technical requirements of</li> </ul>	<ul style="list-style-type: none"> <li>• The Concordat has been amended to take this</li> </ul>

Development Forum	development should be carefully considered by community councils <ul style="list-style-type: none"><li>• Reference to climate change and sustainability should be included</li></ul>	point into account <ul style="list-style-type: none"><li>• Sustainable economic growth has been included</li></ul>
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# The Edinburgh Planning Concordat 2016



## Introduction

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Edinburgh is a growing City and faces challenges to provide homes and jobs for the communities of the future. Protecting its natural and built heritage is a top priority and the planning system is in place to guide the development we need to make Edinburgh economically successful now and in the future. As a world-renowned city, increasingly Edinburgh has to compete internationally to attract the inward investment it needs. This investment is vital to the funding of development projects which make a significant contribution towards enabling sustainable economic growth in the capital city.

It is acknowledged that not everyone wants development, especially in their own area, and tensions can arise. Sometimes there can be a conflict between shorter term gain and longer term aspirations. However experience has shown that when developers, communities and the Council work constructively together when new development is proposed, better places can be created. Getting the balance right is difficult but important.



## The Planning System in Scotland

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The planning system is used to make decisions about the future development and use of land in our towns, cities and countryside. It considers where development should happen, where it should not and how development affects its surroundings. The system balances different interests to make sure that land is used and developed in a way that creates high quality, sustainable places.

There are three main parts to the planning system:

- Development Plans - The planning system in Scotland is plan led. The plans set out how places should change into the future.
- Development Management - This is the process for making decisions on planning applications. Legislation requires that decisions on planning applications be guided by policies in the development plan.
- Enforcement - This is the process that makes sure development is carried out correctly and which can be used to take action when it has not

The planning system is grounded in law and the Planning etc. (Scotland) Act 2006 created a hierarchy of developments across the country defined as National, Major and Local. You can find out more about what sort of development is in each hierarchy and the Scottish planning system in general on the Council website in the Community Councils and Planning pages and on the Planning pages of the Scottish Government website. Community councils can use these links to get a better understanding of how planning works and their role in it. This upskilling of planning knowledge will help when it comes to making an input into the major development process.

## The Edinburgh Planning Concordat

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National and Major developments are those of the greatest importance to communities and have a greater level of consultation and scrutiny than Local Developments, with a different pre-application and determination procedure, although of course Local Developments can have a considerable neighbourhood impact.

The Concordat is essentially a way that developers, community councils and the Council can work together when a Major development is proposed. It builds on the Concordat of 2013. A flow chart can be found in Appendix 2. It assumes that all parties will make the necessary resources available to meet the different stages in the process although it is recognised that this may be difficult for some community councils, being voluntary organisations. Early engagement with communities is the key and the Concordat promotes this as a top priority.

There are two stages in the major development process. Firstly, a requirement for statutory pre-application consultation under the Proposal of Application Notice (PAN) process at pre-application stage. This refreshed Concordat aims for more discussion between developers and community councils at early pre-application stage. This will then make the formal PAN process of the pre-application stage more meaningful. Developers can do more to help community councils at this stage and Appendix 1 sets out ways of engaging more proactively.



The second stage is the actual planning application and the Concordat sets out how all parties can work constructively together.

The Concordat does not include details of community involvement in the Development Plan process. There are separate processes for this but community councils should be aware that in a plan led system there is a presumption that if development complies with the Development Plan, it should be approved unless there are particular planning reasons why not. The opposite applies if it does not comply with the Development Plan. Community councils should aim to ensure local communities are fully involved in the Development Plan process as this will then set the decision-making framework for the major development proposal and whether it is acceptable or not.

The Concordat is a working document and not all community councils or developers will want to make use of it. However, it is the way that the Council wants to promote good working relationships when major development is proposed and it is hoped it will be viewed positively by all. All parties have a responsibility to be well informed and respectful when making an input into new development.



## Promoting Place-making

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Place-making is about delivering good places. The Scottish Government sees the Planning system as being instrumental in the delivery of good places. Policy statements - Creating Places, Designing Streets, Designing Places and the introduction of the Place Standard have all provided advice and tools for local authorities in taking forward this objective in the face of climate change and sustainability challenges.



Good place-making happens when all parties work together constructively and the Concordat can play a part in this process by putting the mechanisms in place for those lines of communication. At pre-application stage, the use of the Place Standard Tool and development briefs can be used to get communities involved in discussing what is needed to make improvements and, in tandem with formal planning application processes, create places that local people can enjoy.

