

# Planning Committee

10.00 am, Thursday, 2 March 2017

## Annual Review of Guidance

<b>Item number</b>	6.2
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All

### Executive Summary

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This report advises the Planning Committee of changes to planning guidance in 2016 and those intended for the coming year. It proposes a pilot of a new approach to preparing guidance which will be trialled on selected guidelines in 2017.

### Links

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<b>Coalition Pledges</b>	<a href="#">P15</a>
<b>Council Priorities</b>	<a href="#">CP5</a> , <a href="#">CP8</a> , <a href="#">CP9</a>
<b>Single Outcome Agreement</b>	<a href="#">SO1</a> , <a href="#">SO4</a>

## Annual Review of Guidance

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 notes progress in consolidating and updating guidance for users of the planning service (Appendix 1); and
  - 1.1.2 agrees the programme for work in 2017 as set out in Section 3 of this report.

### 2. Background

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- 2.1 The Council issues non-statutory guidance to help its customers interpret the statutory development plan.
- 2.2 Over the last six years, this guidance has been consolidated from around 50 separate documents to six main guidelines, focused on the main customer groups, plus a small number of specialist topic guidelines.
- 2.3 The suite of guidance continues to be kept under review to ensure that it is up-to-date and reflects the Council's objectives and practice.
- 2.4 Current non-statutory guidance can be viewed online at [www.edinburgh.gov.uk/planningguidelines](http://www.edinburgh.gov.uk/planningguidelines) . Statutory supplementary guidance can be viewed at [www.edinburgh.gov.uk/supplementaryguidance](http://www.edinburgh.gov.uk/supplementaryguidance) .

### 3. Main report

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#### Drivers for Change

- 3.1 The main factors which can indicate a need to consider changes to guidance are as follows:
  - 3.1.1 Changes in national or development plan policy and guidance (including Scottish Planning Policy, other national documents, the Strategic Development Plan, the Local Development Plan (LDP).
  - 3.1.2 Change in the city (including economic, social, environmental and physical changes or changes in corporate or community planning policy).
  - 3.1.3 Findings from monitoring the use of existing guidance and policy, including appeal decisions.

3.1.4 The opportunities presented by the transformation of the Council, including the formation of a Planning and Transport Service within the wider Place Directorate.

The service's Customer Engagement Strategy and Service Charter.

### **Changes to Guidance since February 2016**

3.2 Appendix 1 shows the current suite of guidance. Changes to guidance carried out since last year's report are as follows:

3.2.1 Implementation of minor updates to Guidance for Householders, Guidance for Businesses and Listed Building and Conservation Areas guidance, all approved in [February 2016](#).

3.2.2 Deletion of standalone guidelines on Housing in Multiple Occupation following adoption of LDP and inclusion of relevant text in Guidance for Businesses, as reported in February 2016

3.2.3 Finalisation of the updated Open Space Strategy.

3.2.4 Consultative draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery.

3.2.5 Review of Edinburgh Design Guidance – the scope of review includes consolidation with Parking Standards and Street Design Guidance.

3.2.6 (Anticipated) adoption of the first six town centre Supplementary Guidance documents: City Centre Retail Core, Tollcross, Corstorphine, Gorgie/Dalry, Leith, Bruntsfield/Morningside.

This last action was anticipated to have been carried out in February 2017. The relevant documents had already been approved by Planning Committee in finalised form as ready for adoption. The technical steps to formally adopt them, submission to Scottish Government's Development Plan Gateway then formal publication, had to wait until after the LDP itself was adopted. That took place in November 2016 and the necessary steps were then carried out. Formal publication, as adopted Supplementary Guidance, was scheduled to take place in late February 2017.

### **Programme for 2017**

3.3 The following guidelines are to be reviewed and/or updated in 2017:

3.3.1 Development in the Countryside and Green Belt – review and update to reflect adoption of LDP and its Policy Env 10. This had been scheduled to begin in 2016, but was not progressed due to other workload priorities. It is intended to pilot a new preparation process for this guideline review (see next section). Target date: August 2017.

3.3.2 Advertisements, Sponsorship and City Dressing – review and update to respond to changes in advertising, including emergence of digital advertisements. Intend to pilot new preparation process (see next section). Target date: October 2017.

- 3.3.3 Art in Public Places – review and update to reflect ongoing queries and proposals for plaques and statues. Intend to pilot new preparation process (see next section). Target date: December 2017.
- 3.3.4 Guidance for Householders, Guidance for Businesses and Listed Buildings and Conservation Area guidance – these are the three most commonly used guidelines and as such are monitored regularly. Updates may also arise in connection with other document reviews (e.g. Advertisements guidance). Intend to pilot new preparation process (see next section). Target date: February 2018.
- 3.3.5 Town Centre Supplementary Guidance – finalise and adopt for the three centres yet to be covered. This is the subject of a separate report to this Committee meeting. Target date: August 2017.
- 3.3.6 Development Contributions and Infrastructure Delivery Supplementary Guidance – finalise and adopt following consultation. Existing non-statutory guidance on Developer Contributions and Affordable Housing will be withdrawn and the affordable housing element will be re-issued as a standalone guideline, to be reviewed and updated as appropriate. Target date: 30 March 2017.
- 3.3.7 Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance – adopt, with amendments to reflect changes in adopted LDP, process and programme to be confirmed. Target date: October 2017.
- 3.3.8 Heat Mapping and Networks Supplementary Guidance – as required by adopted LDP. Target date: December 2017.

