Planning Committee

2.00pm, Wednesday, 14 March 2018

Planning and Building Standards Performance and Service Improvements

Item number	7.1
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	1, 4,10-15

Executive Summary

The purpose of this report is to update the Committee on performance in Planning and Buildings Standards and in particular to inform the Committee of feedback from the Scottish Government to the Council's Planning Performance Framework 2016/17 and the Building Standard's Division audit carried out in November 2017.

This report also updates the Committee on the PBS Customer Engagement Strategy and Building Standards Improvement Plan. This meets the remit from Planning Committee on 17 August 2017 to report back with updates in six months.

The report suggests a number of service improvements to help improve performance and efficiency including changes to the Scheme of Delegation and various procedural changes.

The opportunity has also been taken to address Councillor Hutchison's Council question regarding a review of planning documentation to assist the visually impaired.

Report

Planning and Building Standards Performance and Service Improvements

1.   Recommendations

1.1   It is recommended that the committee:

1.1.1   notes the Minister's response to the Council's 2016/17 Planning Performance Framework;

1.1.2   notes performance issues in Planning and Building Standards;

1.1.3   notes progress with the delivery of the Planning and Building Standards Customer Engagement Strategy;

1.1.4   agrees to recommend the Council that the proposed amendments to the Statutory Scheme of Delegation, as detailed below, are referred to Scottish Ministers for approval and thereafter adopted should such approval be forthcoming:

1.1.4.1   The Chief Planning Officer shall have delegated powers to determine all householder development planning applications, irrespective of the number of representations or a petition, provided other parts of the scheme of delegation do not apply;

1.1.4.2   The Chief Planning Officer shall have delegated powers to determine local applications for refusal irrespective of the numbers of representations in support, subject to certain provisos, including the issues raised;

1.1.4.3   The Chief Planning Officer shall have delegated powers to determine planning applications where a petition has been submitted properly headed with material planning considerations and it has six or less signatures of objection in relation to recommendations for approval and any number of signatures of support in relation to recommendations for refusal;

1.1.4.4   The Chief Planning Officer's delegated powers will not apply if there are outstanding unresolved objections from statutory consultees, including community councils, in relation to applications recommended for approval. Where the community council supports an application and it is recommended for refusal, delegated powers shall not apply;

1.1.4.5 Full delegated powers shall be given to the Chief Planning Officer to determine whether a change to a granted planning application is material or not; and

1.1.4.6 The term non-statutory Council adopted policy shall be removed from the Scheme of Delegation.

1.1.5 agrees to recommend to the Council that the proposed amendments to the Council's Scheme of Delegation, as detailed below, are included in the next review of the Scheme:

1.1.5.1 The Chief Planning Officer shall have delegated powers to determine all listed building consent applications conterminous with an associated householder development, irrespective of the number of representations or a petition, provided other parts of the scheme of delegation do not apply;

1.1.5.2 The Chief Planning Officer shall have delegated powers to determine planning applications where a petition has been submitted properly headed with material planning considerations and it has six or less signatures of objection in relation to recommendations for approval and any number of signatures of support in relation to recommendations for refusal;

1.1.5.3 The Chief Planning Officer's delegated powers will not apply if there are outstanding unresolved objections from statutory consultees, including community councils, in relation to applications recommended for approval. Where the community council supports an application and it is recommended for refusal, delegated powers shall not apply;

1.1.5.4 Full delegated powers shall be given to the Chief Planning Officer to determine whether a change to a granted planning application is material or not;

1.1.5.5 The term non-statutory Council adopted policy shall be removed from the Scheme of Delegation;

1.1.5.6 The Chief Planning Officer shall have delegated powers to extend the six month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved; and

1.1.5.7 The Chief Planning Officer shall have delegated powers to publish the Local Development Plan as Modified following Examination

1.1.6 agrees to cease the informal arrangement whereby all applications for large scale adverts and school extensions be determined by Committee as summarised in paragraph 3.38;

1.1.7 agrees changes to Development Management Sub-Committee procedures as detailed below:

1.1.7.1 pre-application reports will only be presented if a member of the DM Sub-Committee requests a presentation;

1.1.7.2 interested parties invited to hearings will be defined as only those who have commented on the planning application;

1.1.7.3 committee reports will be made more concise with electronic links to relevant information;

1.1.7.4 the practice of making paper copies of representations available in the party group rooms will cease; and

1.1.7.5 members of the DM Sub-Committee will have the opportunity to request a short presentation rather than a full presentation.

1.1.8 agrees to operational changes to deliver service efficiencies as detailed below:

1.1.8.1 a six month trial will be held during which all emailed representations will be required to be made via the portal, subject to certain exemptions and only after portal upgrades and the delivery of a communication and training plan;

1.1.8.2 assessment of an application including neighbour notification, advertising and consultations will not start until all the information is submitted; and

1.1.8.3 no changes shall be made to the consultation and notification requirements for amendments and variations.

1.1.9 notes that a detailed service improvement plan for both Planning and Building Standards will be reported to the next meeting of Committee;

1.1.10 agrees changes to the Streetnaming Charter as detailed in paragraph 3.73; and

1.1.11 notes the response to the review of planning documentation to assist the visually impaired.

2. Background

2.1 Since 2012, the Council has submitted its annual Planning Performance Framework (PPF) to Scottish Ministers. The PPF is designed to give a more balanced narrative on the range of activities delivered by the Planning service rather than just a statistical analysis of performance. As well as reflecting on the past year's performance, the PPF includes a service improvement plan for the coming year. PPF6 covering 2016/17 was submitted to Scottish Ministers in July 2017 and feedback was received on 21 December.

2.2 In February 2017, the Council's Building Standards service was inspected by the Building Standards Division of the Scottish Government due to a decrease in

performance. The subsequent report in April, identified a number of opportunities for change and an improvement plan was implemented. This was reported to Planning Committee in August 2017 and since then there has been a step change in performance.

2.3 Also in August 2017, an update was given on progress with the Planning and Building Standards Customer Engagement Strategy which had been approved by Planning Committee in December 2015. The strategy and associated service charter reflect the objectives of the Council's transformational change programme and channel shift agenda. These aim to support customers in the use of online services, and to refocus staff time on assisting with more complex applications and other statutory processes. Customer communication is still an area where improvements need to be made. The Committee noted the proposed Improvement Plan and required an update report six months from that date.

2.4 The [Scheme of Delegation to Officers](#) sets out powers delegated by the Council to officers to facilitate the efficient conduct of Council business. The Local Government (Scotland) Act 1973 (1973 Act) requires the Council to maintain a list specifying those powers. There is also a separate Statutory Scheme of Delegation for Local Developments, as required under S43a of the Town and Country Planning (Scotland) Act 1997. These schemes give extensive powers of delegation and currently around 95% of planning applications are determined by officers, meaning that the Development Management Subcommittee can concentrate on the more complex and/or contentious cases. Increased delegation is one way of improving efficiency and performance.

2.5 The main opportunities for service improvements are in Development Management practices and processes, but the opportunity has been taken in this update to suggest changes in the Development Plan process and the Council's street-naming service, to improve efficiency and performance and provide clarity for the proper provision of the service.

2.6 There has been significant change in the tools that planning authorities, applicants and the public use to engage in the planning process. The move from paper based systems to a modern technology-based system, including a national Portal, has increased public involvement in the planning system and made it easier for applicants to apply for permissions. However this does not come without challenges. IT systems are expensive and need constantly updated, email volumes have increased and can be difficult to manage, and public scrutiny of planning decisions adds increased risk of judicial review if processes go wrong.

2.7 In a Council question in December 2017, Councillor Hutchison asked for the service to review the Council's process for making planning documentation available to visually impaired citizens to make this more accessible and cost effective. This report meets that remit.

3.   Main report

Planning Performance Framework

3.1   [Planning Performance Framework 2016/17](#) (PPF) was submitted to the Scottish Government in July 2017. The report highlights the year's achievements notably the adoption of the Edinburgh Local Development Plan, the Council's engagement with the Scottish Government's review of the Planning System and consultations on a range of strategies and guidance such as Edinburgh Design Guidance and the Open Space Strategy 2021. It acknowledged that there were challenges with planning application performance during that year.

3.2   Feedback from Kevin Stewart, the Minister for Local Government and Housing was received on 21 December 2017. A copy of this can be found in Appendix 1. The Minister's letter appends a RAG system assessment of 15 performance markers used for all planning authorities to identify progress in priority areas for improvement action. The year's Performance Markers report shows only one red marker under decision-making timescales. The previous year's assessment had two red markers under the Local Development Plan and the decision-making timescales were amber.

3.3   Some suggestions have been made as part of the Scottish Government's feedback:

- the PPF would benefit from setting out more clearly which improvement commitments have been completed; and

- reference should be made to developer contributions being discussed at pre-application stage.

3.4   Overall, feedback on the PPF 2016/17 is positive and reflects the culture of continuous improvement that is being embedded in the service. However, it does also highlight areas where proactive action is needed. The Minister points out that engagement with the Planning Bill provides an opportunity to help make the planning system work better to deliver high quality development.

Planning performance

3.5   Planning performance is showing signs of some strain. The latest figures available from the Scottish Government are 2017/18 Quarter 3 – October to December 2017 and the tables below show this performance in relation to previous years and quarters. The figures exclude applications which have processing agreements or extensions of time and are therefore only based on the two month statutory determination period for local developments and other consents and four months for major applications. The number of applications decided in this period is included in brackets.