## The Role of Developers

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The development industry builds homes, shops, offices, hotels and other buildings that successful growing cities need. But development is not at any price and positive and meaningful engagement at both the pre-application and application stage of the development process can lead to a smoother and quicker result which communities are happier with.

Many community councils welcome early engagement on major development proposals so they have an opportunity to shape it and make constructive suggestions on improvements. Developers should welcome this and work constructively in line with the Concordat. They should arrange an early meeting with the community council to discuss pre-application consultation and the processes around this. It is the responsibility of developers to make sure they do engage positively with the local community and take all reasonable steps to amend their proposals to reflect the community's views. With this in mind, developers should seek to assist community councils with wider engagement exercises by, for example, paying for leaflet drops or helping community councils to set up website pages for the consultation.

## The Role of Community Councils

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Community Councils have a vital role to play in representing the views of the wider community when new development is proposed. Many communities welcome development which makes a positive input to their local area but understandably have concerns about the potential impacts of major development on roads, schools and other infrastructure. The Concordat encourages community councils to work collaboratively with developers bearing in mind that if it does comply with the Development Plan, it is likely to be approved. Where areas of concerns remain, it may be that the developer can allay these through constructive discussion. The Concordat does not expect community councils to liaise with developers if the local community is fundamentally opposed to the development but expects community councils to make sure those are the views of a diverse range of local people. However, it is recognised that community councillors are volunteers with limited resources and this may be difficult and they are encouraged to seek help from the developer in engaging widely with their communities.



## The Role of the Council

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The Council is the Planning Authority and is responsible for preparing the Development Plan and for assessing development against it. Engagement with community councils is an important part of these processes. As part of the decision-making process, the Council has to consider not just the Plan but other material planning considerations, such as representations from the local community, and what weight to give to them.

At the pre-application stage, the Council can encourage ways of developers and community councils working together. Part of the job of planning officers is to advise developers how their development can comply with the Development Plan. The Scottish Government, through Scottish Planning Policy, expects planning authorities to be positive about development opportunities as the economic resilience of the country is dependent on such development.

The Council also has to make sure it provides sufficient support to community councils in understanding the proposals and what the policy implications are. It does this by preparing a pre-application report to the Development Management Sub-Committee setting out the issues to be addressed when the application is submitted. Finally, the Council has to take seriously whether the proposals have taken community opinion into account and this should be seen as a material planning consideration when determining the application. In particular, the role of the community council as a statutory consultee should be given significant importance. Planning officers are encouraged to offer to meet community councils to explain the planning issues around proposals.

## Step by step process for major applications

Before the proposal of application notice stage (pre-application advice)		
Developers will:	Community councils will:	The Planning Authority will:
Request an early pre-application meeting with the relevant Planning and Transport team manager ensuring sufficient information is provided for an initial assessment. Formal request EIA screening.		Respond positively to initial meeting requests provided sufficient information is provided. Give early advice on general principles. Respond to EIA screening requests within 28 days.
Request an early meeting with the relevant community council ensuring sufficient information is provided for comments.	Consider meeting requests from the developer to discuss general principles and give initial views in so far as able to on the information provided.	

Formal pre-application consultation stage		
Developers will:	Community councils will:	The Planning Authority will:
Supply project information including details of lead consultants and agree to a processing agreement. Ensure this is signed promptly when agreed.		Provide lead officers to discuss project details and draft a processing agreement for discussion.
Provide an outline plan for the Pre-Application Consultation (PAC). Consult and seek advice from community councils and/or local interest groups at an early stage to ensure proposed community engagement is practicable. Agree key dates with the community council. Agree whether the draft PAC report will be shared for comment before submission of the application.	Assist with a plan for pre-application consultation with the local community and agree key dates with the developer. Decide whether you want to review the draft PAC report and discuss this with the developer.	Provide guidance on pre-application consultation and encourage the developer to engage early with the local community council.
Submit the Proposal of Application Notice on the agreed date and with agreed community consultation events	Advise the Council if additional consultation is required and why. Suggest any other changes.	Consult with the community council and advise the developer what additional consultation is needed.
Agree any additional community engagement required by the Planning Authority		Inform the Neighbourhood Partnership of the PAN and seek views