Review of the earliest town centre Supplementary Guidance documents – Tollcross, Corstorphine, Gorgie/Dalry, and potentially the City Centre Retail Core. Although only formally adopted recently, after the adoption of the LDP, these were originally prepared in 2013 and 2014, and should be reviewed to keep them up-to-date. Target date: February 2018.

### **New Process - Pilot**

- 3.4 To date, the preparation and full review of non-statutory guidance has usually followed a process in which a full version of the guidance is reported to Committee to approve for consultation. It is then consulted upon and reported back in finalised form (see Figure 1 below).
- 3.5 This process is therefore similar to that for major strategy and development plan documents, even if the guideline is for a relatively minor planning issue.
- 3.6 This means that the Planning Committee receives two separate reports on a guideline and has to approve it twice. This occurs even if there has been little change between draft and finalised versions.
- 3.7 The process prolongs the total length of time a guideline review takes and adds to Committee business, but does not necessarily improve the quality of the finalised

guideline or the level of consultation and engagement with communities and other stakeholders.

- 3.8 Accordingly, it is proposed to pilot a streamlined guidance preparation process in 2017, for selected guidelines. The proposed new process is set out in Figure 1 below.
- 3.9 This process maintains the level of community engagement and Planning Committee control over the final content of guidance of the existing process, but is more efficient and proportionate. It also allows communities and other stakeholders to influence the guidance before it has been fully prepared, which has potential for better engagement and levels of support. If the Committee decides further changes and/or consultation is required, this can still be carried out and the re-finalised guidance can be reported at a future meeting for approval.
- 3.10 It is proposed to initially pilot this method on the Development in the Countryside and Green Belt guidance update. This is guideline has a relatively limited scope, providing further detail to the criteria in policies in the two local plans now superseded by a policy in the LDP. Interested stakeholders are likely to include some community councils, particularly those covering rural areas in which conversion or extension of buildings in the countryside take place. There may also be particular architects/agents who are frequent users of the current guidance and can provide useful views on its clarity and usefulness.
- 3.11 This approach will be used for the advertisements etc and Art in Public Places guideline reviews, for similar reasons, and potentially also other non-statutory guideline updates.
- 3.12 An evaluation of the new approach will be reported in next year's Annual Review of Guidance.

**Figure 1: comparison of existing and proposed process for non-statutory guidance**

Existing Process	Proposed Process
Guideline identified for review in Annual Review of Guidance report. <b>Committee</b> agrees programme	Guideline identified for review in Annual Review of Guidance report. <b>Committee</b> agrees programme
Review and preparation work is carried out, sometimes including informal consultation and engagement with relevant stakeholders. (1-3 months)	Review and preparation work is carried out to prepare material/questions suitable for formal consultation purposes. (2 months)
Draft guideline is reported in full to <b>Planning Committee</b> for approval for consultation purposes. (2 months lead-in times)	Formal consultation stage, with notification of community groups and other relevant groups and a defined period for written comments. Guidance preparation work in parallel. (1 ½ - 2 months)

Formal consultation stage, with notification of community groups and other relevant groups and a defined period for written comments. (1 ½ - 2 months)	Finalisation of guidance, taking account of consultation comments. (1 month)
Finalisation of guidance, taking account of consultation comments. (1 month)	Finalised guidance reported to <b>Planning Committee</b> for approval, including summary of consultation responses and the account taken of them. (2 months lead-in time)
Finalised guidance reported to <b>Planning Committee</b> for approval, including summary of consultation responses and the account taken of them. (2 months lead-in time)	Publication and notification of guidance as finalised. (½ month)
Publication and notification of guidance as finalised. (½ month)	
Total time: 8-13 months Total decisions by Committee: 3	Total time: 5-7 months Total decisions by Committee: 2

#### 4. Measures of success

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- 4.1 Planning guidance is easier to understand for applicants and other stakeholders.
- 4.2 Planning guidance is kept up-to-date and relevant, and ensures that a high quality of development is delivered through the planning application process.

#### 5. Financial impact

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- 5.1 There are no direct financial impacts arising from this report.

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

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- 6.1 This report does not raise any concern in relation to risk, policy, compliance and governance. Setting out progress made and work to be programmed is a positive step in relation to these considerations. Potential impacts are considered in relation to each individual guidance document in its development.

## **7. Equalities impact**

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- 7.1 The impacts of this report in relation to the Public Sector Equalities Duty and the 10 key areas of rights have been considered. The report has no significant direct impact on the Council's three equalities duties. However, the review of individual guidelines could, in due course, have an impact. Accordingly, each guideline will be subject to an assessment when reported to Planning Committee.