Application Type	Summary – average time taken
Major applications	2015/16 - 33.6 weeks (14) 2016/17 - 43 weeks (23) 2017/18 Q1 - 79.1weeks (2) 2017/18 Q2 - 56.9 weeks (7) 2017/18 Q3 – 42.8 weeks (4)
Householder Developments	2015/16 - 8 weeks (1386) 2016/17 – 8.3 weeks (1285) 2017/18 Q1 – 7.9 weeks (339) 2017/18 Q2 - 8 weeks (325) 2017/18 Q3 – 9.6 weeks (305)
Non-householder development (new houses up to 49 units, offices, shops, telecoms, changes of use, operational development)	2015/16 – 11.6 weeks (867) 2016/17 – 12.6 weeks (694) 2017/18 Q1 – 12.9 weeks (177) 2017/18 Q2 – 14.1 weeks (151) 2017/18 Q3 – 14.3 weeks (144)
Other consents (Listed building consent, advert consent, certificates of lawfulness)	2015/16 – 9.3 weeks (1421) 2016/17 – 12.3 weeks (1402) 2017/18 Q1 – 8 weeks (321) 2017/18 Q2 – 8.2 weeks (308) 2017/18 Q3 – 11.1 weeks (285)

3.6   The variable performance relates to a number of factors, including changes in staff resources, the nature and programming by applicants of some more complex development proposals and a general increase in pressures from customer contact. Short-term management measures have been implemented to address these factors but a coordinated strategy is required. The proposals in this report to change procedural arrangements for decision making and engagement form part of that strategy.

3.7 An improvement plan is being developed which targets getting performance back on track. The improvement plan is framed around three key issues – resources, processes and engagement and the aim is to improve performance in order to address development priorities for the City. It is proposed to report a detailed service improvement plan to Committee in the next cycle. The key elements of this can then be incorporated into the next PPF report to be submitted to the Scottish Government by the end of July 2018. In respect of these key issues, a number of actions are already being taken forward:

- Resources - recruitment is underway to replace staff who have left the service and temporary staff have been recruited to help clear backlogs. A review of how resources are allocated and organised is currently under consideration;

- Processes – a review of procedural efficiency has been undertaken. This report sets out a number of options for service improvements, including changes to the scheme of delegation. To date, a number of changes have been implemented by management actions to compare practices and develop shared services with other planning authorities, including consultation advice. New ways of working are constantly being reviewed with the investigation of new initiatives to improve process efficiencies. Protocols are being developed with other service areas to aid consultation response times; and

- Engagement - work is ongoing to assess whether the service can realistically meet customer expectations whilst fulfilling its statutory functions. Customer demands continue to be challenging for a small service and can affect performance. Discussions with applicants seek to encourage the use of processing agreements and improve timescales for submitting supporting information. Further changes to customer service priorities are being considered in the context of the Planning and Building Standards Customer Engagement Strategy (see paragraphs 3.19 – 3.24).

Building Standards Performance

3.8 Following ministerial concern about performance, the Scottish Government's Building Standards Division (BSD) visited the Council's Building Standards service in February 2017. In April, the BSD issued a report setting out matters that required improvement. This was followed by an appointment of the Council as local authority verifier of building standards for a period of a year, rather than the usual six. (Stirling Council and Glasgow City Council were also appointed for one year only.)

3.9 An improvement plan was developed and this was reported to Planning Committee on 17 August 2017. This focussed on four key areas: Performance, Customer, Process and Recruitment.

3.10 First and foremost the strategy has been to improve performance since this a principal concern of customers. Indicators include first reports, the technical check which sets out any changes needed to comply with the building regulations and the time taken to grant the warrant once the changes are made. The table below shows 2017/18 Quarter 3 – October to December 2017 performance in relation to previous years and quarters.

Performance Indicator	Summary
First Report - target 95% of reports to be issued within 20 days.	2015/16 – 62% 2016/17 – 40% (10% for Q3) 2017/18 Q1 – 59% 2017/18 Q2 - 46% 2017/18 Q3 - 64% (75% for December 17)
Time taken to issue warrant following once satisfactory information is received - target is 90% of warrants are issued within 10 working days of receiving the information	2015/16 – 57% 2016/17 – 49% 2017/18 Q1 – 37% 2017/18 Q2 – 29% 2017/18 Q3 - 50% (57% for December 17)

3.11 The improvement in performance on first reports has been a result of a number of actions:

- dedicated overtime team which focused on the backlog of applications;
- shared services whereby applications were assessed, up to the stage where the warrant was to be issued, by partner local authorities Aberdeen City and Argyll and Bute councils;
- new staff brought into the service; and
- new ways of working whereby a plan reporting team assesses smaller building warrant applications.

3.12 There has been improvement since summer 2017 on turn-around times for the granting of building warrants. Further work is being done to help sustain and build on the improvements made over this period.

3.13 A continuous improvement programme has been developed to deliver the Building Standards Improvement Plan as detailed in the report to Planning Committee on 17 August 2017. This gathers together all the actions the service is undertaking and allows these to be monitored. Actions are being taken forward in relation to resources, process and engagement:

- Resources. In relation to recruitment, since August, two additional assistant building standards surveyors have been employed. In addition, recruitment is underway to fill vacant posts. A project manager from the Council's Strategy and Insight team has been appointed to manage the delivery of the actions of the Improvement Plan. This helps ensure deadlines are met and allows progress to be monitored to ensure that resources are deployed where required.

- Processes. The first step of reviewing processes with the Strategy and Insight team has been undertaken. This found that greater efficiency of processing applications could be made by dedicating some staff to work on smaller applications. As a result, a plan reporting team was trialled. For a three month period, this assessed the approximately 60% of applications that make up the smaller applications. It has managed to progress these within target timescales. Due to this success, it has been decided to continue with the team. Documented procedures are being also developed. These procedures will assist in developing quality assurance within the service

- Engagement. The customer forums that were highlighted in the August 2017 report have now been carried out. These indicate that there is continued concern from customers about performance and communications. Additionally, a post-decision survey has been implemented. Feedback on this has so far been limited. As a result, the survey will be further publicised to increase the uptake of it.

3.14   The Building Services Division (BSD) carried out an audit in early November 2017. Leading up to this, the Council's internal audit team also assessed the service. Internal Audit were asked to consider the progress that had been made on the BSD actions that were set out in the BSD's April report, as well as assessing the implementation and operation of the plan reporting team. The BSD issued its Report on the Operation of Verification Services on 2 March 2018. This highlights two fundamental findings in respect of documented quality assurance processes and documentation of process on some procedural aspects of the service. In addition there were three significant findings in respect of turnaround times for first reports, customer satisfaction, and on the strategy for improvement. There were two lower level findings in respect of improvements needed on guidance notes and desk instructions as well as business planning, resource modelling and succession planning.

3.15   Internal Audit will report separately to the Governance, Risk and Best Value Committee.

3.16   The findings of both audits are being incorporated into the service improvement plan with actions being taken to address all of the matters raised. As a result of the discussion and advice provided at both audits, additional measures have been put in place to enhance the service.

3.17   Further changes to the way the service works are anticipated with new ways of working being developed for site inspections. It is intended that these new ways of working will create greater efficiency and lead to an improvement – particularly in respect of the risk based approach to site inspection and associated work.

3.18   The performance of the service will continue to be monitored closely. Further action to augment and accelerate the improvements underway are being considered at present.

Planning and Building Standards Customer Engagement Strategy and Charter

3.19   The Planning and Building Standards Customer Engagement Strategy was approved in December 2015 and this sets out the basis for the Planning and Building Standards Customer Service Charter. The last progress report to Planning Committee on 17 August 2017 identified a number of quick win actions to take forward. These have been implemented as follows:

- Acknowledgement letter for building warrant applications. This is now available for use by officers. However, this requires a manual operation as there is no software functionality to do a batch print. Given the improvement in Building Standards performance, discussions are ongoing with Building Standards managers as to whether the letter needs to be issued for every case;

- Preparation of 'How to Videos' has started, with the first one being how to comment on a planning application;

- Some progress has been made with the recruitment of technical staff to help deal with technical work and free up team managers time for more customer facing tasks such as delivering a high quality pre-application advice service;

- Additional training has been given through staff workshops on keeping the customer informed;

- Help desk planners and surveyors are now dealing more frequently with call back requests from customers. The Customer Contact Centre is reporting higher levels of customer satisfaction;

- All auto-responses in Planning and Building Standards are in the process of being reviewed. Changes have been made to the planning@edinburgh.gov.uk auto-response directing customers to the pre-application advice webpages, the enforcement breach form, advising them about the customer charter and drawing their attention to the planning quick guides for small scale development advice. The building warrant auto response has been changed directing enquirers to the web pages and the teams who can deal with their enquiries. The planning enforcement mailbox has been changed giving a link to the charter and the online breach form.

3.20   The actual number of phone enquiries has stabilised at around 650 to 700 calls a week to the general enquiry line operated by the Customer Contact Centre. Close working relationships have been developed with Customer Contact Centre managers to ensure any difficult issues are addressed.

3.21   Email correspondence remains the most frequent form of communication and, as stated above, volumes and customer expectations for an immediate response have affected application performance. There are no exact numbers on the amount of emails received by the service as a whole but this is a major pressure point for the case officer and managing this correspondence can be challenging.