Formal pre-application consultation stage		
Developers will:	Community councils will:	The Planning Authority will:
	Discuss ways of engaging with the wider community to seek views e.g. website, social media.	Convene early meetings with key agencies / consultees to scope information requirements.
When requested, arrange for presenters to attend the Edinburgh Urban Design Panel meeting and to prepare presentation materials.		Identify whether the proposals would benefit from a design review by the Edinburgh Urban Design Panel and advise the applicant at least three weeks before the relevant panel meeting.
When requested, prepare information to assist the preparation of a Pre-application report for the Development Management Sub-committee		
Provide assistance to the community council to publicise the proposals to the wider community (see possible methods of engagement)	Consider seeking help from the developer in getting the views of the wider community - e.g. leaflets, website, social media	

Formal pre-application consultation stage		
Developers will:	Community councils will:	The Planning Authority will:
Provide knowledgeable consultants at any consultation event to respond to questions and help communities understand the proposals.	Assist the developer in advising on public meetings/exhibitions, if required. Ultimately ensure the views of the community council represent the wider community view and make comments to developer accordingly	
On the conclusion of the PAC exercise, let the community council see a draft of the PAC report if this has been agreed in advance and allow a short period for comments. In suitable cases, discuss with the community council whether a short period of re-consultation would be appropriate.	Review the draft PAC report if it has been agreed in advance that this will be shared and promptly flag up any disagreements. Copy the Planning Authority into the final response to the developer.	

When submitting the planning application		
Developers will:	Community councils will:	The Planning Authority will:
Ensure that the application is submitted on the agreed date in the Processing Agreement and that all agreed information is present		
Arrange for as much material as possible to be submitted electronically to enable speedy registration and publication on the Planning and Building Standards Online Services		
Submit a pre-application consultation report which fully reflects the community engagement process and explains where appropriate scheme amendments have been made, to take the community's views into account		
Offer the community council a meeting to discuss the application. Be prepared to provide hard copies of key information to assist community councils in consulting with their communities	Consider whether a meeting with the developer or planning authority would assist the community council	Offer a meeting with the community council to discuss the submitted application – content and timescales

During the processing of the application		
Developers will:	Community councils will:	The Planning Authority will:
Provide updates as set out in the processing agreement on progress with any requests for additional information/ changes. Ensure extra information is provided within the timescale set		Provide updates to the agent as set out in the processing agreement on progress with consultations, feedback on the proposals and any requests for additional information / changes.
Assist the community council with any information requests including sets of drawings/ EIA and CDs.	Ensure that the wider community view is sought as part of the community council's response to the application.	Automatically consult community councils on major applications and agree to extensions of time where required. Post any responses as consultations rather than comments
Attend application progress meetings as set out in the processing agreement.	Attend briefing sessions on progress of the application if required.	Attend application progress meetings as set out in the processing agreement. Arrange briefing sessions for CCs and members as appropriate.

## During the processing of the application

Developers will:	Community councils will:	The Planning Authority will:
Revisit the Processing Agreement at 21 days in, to refresh dates and tasks and agree amendments.	Submit its comments on the application within the required timescale. Include a review of the Pre-Application Report within the consultation response. Any technical assessments should be provided in so far as they are professionally able to do so.	Revisit the Processing Agreement at 21 days in, to refresh dates and tasks and agree amendments.  Keep the community council up-to-date with any amendments to the scheme and how they might be publicised
Once the period for consultation has closed, allow planning officers time to fully consider and assess the proposals without undue interruption.	Once the period for consultation has closed, allow planning officers time to fully consider and assess the proposals without undue interruption.	
Make professional staff available for attendance at the site visit if this is required.	Ensure members are aware of the arrangements for attendance at the site visit as an observer, if desired.	Arrange for the committee to visit the site prior to the Committee meeting if this is required.

## The Committee Meeting

Developers will:	Community councils will:	The Planning Authority will:
Where a hearing is proposed, make a team available to attend the hearing and present to committee members. Prepare appropriate graphic, 3D etc material for hearings.	Ensure members decide who will, if any, represent the community council at the hearing.	Make procedural and timetable information available through committee services when a hearing is proposed

## After the decision

Developers will:	Community councils will:	The Planning Authority will:
Arrange for the early conclusion of the legal agreement and arrange for the discharge of conditions as set out in the processing agreement.		Process the request for a legal agreement quickly and advise the lawyers on the wording of the planning obligations.  Undertake conditions monitoring.
	Sign up to the Planning and Building Standards Portal to track changes or save searches for future updates.	Consider taking the application back to Committee if the legal agreement has not been concluded within the agreed timescale  Advise those who made comments on the outcome of the application
Complete survey requests on the community engagement exercise so that the planning authority can monitor the success of the process	Complete survey requests on the community engagement exercise so that the planning authority can monitor the success of the process	Monitor the effectiveness of community engagement