## **8. Sustainability impact**

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- 8.1 The proposals in this report will:
- 8.1.1 have no impact on carbon emissions because it does not include any changes to guidance.
  - 8.1.2 have no impact on the City's resilience to climate change because it relates to a programme of consolidating and updating guidance.
  - 8.1.3 help achieve a sustainable Edinburgh because the review of guidance will not directly promote social justice, but several of the guidelines covered do.
  - 8.1.4 help achieve a sustainable Edinburgh because the review of guidance will not directly promote a healthy and resilient economy, but several of the guidelines it covers do.
  - 8.1.5 have a positive impact on environmental stewardship because the updated guidance it covers will be published in electronic-only format, reducing use of paper.

## **9. Consultation and engagement**

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- 9.1 Consultation responses are taken into account when the guidelines are finalised. A summary of consultation responses is included when finalised guidelines are reported allowing the Planning Committee to see how consultation views have influenced the guidance. These principles are retained in the pilot approach described above. There is no need for additional consultation in relation to this report, which is primarily for work scheduling purposes

## 10. Background reading/external references

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- 10.1 Annual Review of Guidance, [report to Planning Committee](#), 25 February 2016
- 10.2 [www.edinburgh.gov.uk/planningguidelines](http://www.edinburgh.gov.uk/planningguidelines)
- 10.3 [www.edinburgh.gov.uk/supplementaryguidance](http://www.edinburgh.gov.uk/supplementaryguidance)
- 10.4 [Edinburgh Local Development Plan November 2016](#)

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<b>Coalition Pledges</b>	P15 - Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
<b>Council Priorities</b>	CP5 - Business growth and investment CP8 - A vibrant, sustainable local economy CP9 - An attractive city
<b>Single Outcome Agreement</b>	SO1 - Edinburgh's economy delivers increased investment, jobs and opportunities for all SO4 - Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	Appendix 1 – List of Development Plan and Guidance documents

### Status of Development Plan and Guidance

Title	Status and Date	Comment
<b>Development Plan</b>		
Strategic Development Plan	Approved June 2013	Supplementary Guidance (2014)
Edinburgh Local Development Plan	November 2016	Superseded two local plans
<b>Supplementary Guidance (adopted)</b>		
City Centre Retail Core	Due to be adopted February 2017	Drafted, consulted on and finalised in 2013-16. Scheduled to be formally adopted in February 2017. Review of older ones due to begin in 2017.
Tollcross Town Centre		
Corstorphine Town Centre		
Gorgie / Dalry Town Centre		
Leith / Leith Walk Town Centre		
Bruntsfield / Morningside Town Centre		
<b>Emerging Development Plan</b>		
SDP 2 Proposed Plan	October 2016	To be submitted to Ministers in 2017
<b>Supplementary Guidance (yet to be adopted)</b>		
Developer Contributions & Infrastructure Delivery	Draft December 2016	Due to be finalised at end March 2017, then adopted.
Remaining three town centres: <i>Nicolson St/Clerk St, Portobello, Stockbridge</i>	<i>Drafts to be considered 2 March 2016</i>	<i>To be consulted on prior to finalisation and adoption.</i>
Edinburgh BioQuarter & South East Wedge Parkland	To be re-finalised in 2017	To be updated to reflect changes in adopted LDP
Heat Mapping & Networks	To be prepared in 2017	Requirement of adopted LDP
<b>Non-statutory Guidance</b>		
<b>Consolidated Guidelines</b>		
Guidance for Householders	Updated February 2016	Ongoing monitoring may indicate need for reviews/updates
Guidance for Businesses	Updated February 2016	
Listed Buildings & Conservation Areas	Updated February 2016	
<i>Edinburgh Design Guidance</i>	<i>Draft to be considered 2 March 2016</i>	<i>Under review, potential to consolidate with Parking Standards &amp; Street Guidance.</i>
<i>Edinburgh Street Design Guidance</i>	<i>Draft to be considered 2 March 2016</i>	<i>Under review, with Edinburgh Design Guidance</i>
Developer Contributions and Affordable Housing Guidance	December 2015	Partly superseded when statutory Supplementary Guidance adopted – Affordable Housing to be made into standalone document.
<b>Other non-statutory guidance (alphabetical order)</b>		
Advertisements, Sponsorship and City Dressing	Approved 2013	Under review in 2017
Art in Public Places	Approved 1998	Under review in 2017
Communications Infrastructure	Approved 2013	
Development in the Countryside & Green Belt	Approved 2008	Under review in 2017
Open Space Strategy	Approved Dec 2016	Action plans being progressed
<i>Parking Standards</i>	<i>Draft to be considered 2 March 2016</i>	<i>Under review, with Edinburgh Design Guidance</i>
Student Housing	February 2016	
Sustainable Lighting Strategy for Edinburgh	Approved 2012	Some sections relevant to Planning

*Italics* – due to be reported to same Committee meeting on 2 March 2017

Excludes non-statutory area guidance: development briefs, masterplans etc