3.22   Due to the pressure on resources, the pre-application advice service has been operating below the Charter standard. This is unavoidable as statutory work, such as the determination of applications, has to take precedence. The objective is that

the pre-application service will improve as resources are addressed. Procedural efficiencies proposed in this report are part of that resource realignment. In the meantime, the Planning and Building Standards web pages continue to be improved, notably with further quick guides to assist service users with straight-forward enquiries. In addition, information updates will be issued to agents and community councils at regular intervals keeping them up to date with service changes. The use of social media is proving effective in this regard.

3.23   In terms of complaints, the table below sets out the numbers received.

Type of case	Q3 2017/18	Q2 2017/18	Q1 2017/18	Q4 2016/17	Q3 2016/17
Frontline resolution	40	16	29	30	60
Internal investigation	3	4	2	12	10
SPSO	1	0	0	0	0

12 out of the 40 frontline cases in Q3 related to time taken to process planning applications and building warrants and six related to problems contacting the service. Nine cases related to processing problems and 11 were where the customer did not agree with the decision on the case. Of the three internal investigations, one was upheld and one was partially upheld. The third one about processing an application was not upheld. Those upheld were for errors in processes, one relating to an emailed representation. Safeguards and additional training have been put in place but manual systems are always subject to potential error. The Scottish Public Services Ombudsman upheld a complaint about the processing of a planning application and the requirement to take all material considerations into account.

Given the numbers of calls and emails to the service and the volume of work, the complaint level is very small but the rise in the number of frontline complaints reflects performance issues and the need to make changes to increase the efficient processing of applications.

3.24   It is recognised that customer engagement needs to improve and actions in the service improvement plan will seek to do this.

Schemes of Delegation

3.25 The Council's Schemes of Delegation set out the powers delegated to officers to facilitate the efficient conduct of Council business. Paragraph 11 and Appendix 7 of the scheme under the 1973 Act sets out the details of delegation to the Chief Planning Officer. These align with the Statutory Scheme of Delegation for Local Developments. The main criteria for delegation to determine planning applications are as follows:

- the decision is in accordance with the statutory development plan;

- the decision is in accordance with non-statutory Council adopted policy, or infringements of policy are so minor that refusal or amendment would be unjustified;

- conditions added by the Development Management Sub-Committee are not removed or amended;

- where approval is recommended, not more than six material objections have been received from third parties;

- where refusal is recommended, not more than six material representations in support of the proposals have been received from third parties;

- the application does not fall within the definition of national developments;

- where the application falls within the definition of local development but is not subject to the terms of the Council's statutory scheme of delegation for local developments;

- there is no legal agreement required in connection with the application where the financial value of the matters secured in the agreement will be in excess of, or estimated to be in excess of, £250,000;

- no elected member has requested referral of the application to the Development Management Sub-Committee for material planning reasons, within 21 days, as set out in the relevant guidance note for elected members;

- the application is not submitted by, or on behalf of, the Council (except for the approval of routine minor developments);

- the application is not submitted by, or on behalf of, an elected member of the Council or by his/her partner, close friend or relative;

- the application is not submitted by, or on behalf of, an officer involved in the statutory planning process, or by their partner, close friend or relative;

- the application is not for Hazardous Substance Consent;

- the Chief Planning Officer does not consider the application to be controversial or of significant public interest, or as having a significant impact on the environment; and

- the application does not meet the criteria approved by the Planning Committee for a hearing by the Development Management Sub-Committee.

3.26 The scheme is generally fit for purpose but there is an opportunity to extend some powers to improve efficiency and performance and allow the DM Sub-Committee to concentrate on more complex and/or contentious cases. There is also a need to

amend some aspects which are not technically correct. It should be noted that the Scheme of Delegation is the default position and the Chief Planning Officer has significant discretionary powers to refer applications for committee determination even if other aspects of the Scheme of Delegation are met.

Householder applications

3.27   One of the main proposed changes relates to applications for householder development, such as extensions and dormers. Out of the 140 cases at committee from May 2017 to January 2018, 13 were for householder development (9.3%). Appendix 2 sets out the details. Two of these applications were the subject of site visits and presentations and in both cases the recommendations were overturned, one being refused and the other being a mixed decision. Otherwise all cases were not presented and were decided in accordance with recommendation. There is a question as to whether the committee needs to consider householder development or whether further delegation to officers would benefit the efficiency of the planning process in Edinburgh.

3.28   If the two cases above had been refused under delegated powers, the Planning Local Review Body would have been responsible for reviewing this decision if the applicant had requested a review. Planning Committee members would therefore still be the final decision-maker. It is therefore recommended that extended delegated powers are given to officers for all householder development with the number of representations prompting committee consideration not applying to this type of development nor any associated listed building consent application. Other criteria would still apply - for example, when a ward councillor requests committee determination or for transparency reasons, such as where an application is made by a planning officer in the service. In addition, the Chief Planning Officer has discretionary powers to refer an application for committee determination if it is clear that the case is raising contentious local issues. This should give sufficient safeguards to ensure householder applications with a wider local interest or raising matters of democratic accountability are determined by committee.

Representations in support

3.29   Currently where there are more than six support comments and an application is recommended for refusal, a decision by the DM Sub-Committee is required. However, there is some evidence that this is being manipulated by some applicants and agents to ensure that an application meets a numerical criteria to be reported to committee rather than based on the issues raised by the proposals. In such cases, the applicant / agents is assuming a more favourable outcome. In particular a large number of standardised comments in favour of proposals and submitted by residents distant from the application site, can indicate a co-ordinated campaign. The associated lobbying of members can also be burdensome. Whilst there is nothing in planning regulations to prevent these actions, it can skew the balance of fairness and transparency in the planning process.

3.30   Few other planning authorities make provision for representations in support in their schemes of delegation on planning applications. Generally, applications recommended for refusal are processed under delegated powers no matter the number of support comments. It is suggested that this trigger is removed from the Scheme of Delegation. The removal of this defined threshold would still mean the Chief Planning Officer could refer an application for committee determination if there was clearly a significant body of local support and other safeguards would apply such as:

- where a ward councillor requests Committee determination;

- where the application is made by a planning officer in the service;

- where the application is supported by the community council as a statutory consultee; and

- where the application relates to a national or major application as such proposals raise a broader range of issues and are more likely to generate representations of support than a local development.

Petitions

3.31   Currently there are no delegated powers in relation to petitions and, if a petition is received, committee consideration is required. In many cases, petitions are simply an adjunct to representations of objection or support. Properly headed and signed petitions which detail the planning issues which the signatory is knowingly signing are material planning considerations. However, it would seem anomalous that a petition with up to six objecting signatures requires the application to go to DM Sub-Committee if approval is recommended whilst up to six separate objection comments would not require this. For clarity, it is recommended that petitions which are properly headed with material planning considerations, clearly stating objection, and have more than six signatures opposing the recommendation, should be determined by the DM Sub-Committee. This would not apply in the case of householder development or petitions of support unless there are other reasons under the scheme of delegation prompting a committee decision on these.

Statutory consultees

3.32   In addition, clarity on delegation is required in relation to statutory consultees. The requirement to consult these bodies is set out in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Scottish Natural Heritage (SNH), Scottish Environmental Protection Agency (SEPA) and Historic Environment Scotland (HES) are the most commonly consulted. Community councils can also be statutory consultees. In Edinburgh, community councils are automatically made statutory consultees on all national and major applications but they can also request statutory consultee status for local developments.

3.33   There is currently nothing in the scheme of delegation which provides clarity on officers' powers to determine applications where statutory consultees have objected, the objection is outstanding and approval is recommended. It is

recommended that there should be no delegated powers of determination where an unresolved objection from a statutory consultee is contrary to the recommendation. It is not suggested that Committee consideration is always required where the statutory consultee supports the application as there may be other reasons for refusal. However, where the community council supports the application and it is recommended for refusal, Committee consideration would be required.

Legal agreements and legacy applications

3.34   A further matter to consider is the time taken to conclude legal agreements associated with planning decisions. On 15 June 2015, the Planning Committee agreed a new procedure for dealing with legacy planning applications to reduce delays in concluding legal agreements. It was agreed that any "minded to grant" decision subject to the conclusion of a legal agreement should have an interim minded to grant decision notice issued. This should state 'the required legal agreement should be concluded within 6 months of the date of the notice. Thereafter the report will be sent back to committee with a likely recommendation that the application be refused.

3.35   In practice, very few applications have returned to the DM Sub-Committee under this new process. None have been recommended for refusal. This is largely because the legal agreements have been in the process of being negotiated and recommending refusal at that stage would be counter-productive. Some have returned requesting extra time and it is recommended that, to save committee time, officers have delegated powers to allow an extension of a further 3 months for conclusion, rather than returning the application for committee's reconsideration, provided meaningful progress is being achieved.

Non-material variations

3.36   The current scheme of delegation groups the consideration of non-material variations with the delegation of determination of applications. In this way, it applies the criteria set out in paragraph 3.25 to non-material variations. However, as these are not applications for planning permission (see paragraph 3.66), the same criteria for delegation are not appropriate. The only determining issue is whether the changes are material or not. The Scheme needs to be clarified to regularise existing practice and explicitly provide full delegated powers to the Chief Planning Officer to make this decision.