## APPENDIX 1

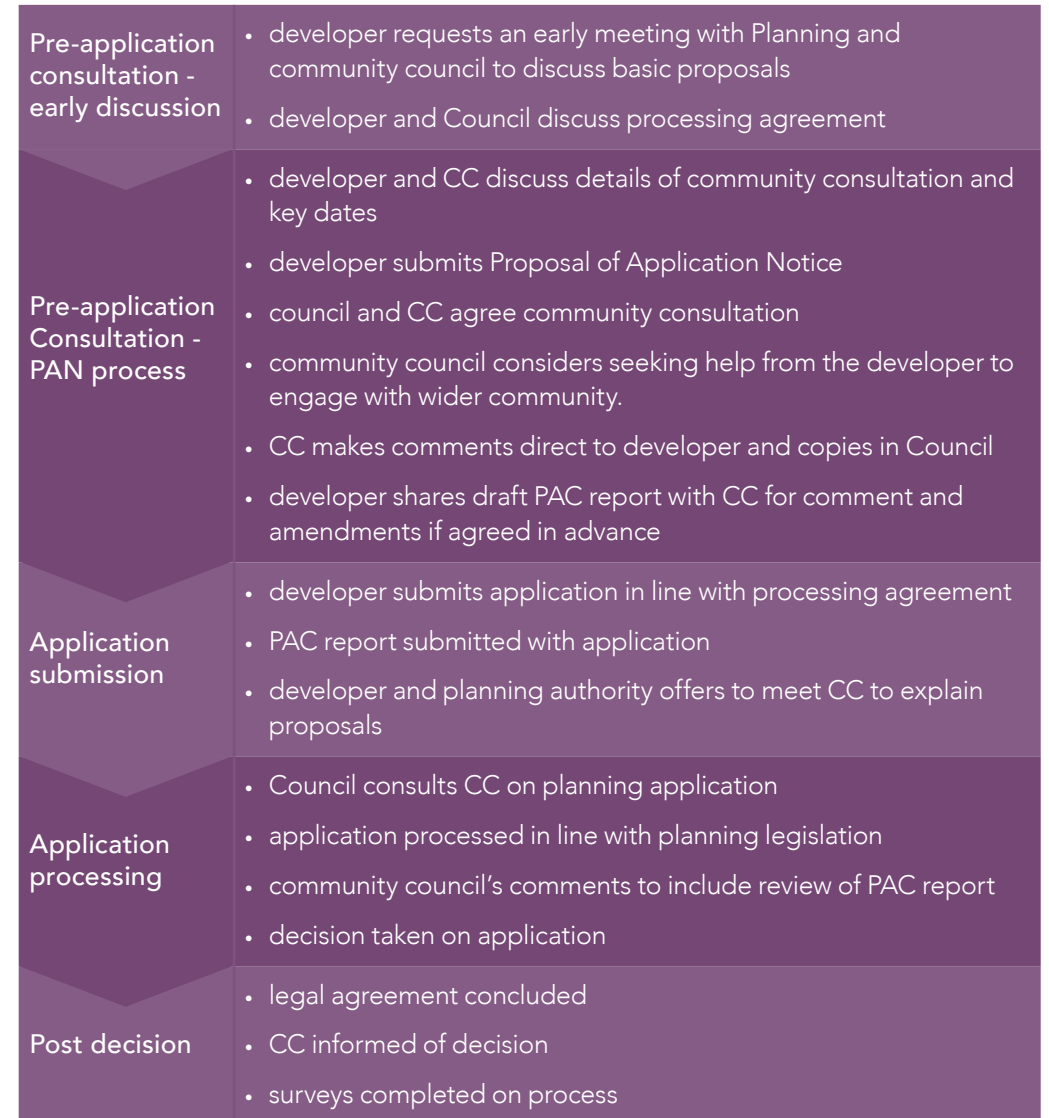
### Menu of Possible Methods of Engagement

- Distribution of information, for example postcards, leaflets, brochures and mail shots to postcode area.
- Use public notice boards in shop windows, GP surgeries, places of worship, such as churches, community and sports facilities where people congregate.
- Use e-participation through web sites and social media such as Facebook
- Use of the media to raise awareness – Newspaper adverts/articles/radio.
- Public stalls/street stalls – for example within a shopping centre, or at a market.
- Public meetings, exhibitions, roadshows, workshops and focus groups.



## APPENDIX 2

### Flow Chart of the Major Development Process



# The Edinburgh Planning Concordat 2016