Planning policy and guidelines

3.37   In addition, the Scheme gives delegated powers where the proposal generally accords with non-statutory Council adopted policy. The wording is confusing as there is no such planning term. It was intended to cover non-statutory guidance such as Guidance for Householders but this guidance is in place to inform the assessment of a proposal against the development plan policy and it is a matter of judgement as to what weight to give to this guidance on a case by case basis. As such, it is not necessary to include it in the Scheme of Delegation and it is recommended this criterion is removed.

Interpretation of development types

3.38   The DM Sub-Committee prior to May 2017 reviewed officers' interpretation of the Scheme's criteria with respect to applications made by the Council (specifically school-related developments) and other development issues of public interest. Committee instructed that the Scheme should be interpreted to ensure that all applications for school extensions and large scale advertisements (especially those involving illuminated digital formats) be reported for committee determination even if they met other criteria for a delegated decision. This was a reaction to particular cases which had raised public concerns. No change was made to the Scheme of Delegation and this remains an informal arrangement. In practice, most cases for large scale advertisements and school extensions can be handled adequately without a need for committee determination and the reporting to committee delays decision making. It is therefore recommended that this informal arrangement is ended. The Chief Planning Officer would still have discretionary powers to refer such an application for committee determination if it is clear that the case is raising contentious local issues.

Local Development Plan process

3.39   Finally, a change to the Local Development Plan section of the Scheme of Delegation is suggested to allow the Local Development Plan to be published as Modified following examination. The formulation of the Local Development Plan goes through a series of processes, including committee and full Council approval. Once the proposed plan has been examined by a Reporter from the Planning and Environmental Appeals Division, the recommended modifications are largely binding unless there are limited technical reasons for not accepting them. Presentation to the committee at this stage is largely a formality before the Plan as modified is published. The final Plan has to be reported to full Council for formal adoption.
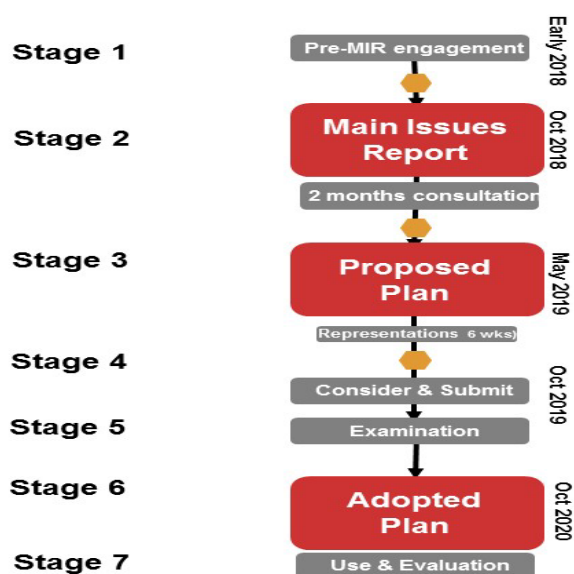
3.40 It is recommended that the Chief Planning Officer has delegated powers to publish the Plan following modification. This would remove an unnecessary reporting step and improve efficiency in the adoption process. If there are technical reasons why the modified Plan should not be adopted, this would be reported to the appropriate committee.

Summary of proposed changes to the Scheme of Delegation

3.41 The proposed changes to the schemes of delegation can be summarised as follows:

Statutory Scheme of Delegation for Local Developments

- The Chief Planning Officer shall have delegated powers to determine all householder development planning applications, irrespective of the number of representations or a petition, provided other parts of the scheme of delegation do not apply;

- The Chief Planning Officer shall have delegated powers to determine local applications for refusal irrespective of the numbers of representations in support, subject to certain provisos, including the issues raised;

- The Chief Planning Officer shall have delegated powers to determine planning applications where a petition has been submitted properly headed with material planning considerations and it has six or less signatures of objection in relation to recommendations for approval and any number of signatures of support in relation to recommendations for refusal;

- The Chief Planning Officer's delegated powers will not apply if there are outstanding unresolved objections from statutory consultees, including community councils, in relation to applications recommended for approval. Where the community council supports an application and it is recommended for refusal, delegated powers shall not apply;

- Full delegated powers shall be given to the Chief Planning Officer to determine whether a change to a granted planning application is material or not;

- The term non-statutory Council adopted policy shall be removed from the Scheme of Delegation.

3.42 Council's Scheme of Delegation under the 1973 Local Government Act

- The Chief Planning Officer shall have delegated powers to determine all listed building consent applications conterminous with an associated householder development, irrespective of the number of representations or a petition, provided other parts of the scheme of delegation do not apply;

- The Chief Planning Officer shall have delegated powers to determine planning applications where a petition has been submitted properly headed with material planning considerations and it has six or less signatures of objection in relation to recommendations for approval and any number of signatures of support in relation to recommendations for refusal;

- The Chief Planning Officer's delegated powers will not apply if there are outstanding unresolved objections from statutory consultees, including community councils, in relation to applications recommended for approval.

Where the community council supports an application and it is recommended for refusal, delegated powers shall not apply;

- Full delegated powers shall be given to the Chief Planning Officer to determine whether a change to a granted planning application is material or not;

- The term non-statutory Council adopted policy shall be removed from the Scheme of Delegation;

- The Chief Planning Officer shall have delegated powers to extend the 6 month period for concluding a legal agreement to 9 months, provided meaningful progress is being achieved; and

- The Chief Planning Officer shall have delegated powers to publish the Local Development Plan as Modified following Examination.

Development Management Sub-Committee

3.43 The current agenda for the DM Sub-Committee is divided into sections including hearings, presentations, pre-application reports and other items. The number of Committee items has reduced over the last four years as shown in the table below although there are signs an increase may be possible in 2017/18.

2013/14	2014/15	2015/16	2016/17	April 2017 – end of January 2018
250 (6 hearings)	229 (3 hearings)	203 (11 hearings)	198 (7 hearings)	172 (9 hearings)

The number of hearings fluctuates and depends on the type of development proposals being considered. However, many hearings are complex and can take up a large part of committee business, so opportunities to look at streamlining other sections of the committee process have been examined.

3.44 Pre-application reports inform the committee about forthcoming planning applications on major developments. The report sets out the likely determining issues and asks committee for any further issues it would like taken into account in the assessment of the application. Currently all pre-application reports are presented in accordance with principles of front-loading the identification of issues which the applicant should seek to address. However, in many cases, there is little discussion by members. It is proposed that pre-application reports are only presented at the request of members of the committee. Otherwise they should be agreed as reported.

3.45 In terms of hearings, the process is well established and works well. However, clarity is needed on who can speak. The structure of the hearing allows for individuals and bodies such as community councils to speak but this would seem anomalous when they have not chosen to make comments during the application stage. It is recommended that the term "interested party" is adopted for the hearing process and this means that only those who have made comments on the planning application will be invited to speak at the hearing. This brings the process in line

with statutory hearings such as pre-determination hearings and local review hearings. The applicant may choose to invite individuals or the community council as their expert witness.

3.46   Work is currently ongoing to re-format committee reports to make them more concise whilst still containing the important information. The proposed changes are as follows:

- the use of links to information on the portal such as consultee responses;

- the use of satellite images to illustrate the location of the application;

- the publicity and representations section will be nearer the start of the report to give it more prominence; and

- the assessment will be more focused on key issues.

The committee is asked to note this for information. A sample report is included in appendix 3.

3.47   Currently all representations for committee items are downloaded from the back office system, sent to committee services who then print them and arrange for copies to be made. Paper copies are then put in the party groups rooms prior to the committee. As a manual process, errors have occurred when not all representations are downloaded. For cases with large numbers of representations this is an unsustainable way of working and it is proposed to cease this practice. All representations are available on the planning portal five working days before the committee meeting.

3.48   Comprehensive presentations on complex planning applications can take up a considerable time in the committee meeting. Members are invited to consider whether the option of requesting a short presentation rather than a full presentation would be appropriate. Short presentations would concentrate on key points and would not include details of consultations and representations.

Summary of proposed changes to the DM Sub-Committee process

3.49   The proposed changes to the committee process can be summarised as follows:

- pre-application reports will only be presented if a member of the DM Sub-Committee requests a presentation;

- interested parties invited to hearings will be defined as only those who have commented on the planning application;

- committee reports will be made more concise with electronic links to relevant information;

- the practice of making paper copies of representations available in the party group rooms will cease; and

- members of the DM Sub-Committee will have the opportunity to request a short presentation rather than a full presentation.

Public Representations

3.50   Technological change means that for over 10 years the public have had access to planning application details and drawings online and can make comments at a time and in a location of their choosing, rather than being restricted by office opening hours. There has been a consequential rise in the number of representations the Planning service receives on planning applications. This is detailed below:

Year	2012/13	2013/14	2014/15	2015/16	2016/17	April 2017 to end Jan 2018
Number of representations	10,388	7,415	8,623	15,205	17,206	6,831
% made online in Public Access	35.8%	46.5%	51.1%	72.5%	73.3%	87%

3.51   The table shows that over the last five years there has been a significant increase in the number of comments made on planning applications, although this has reduced in 2017/18 to date. The majority of these are objections but may also include representations of support. There has also been a significant increase in the use of the planning portal to make online comments and the numbers for 2017/18 show that 87% of comments were made via this portal. This is a sign that such online transactions are accepted practice for the majority of service users. However, a number of people still make their comments on planning applications by paper or by email. The acceptance of paper aligns with the Planning and Building Standards Customer Engagement Strategy to avoid disadvantaging anyone who does not have access to online systems or feels uncomfortable in doing so. However, it is suggested that anyone with email should also have access to the planning portal and should be able to make their comments online.

3.52   Like all service areas, the Planning service has to deal with ever increasing volumes of email correspondence and ways of reducing this and improving efficiency have been investigated. Emailed representations involve additional administrative processes and do not make best use of the investment that the service has made in technology and in making the planning system more accessible. It is not unusual for multiple copies of emailed representations to be sent to various persons in the Council and the administrative burden on the case officer is significant in dealing with this.

3.53   Email representations open the Council up to risk. There is a danger that they get mislaid or not identified as relating to a specific application and are not taken into account in the assessment of the proposals. This carries a risk of the Council being open to complaints about maladministration. Emailed representations generally will contain the personal email address of the sender and so the email has to be converted to pdf for redaction and manually uploaded into the document

management system. Representations made via the planning portal are automatically redacted and uploaded into the document management system. With manual redaction, human error is always a factor and if personal email addresses or other information are published online, the Council is likely to face significant penalties by the Information Commissioner.

3.54   There are occasions when the planning portal is unavailable for technical reasons but stability has been generally good. If the portal is unavailable for an extended period, extra time is given to make online representations and, in such circumstances, the use of emailed comments would be accepted.

3.55   It is also accepted that there may be some people with disabilities, such as those people who are visually impaired, who may find emailing easier. In these cases, the email would be accepted.

3.56   Community councils have been contacted for their views on the possibility of restricting representations to the planning portal or paper. The responses are set out in appendix 4 and range from no objections because they use it already, to strong objections because it is seen as a way of reducing the democratic right to make comments. What is evident is that there are misunderstandings and misconceptions about the portal – word number restrictions, formatting, portal downtime, lost representations. The majority of community councils do object to the proposals but it is clear that many have not tried to use the portal for their comments. This is inconsistent with the 87% of the general population who are using the portal for comments.

3.57   It is recognised that there are significant concerns about stopping emailed representations. Change is never easy to promote. However, this small service change would remove an administrative burden on officers and remove the risk to the Council. It is suggested that the Council trials not accepting emailed representations for six months and reviews it after that stage. Those that do email will be asked to go onto the portal to make their comments. 'How to videos' and instructions will be issued on how to do this. Messages will also be posted on the portal to say comments will only be accepted by paper or online through the portal.

3.58   It should also be noted that upgrades to the portal in summer 2018 will include changes to the time out on the portal and drafts will be kept for two days before being lost. In addition, those commenting will automatically be sent a copy of their comment. It is suggested that the trial does not start until after that upgrade. This will allow time for training and communication to be put in place. In particular drop-in sessions will be offered for community councillors in the run up to the trial.

Summary of proposed changes to public representations

3.59   The proposed changes can be summarised as follows:

- following the upgrade of the portal in summer 2018, a six month trial will be held during which all emailed representations will be required to be made via the portal, subject to certain exemptions; and

- advance communication of this trial will be undertaken and support provided via an online information "How to Video" and drop-in sessions offered to community councils to help them use the portal.

National Validation Standards

3.60 Around 35% of planning applications are invalid when received by the planning authority. Heads of Planning Scotland recently published National Validation Standards and these have been adopted by the City of Edinburgh Council as our validation guidance. The aim is to achieve consistency throughout Scotland.

3.61 Nevertheless, the bar for validation in the statutory planning regulations is quite low and does not include many of the supporting assessments such as flood information that is required to assess the application. S24 of the Development Management Procedure Regulations 2013 states a planning authority may require from the applicant further particulars, documents, materials or evidence which they consider they require to deal with the application. There are no timescales for requesting the information or for how long the applicant has to submit it. Late information causes problems in terms of neighbour notification and advertising as it would not be prudent to do this until the information is received.

3.62 Processing agreements are frequently signed for major developments which include a list of the documents to be submitted. It is not unusual for such information to be missing even when it has been agreed as necessary pre-submission. Failure to validate the application because information is missing could open the Council up to court action. However, there is nothing to stop the Council setting a timescale for the submission of the information and either agreeing determination dates through a processing agreement or processing the application if the information is not received in a set timescale. The basis of such determinations would be that there is insufficient information. It is suggested that the assessment of the application including neighbour notification, advertising and consultations should not start until all the information is submitted. A communication programme would be set up with agents informing them of the current problems and the stance that may be taken in future if the full information is not submitted in time.

Summary of proposed changes to validation

3.63 The proposed changes can be summarised as follows:

- applicants and agents will be informed that assessment of an application including neighbour notification, advertising and consultations will not start until all the information is submitted.

Amendments and Variations

3.64 Once a planning application is received, section 32A of the Planning Act makes provision for its variation provided the changes are not substantial. This applies before the granting of permission and for the purposes of this report are termed 'amendments'. Section 64 of the Planning Act also makes provision for the variation

of planning permission once it has been granted provided the changes are not material.

3.65   The Council's way of dealing with amendments and variations to planning applications was established in a report to Planning Committee on 3 June 2004. The report in 2004 set out the following principles:

- Where the substance of the application has changed, a new application will be required;

- There will generally be no further publicity provided the changes are not material in planning terms and/or the changes show clear improvements and/or the changes result in compliance with the Development Plan and/or the changes are no more detrimental to neighbours or those that have commented; and

- Otherwise further neighbour notification/advertising should take place and a period for further comments allowed.

3.66   It is common for revised drawings and additional supporting information to be submitted during the processing of a planning application. In each case, the planning officer must decide if this raises significant material planning considerations which require further consultation and publicity, including neighbour notification. Each case is dealt with on its own merits using the principles agreed in 2004 and officer's judgement and this has generally worked well. If the changes are so extensive that the substance of the application has changed, a new application will be required.

3.67   It is also common for changes to be made to approved schemes before they are completed. Provided they do not raise any new material planning considerations, they are processed as non-material variations. As they are not applications for planning permission, they are not subject to the Development Management Regulations 2013 and do not require neighbour notification, advertising or site notices. They do not appear on the weekly list and, because they are not applications for planning permission, any comments on them are not material. The only determining issue is whether the changes are material or not. Again, where the changes are so extensive that the substance of the application has changed, a new application will be required.

3.68   The procedures for dealing with amendments and variations have worked well and there are no proposals to change these. They allow the efficient processing of planning applications within the two month period for determination for the majority of cases. However, there is still a public expectation that every change must be re-notified. There is no requirement to do so in planning legislation and each case would be dealt with on its own merits and assessed against the criteria in section 3.65. The Committee is asked to endorse these principles.

Summary of proposed changes to amendments and variations

3.69 The proposed changes can be summarised as follows:

- no change.

Summary of proposed service Improvements

3.70 The Local Government in Scotland Act 2003 sets out the duty of the local authority to secure best value. Best value is described in terms of the continuous improvement of performance of functions. In securing best value the Council must maintain an appropriate balance among the quality of performance, the costs to the authority in that performance and the cost to persons of any service the Council provides for them.

3.71 This report highlights actions being taken to improve planning application and building warrant performance and proposes service efficiencies including changes to the Scheme of Delegation, actions to deliver the Customer Engagement Strategy and procedural changes to help deliver Council Commitments, particularly in relation to development priorities.

3.72 Proposed service improvements, including those detailed in this report for committee consideration, will be consolidated in a detailed service improvement plan for both Planning and Building Standards and will be reported to the next meeting of Committee.

Streetnaming

3.73 The Statutory Addressing Charter sets out criteria for new street naming and numbering in Edinburgh. The Council has responsibility for the naming and numbering new streets and, under the current charter, the criteria can be quite challenging. In particular, the requirement to have unique names for every new street is onerous and for large developments such as in Greendykes, it has been difficult to find new street names.

3.74 A consultation exercise was undertaken in June 2017 to get the public to suggest new street names for the name bank but this produced only about 20 additional names which could be used. Some networking has taken place with other Councils and it is proposed to make changes to the Charter as follows:

- The use of the same name for up to four streets in the same development should be permitted. The suffixes would, of course, be different and this change would have little impact in terms of any confusion by the emergency services;

- The use of first names of noteworthy persons could be used. Currently only surnames are used;

- There should be more emphasis on celebrating Edinburgh's international connections and its role as a Festival city; and

- There should be more emphasis on celebrating Edinburgh's natural environment with less emphasis on persons and more on flora and fauna.

Planning Documentation and the Visually Impaired

3.75   In December 2017, Councillor Hutchison asked for the service to review the Council's process for making planning documentation available to visually impaired citizens to make this more accessible and cost effective. Councillor Hutchison has confirmed he was hoping that the question would generate ideas for making planning documentation more readily available to the visually impaired and at a significantly reduced cost against the current process.

3.76   To assist with this response, Royal Blind and the Edinburgh Access Panel were approached for comments. Royal Blind has advised that there is no consistent definition of visually impaired-people and no one format that suits everyone. It would be difficult to cover all preferences and the Council should not pre-empt what visually-impaired people might find helpful. It would be better to consider direct requests. The Edinburgh Access Panel has not provided any comments or suggestions.

3.77   Planning documentation takes a number of forms. For example:

- The Local Development Plan;

- Supplementary Guidance;

- Non-statutory Guidance;

- Planning applications including applications forms, drawings, supporting statements and reports;

- Neighbour notification letters;

- Acknowledgement letters and decision letters; and

- Enforcement and appeal correspondence.

3.78   All desk top published documentation has the standard council logo - Happy to Translate – which includes advice on how to get the document in Braille or large print or other formats. There have never been any requests for this. In terms of planning applications, there has been one request to convert the supporting information to audio. As this was a major application, the amount of supporting information was significant and the initial cost was around £6,000. Following discussions with the requester, it was agreed the supporting statement and pre-application information would be audio-translated and the cost for this was £1,000 paid out of the general Planning budget. It should be noted that there is no current specific budget allocation for this type of work. Royal Blind has advised that audio translations are few and far between and are for short documents. Prices range from £14 per 1,000 words large print to £23 per 1,000 words for audio translation.

3.79   Some thought has been given as to whether neighbour notification letters could have some form of braille embedded to assist visually impaired citizens. In 2017, just over 83,000 neighbour notification letters were issued in Edinburgh. Royal Blind has advised that there are only about 20,000 braille readers in the UK and suggest that embedding braille would not only be costly but would not be a proportionate response to the issue. However, the Happy to Translate logo has now been added

to the neighbour notification letters. The majority of planning applications are made online (around 86%) and only about 10% are made by the applicant rather than an agent so there are no suggested improvements in this process. Acknowledgement letters and decision letters are emailed out for all online applications but these are sent to the agent where there is one and the applicant otherwise.

3.80 The majority of representations are also made online but paper is still accepted if visually-impaired people prefer to use this. As detailed above, emailed comments would still be accepted for the visually impaired if this is preferred. Like all webpages, the portal text size can be increased for easier viewing, as can the enforcement breach form. The move from printing and posting documentation to emailing it has significantly increased the efficiency of the service and saved money and opportunities are always being taken to replace printing and posting with email. There is software available which helps visually-impaired people read email correspondence.

3.81 The Planning help desk is open from 9am to 1pm every weekday and a help desk planner is available to help anyone visually impaired understand the drawings. Requests can also be made to the case officer.

3.82 In summary, apart from adding the Happy to Translate logo to neighbour notification letter, there are no suggested changes to the current service provided to visually impaired people. Other regulatory services such as Building Standards and Licensing make no special provision for visually impaired people in their documentation.

Conclusions

3.83 The service improvements proposed in this report are part of an ongoing process to seek best value requirements in carrying out statutory functions. They can be summarised as follows:

- continuation of the implementation of the Customer Engagement Strategy to move customer online as much as possible;

- changes to various aspects of the operation of the Development Management Sub-Committee;

- changes to the ways representations are accepted;

- stricter timescales of the submission of further information; and

- changes to the Streetnaming Charter to allow more flexibility in new street names.

4. Measures of success

4.1 A Planning and Building Standards Service which embeds a culture of continuous improvement and makes service improvements to allow best value to be realised and high standards of customer care.

5. Financial impact

5.1 There are no financial impacts arising from this report. There are no significant cost saving envisaged from these changes.

6. Risk, policy, compliance and governance impact

6.1 There are no perceived risks associated with this report. Changes to the way we receive representations are designed to reduce risk to the Council. The report has no impact on any policies of the Council.

7. Equalities impact

7.1 The Equalities and Rights Impact Assessment indicates the following:

- The proposals will make procedural changes which will affect the range of channels of communication with the service but still ensure adequate, inclusive channels are available. This will be balanced by a more efficient process where information will be properly managed with less risk of missing documents including those which allow participation, influence and voice;

- There are no infringements of Rights under these proposals;

- There are no identified positive or negative impacts on the duty to eliminate unlawful discrimination, harassment or victimisation;

- The proposals promote the duty to advance equality of opportunity as they continue to promote better and more accessible information and the systems we use such as the Planning Portal to view and comment on planning applications;

- The proposals have been designed to ensure there is no impact on participation in public life; and

- The proposals promote the duty to foster good relations as they make clear the service standards that can be expected and so promote understanding.

8. Sustainability impact

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:

- The proposals in this report do not affect carbon emissions;
- The need to build resilience to climate change impacts is not relevant to the proposals in this report because it is concerned with procedural matters;
- The proposals in this report will help achieve a sustainable Edinburgh by improving the efficiency of council processes; and
- Environmental good stewardship is not considered to impact on the proposals in this report because there is no relevance to the use of natural resources.

9. Consultation and engagement

9.1 Community councils were consulted on the proposals to stop accepting emailed representations and the responses are set out in the report. A number of the other changes involve internal processes and do not require consultation with outside bodies. Changes to the Scheme of Delegation and the operation of the DM Sub-Committee are for members to consider. Consultation on Planning documentation took place with Royal Blind and Edinburgh Access Panel.

10. Background reading/external references

10.1 Planning Performance Framework 2016/17

10.2 Planning and Buildings Standards Customer Engagement Strategy. Report to Planning Committee 17 August 2017

10.3 The Council's Scheme of Delegation

10.4 Amendments and Variations. Report to Planning Committee 3 June 2004.

Paul Lawrence

Executive Director of Place

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11.   Appendices

Appendix 1 - Planning Performance Framework 2016/17 - Scottish Minister's response

Appendix 2 – Householder applications at committee from May 2017

Appendix 3 - Draft revised Development Management report structure

Appendix 4 - Community council responses to emailing representations

Minister for Local Government and Housing
Kevin Stewart MSP

Scottish Government
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gov.scot

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Mr Andrew Kerr
Chief Executive
City of Edinburgh Council

21 December 2017

Dear Mr Kerr

PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2016/17

Please find attached feedback on your planning performance framework report for the period April 2016 to March 2017.

You will be aware that we recently introduced the Planning Bill to the Scottish Parliament. The Bill aims to support effective performance across a range of planning functions. It includes specific provisions to strengthen and improve performance monitoring; to appoint a national performance co-ordinator to provide advice and recommendations; and powers to conduct assessments and if necessary require improvements to be made. This structured approach is essential to improving the reputation of the system across the country. It aims to provide better support to authorities, whilst recognising that other factors and stakeholders, impact on your performance.

I appreciate that resourcing is a critical issue for you, and the Bill includes provisions for discretionary charging to allow greater local flexibility. Following the Bill, we will consult on revising the fee regime to better reflect the developments which are being brought forward.

We will continue to liaise with COSLA, SOLACE and Heads of Planning Scotland as the Bill progresses through the Parliamentary process. I would like to take this opportunity to encourage you all to actively engage - this is a fantastic opportunity to make our system work better to enable planners to deliver the high-quality development our communities need, and it is important that voices from all viewpoints are heard. You can monitor the progress of the Bill on the Parliament website at: www.parliament.scot/parliamentarybusiness/Bills/106768.aspx

Kind Regards

KEVIN STEWART

CC: David Leslie, Head of Planning and Transport

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PERFORMANCE MARKERS REPORT 2016/17

Name of planning authority:	**City of Edinburgh**

The High Level Group on Performance agreed a set of performance markers. We have assessed your report against those markers to give an indication of priority areas for improvement action. The high level group will monitor and evaluate how the key markers have been reported and the value which they have added.

The Red, Amber, Green ratings are based on the evidence provided within the PPF reports. Where no information or insufficient evidence has been provided, a 'red' marking has been allocated.

No.	Performance Marker	RAG rating	Comments
1	**Decision-making**: continuous reduction of average timescales for all development categories [Q1 - Q4]	Red	**Major Applications** Your timescales of 43 weeks are slower than the previous year and are slower than the Scottish average of 37.1 weeks. **RAG = Red** **Local Non-Householder Applications** Your timescales of 12.6 weeks are slower than the previous year and are slower than the Scottish average of 11.1 weeks. **RAG = Red** **Householder Applications** Your timescales of 8.3 weeks are slower than the previous year and are slower than the Scottish average of 7.3 weeks. **RAG = Red** **Overall RAG = Red**
2	**Processing agreements**: • offer to all prospective applicants for major development planning applications; and • availability publicised on website	Green	Only a quarter of major applications are subject to a processing agreement however, they are offered to all prospective applicants. **RAG = Green** Availability of processing agreements is advertised on your website. **RAG = Green** **Overall RAG = Green**
3	**Early collaboration** with applicants and consultees • availability and promotion of pre-application discussions for all prospective applications; and • clear and proportionate requests for supporting information	Green	You have provided good examples of how pre-application discussions have resulted in better developments. You provide online forms to ensure necessary information is provided to enable advice to be given. **RAG = Green** Supporting information is only requested where necessary and agreed at pre-applications stage with extensions agreed where necessary. **RAG = Green** **Overall RAG = Green**

4	**Legal agreements**: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Amber	Timescales for local applications have increased to 50.5, which is slower than last year and is slower than the Scottish average. Timescales for local applications at 46.1 weeks are also slower than last year and the Scottish average.
5	**Enforcement charter** updated / re-published within last 2 years	Green	Your enforcement charter was 19 months old at the time of reporting.
6	**Continuous improvement**: • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report	Amber	Your decision making timescales have all increased and are slower than the Scottish average. Your Enforcement Charter is up to date and your LDP has only recently been adopted. **RAG = Amber** You have completed 9 of your 11 improvement commitments and identified 18 improvements to take forward in the year ahead, however, a number of these could be considered as core business activities. Your report would benefit from setting out more clearly which commitments have been completed. **RAG = Green** **Overall RAG = Amber**
7	**Local development plan** less than 5 years since adoption	Green	Your LDP was 4 months old at the time of reporting.
8	**Development plan scheme** – next LDP: • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale	Green	Your LDP has only recently been adopted therefore we would not expect you to have fully identified a programme for replacing it at this time.
9	**Elected members engaged early** (pre-MIR) in development plan preparation – *if plan has been at pre-MIR stage during reporting year*	N/A	
10	**Cross sector stakeholders* engaged early** (pre-MIR) in development plan preparation – *if plan has been at pre-MIR stage during reporting year* **including industry, agencies and Scottish Government*	N/A	
11	**Regular and proportionate policy advice** produced on information required to support applications.	Green	You have produced a range of guidance to assist applicants in submitting good quality acceptable applications. You also carry out audits on your guidance to ensure they remain valid and how they have influenced decision making.
12	**Corporate working across services** to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	Your corporate structure now includes transport and environmental health alongside planning. Your Edinburgh planning concordat has recently been renewed and your LDP Action Programme working group is chaired by the Chief Executive to ensure buy-in from across the council.

13	**Sharing good practice, skills and knowledge** between authorities.	Green	You have exchanged visits with Dundee Council to learn about their approaches to performance and development on the ground. You also provide joint training sessions with neighbouring councils.
14	**Stalled sites / legacy cases**: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old.	Green	You have managed to clear 82 legacy cases during the year which has halved you're the total number of cases you have. We welcome your continued commitment to clear the remaining cases.
15	**Developer contributions**: clear and proportionate expectations • set out in development plan (and/or emerging plan); and • in pre-application discussions	Amber	Supplementary guidance on developer contributions and infrastructure delivery has been approved. **RAG = Green** Improvements have been made to pre-application process. However, no reference to developer contributions being discussed at pre-app stage. **RAG = Amber** **Overall RAG = Amber**

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CITY OF EDINBURGH COUNCIL
Performance against Key Markers

Marker	2012-13	2013-14	2014-15	2015-16	2016-17
1 Decision making timescales	Green	Amber	Amber	Amber	Red
2 Processing agreements	Green	Green	Green	Green	Green
3 Early collaboration	Amber	Amber	Green	Amber	Green
4 Legal agreements	Amber	Green	Green	Green	Amber
5 Enforcement charter	Red	Green	Green	Green	Green
6 Continuous improvement	Amber	Amber	Amber	Amber	Amber
7 Local development plan	Amber	Amber	Red	Red	Green
8 Development plan scheme	Red	Red	Red	Red	Green
9 Elected members engaged early (pre-MIR)	N/A	N/A	N/A	N/A	N/A
10 Stakeholders engaged early (pre-MIR)	N/A	N/A	N/A	N/A	N/A
11 Regular and proportionate advice to support applications	Green	Amber	Amber	Green	Green
12 Corporate working across services	Green	Green	Green	Green	Green
13 Sharing good practice, skills and knowledge	Green	Green	Green	Green	Green
14 Stalled sites/legacy cases	Green	Green	Amber	Green	Green
15 Developer contributions	Green	Green	Green	Green	Amber

Overall Markings (total numbers for red, amber and green)

	Red	Amber	Green
2012-13	2	4	7
2013-14	1	5	7
2014-15	2	4	7
2015-16	2	3	8
2016-17	1	3	9

Decision Making Timescales (weeks)

	2012-13	2013-14	2014-15	2015-16	2016-17	*2016-17 Scottish Average*
Major Development	81.6	27.9	26.5	33.6	22.8	*37.1*
Local (Non-Householder) Development	10.5	10.7	11.6	11.6	12.4	*11.1*
Householder Development	6.9	7.5	7.7	8.0	8.3	*7.3*

INVESTOR IN PEOPLE   POSITIVE ABOUT DISABLED PEOPLE

ADDRESS	PROPOSAL	REFVAL	Recommen	Decision
1 Prospect Bank Road	Proposed storey and a half extension to rear of property and vehicle run-in to front.	17/04045/FUL	Grant	Granted
16 Larkfield Gardens	Erection of a sun lounge	17/03001/FUL	Grant	Granted
30 - 30A Inverleith Terrace	Restore original villa by combining two flats including alterations and extension to side and rear.	17/04163/FUL	Grant	Granted
302A Gilmerton Road	Remove sloping slated roofs and stepped flat roofs and replace with a new sloped slated roof, skylight, projecting balcony and set back french windows.	17/00946/FUL	Grant	Granted
41 Comiston DriveEdinburghEH10 5QS	Remove existing kitchen outshot and shed, erect new extension and shed (as amended).	17/01497/FUL	Grant	Granted
50 The CausewayEdinburghEH15 3PZ	Refurbishment, alteration and extension of existing dwelling.	17/02649/FUL	Grant	Granted
GF7 Belgrave CrescentEdinburghEH4 3AQ	Demolition of existing modern glazed conservatory to rear of property, and erection in same position of new painted timber extension with lead roofing to house new swimming pool.	17/01618/FUL	Grant	Granted
6 Riversdale CrescentEdinburghEH12 5QX	Extension to the rear.	17/02608/FUL	Grant	Granted

4 Regent Terrace	Alterations to internal layout and formation of new extension to the rear, alterations to steps and ground levels to the rear. (as amended)	17/02991/FUL	Grant	Granted
8C Moray Place	Retrospective change of detail of a roof-top glass house comprising change from mono-pitch glass to two cupolas with upstands and edge gutters and installation of a glass balustrade.	17/04243/FUL	Grant	Granted
3 Inverleith Place Lane	Proposed construction of roof level room	17/03911/FUL	Refuse	Refused
11B Clarendon Crescent	erect new garden room	17/04377/FUL	Refuse	Granted
24C Learmonth Terrace	Extend existing flat and replace existing garages to form separate mews development	17/03385/FUL	Refuse	Mixed decision - extension granted, mews building refused

Development Management Sub Committee

Date

Application for Planning Permission xxxxxx
At xxxxxxxxxx, Edinburgh
Residential development

Item number

Report number

Wards

Recommendation

It is recommended that this application is granted for the reasons below

Summary

This section will summarise the reason for the decision and why it has been recommended in a particular way. It will set out where policies are complied with and where they are not complied with and any material planning considerations that have been taken into account.

Location Plan
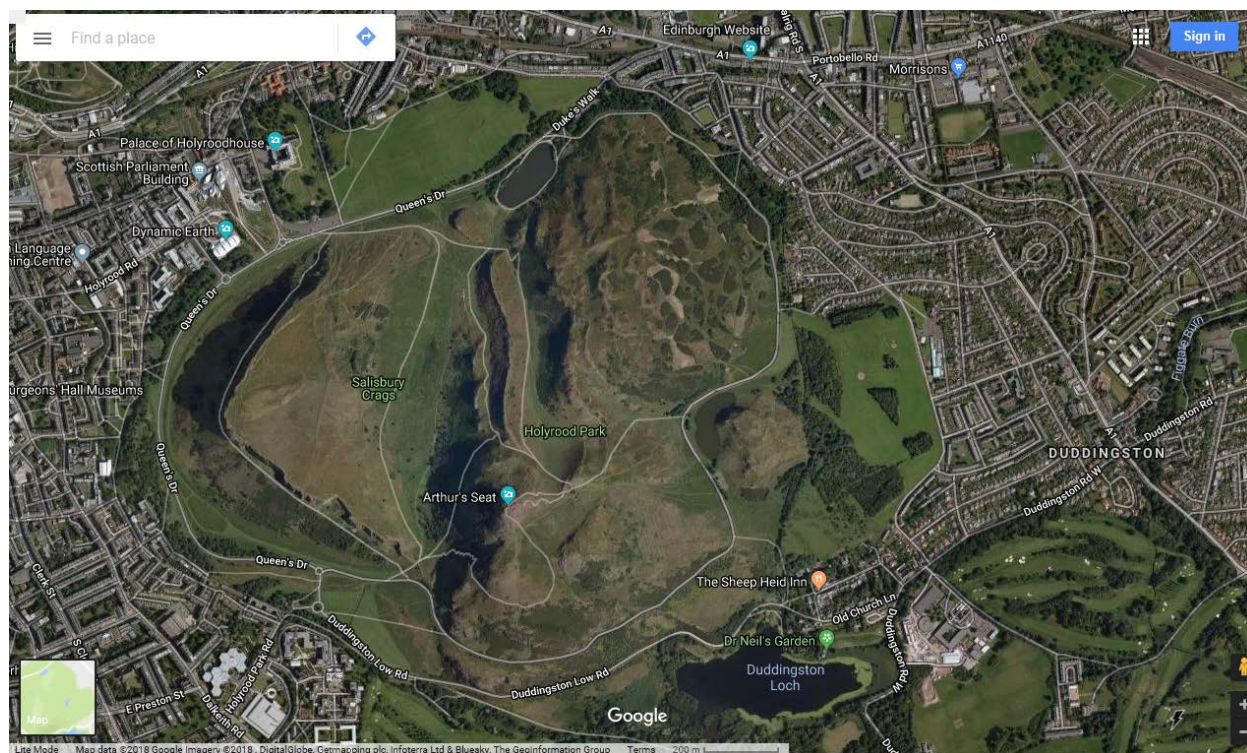
Report

Background

1.1 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
Do the proposals comply with the development plan?
If the proposals do comply with the development plan, are there any compelling reasons for not approving them?
If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

1.2 Publicity and Representations

Pre- Application Process

A Proposal of Application Notice was submitted and registered on xxxxxxxxxxxxxx.
Copies of the Notice were also issued to:
☐Community Council
☐Community Council
☐ All ward councillors
☐Neighbourhood Partnership
☐

Two community consultation events were held in February 2014. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.
A pre-application report on the proposals was presented to the Committee on 9 April 2014. The Committee noted the key issues outlined in the report and requested that impact on amenity was balanced against design considerations.

Summary of representations

The application was advertised on 16 January 2015 and six letters of objection were received including one from xxxxx Community Council.
No non-material comments were raised.

The matters raised in the Community Council response and other representations can viewed in full at portal link

A full assessment of the representations can be found in section 2.4

1.3 Consultations

Consultee	Summary of Comments Made
SEPA	No objection. Advice provided for applicant.
Community Council	No issue with the principle of housing but raised concerns regarding massing of buildings along site edges and insufficient open space.
Archaeology	Condition recommended requiring programme of works prior to construction
Environmental Protection	Objection on grounds of noise and air quality impact.
Flooding	No objection
Housing and Regeneration	A minimum of 25% affordable housing required
Communities and Families	No objection subject to appropriate developer contributions towards education actions in XXX Contribution Zone.
Transport Authority	No response received
Police	No objection. Advice provided for applicant.

All consultation responses can viewed in full at portal link

Main Report

2.1 Site description

2.2 Relevant Site History

Concise site history

2.3 Description of Proposal

Description and link to portal for drawings.

Remove list of supporting documents and include link to portal instead

All drawings and supporting documents can be viewed at planning portal link

2.4 Assessment

The development plan policies and other guidance used in the determination of this application are listed at the end of this report.

In determining this application, the Committee needs to consider the following matters

   a) The principle of the development;

   b) Impact on the character and appearance of the conservation area;

   c) Scale, design and materials ;

   d) Amenity for the future occupiers;

   e) Infrastructure provision

   f) Matters raised in representations

   g) Other relevant Matters

Report takes each one by one and assesses

2.5 Conclusion
Short conclusion

3.0 Recommendation

It is recommended that this application be xxxxxx for the reasons below.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement will be required to secure developer contributions towards the Tram and education provision.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Date registered	12 January 2015
Drawing numbers/Scheme	01,02,04A,05A,08A,10,11A,12A,14,15,16,17,
	Scheme 1

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203

Policies and Guidance

Relevant Policies:

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Relevant Non-Statutory Guidance

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

END

Appendix 4

Community Council Consultation Responses – Emailing Representations

Community Council	Comment	Response
Craiglockhart Community Council	Unfair and just plain wrong to not accept emails. Many of the community at my community in Craiglockhart are older and do not use email facility. Even if overall they are a relatively small number they are still important and entitled to be treated with respect on this. I also wonder about poorer sectors of the community being similarly disadvantaged. I understand this proposal would make it easier for the planning department, however that should not override the open and transparency of the process Maybe in a few years' time this can be looked at again but for the present I would have to say no, it is too soon.	It is difficult to understand the rationale behind this response as it appears to be saying many do not use email anyway. No explanation has been given as to how using the portal rather than emailing would disadvantage poorer sections of society. Paper representations will still be accepted.

The portal has been in place for 15 years so this is an opportune time to make best use of that investment. |
| Fairmilehead Community Council | Thank you for the e-mail and I can understand the rationale behind it.

Just to clarify is there limit on the number of words/characters that can submitted in the "comments" field when making representations online? | There is no limit on the number of words that can be put in the comments field. The system times out after 20 minutes so the advice on the portal is to prepare the comment as a word document and paste it in. |
| Liberton Community Council | The concept of not being able to respond by email is not acceptable.

Email has the facility to paste in responses copied from a file or to attach a comments file to an email. Often the web site has to be open to facilitate preparing responses and it is easy to put comments into a file and send on, the same cannot be said about submitting comments on line.

Further, I have had bad experiences with your system timing me out with a resulting total loss of my submission thus far requiring me to start again. You can imagine how frustrating this is. | The Portal has the following message on the comments tab –

When making your comment, if you will take longer than 20 minutes to compose it, you will be timed out of the system. For comments over 500 characters please compose your comment in MS Word or an alternative word processing package, and then copy and paste into the submit comment box. |

	In a paperless generation you need to make responding as easy as possible.	The respondent was asked what the issue was with preparing the comment and pasting it in and responded *'probably not tried it'*
Merchiston Community Council	The portal does not allow many words. This is one reason for writing by email. Also, the portal can be down at times and this is another reason. It saves you having to send a letter if you have a lot to say that can't be fitted into the box provided in the portal.	The community council was advised there is no word limit on the portal and outages are infrequent. Response below received: *It's good to know they have changed the character limit. In which case I withdraw my point.*
Morningside Community Council	Thank you for consulting Community Councils on this issue. I can see the reason for the proposals. They would certainly increase your efficiency. Personally, I prefer to use hard copy or attach a letter of comments to an email. This is because my experience of using the online comments facility is that all formatting of the comments appears to be lost, i.e. mainly paragraphs, and the text seems to become one long ramble. One's points look so much better set out clearly in paragraphs and the hope is that they read more easily and cogently. I have also experienced quite severe size limitations in the comment facility and this made representation on the Craighouse case impossible by the planning online service.	There is no word limit on the portal, this has been set to unlimited, and the formatting stays exactly the same as written. The email copy is sent as a string but the actual comment has the same formatting as the original letter from which it is copied. This was confirmed to Morningside CC who welcomed the information but did not withdraw their objection to the proposal.
Corstorphine Community Council	I have circulated this message to all of the Corstorphine Community Council members with e - mails and asked them to reply to you individually if they have any comments or suggestions etc. From my own perspective as a serving member on the community council for over 20 yrs. I am well aware that the majority of membership on Community Councils are elderly and / or retired etc. and hence their preferred means of communication is perhaps	There is no requirement to log in or register when making comments on the portal. This requirement was removed about 2 years ago to encourage more use of the portal. Responses would be issued to any questions in portal comments in the same way as responses to emails.

	in the order of phone, letter / e - mail and least preferred 'logging on' with passwords etc. and 'platforms' such as 'Facebook', 'Google', 'Blogs' etc. On the Community Council we now have a representation of young people in employment and I have also found them averse to adding comments on the Planning Portal website but more interested in circulating comments amongst themselves by e - mails or posting on 'platforms' which I would regard as an inappropriate medium for serious comment etc. The closure of e - mail communication would seem like restriction of yet another channel of communication and consultation - a further move in line with the practice of companies and institutions to respond to e - mailing with computer generated answers or format letters which fail to answer questions. Is it not possible to acquire soft wear to automatically redact e - mail and postal addresses before publication and an automatic reply to sender informing them that this has been done? Would another option be to send an automatic explanatory reply to e - mails with an attached form and secure link which would require no passwords etc. but would be automatically redacted as at present before publication? The object should be to encourage rather than restrict communication and consultation.	The software to redact sensitive information is adobe professional but this is a manual process where the sensitive information has to be marked for redaction. The portal software automatically redacts personal information. The aim of the change is to make it easier to comment and to know that the comment has been received.
Firrhill Community Council	Discussed at our meeting and whilst acknowledging the benefits to the Planning Department in processing time, etc., the general feeling was that people should not be restricted and emails are a legitimate method of communicating information. To discard or	

	ignore a written comment addressed to you because it is not in the format you would like, seems to be a risky practice. Would it not be a safer option to simply promote the use of the portal system, which I have to agree is straightforward in comparison with the other reporting systems on the council's website?	The Guide to commenting on Planning Applications does state the portal is the easiest way to make comments. There is no mention of being able to email comments in this document. The weekly list also states - We would appreciate it if your comments could be made online at Planning and Building Standards Online Services….Alternatively you can send your comments by post to Planning and Building Standards, Business Unit G2, Waverley Court, 4 East Market Street, EDINBURGH EH8 8BG. There is no mention of being able to email comments.
Murrayfield Community Council	Murrayfield Community Council has no issues with the proposed changes and are happy to use the planning portal	
Leith Central Community Council	1. We note that people can currently comment on or object to planning applications via post, phone or email to planning officers, as well as via CEC's planning portal, but that the portal is not easy to use, and provides no individual feedback on comments. 2. We believe that if CEC have sufficient human resources to read comments arriving via the portal, they should have sufficient to read emails. All comments should be read by humans, not just end up on a database or become a statistic. 3. We are aware that the portal automatically redacts personal information from submitted comments and that it can take time for CEC to redact the planning emails "by hand". However, 4. We believe that it should be relatively easy for emails to be automatically redacted and added to the portal.	Comments cannot be made by phone It is not the reading of the emails that causes additional work, it is the processing of the email. The case officer gets a copy of the online comment by email but it is already in the system and redacted at that stage and they only have to assess the materiality of comments. With emailed comments they have to assess the comment and then arrange for the administrative processing of it. There is no software available in Council systems to automatically redact emails.

Gilmerton Inch Community Council	Gilmerton Inch Community Council unanimously agrees that this proposal is unacceptable. The planning portal is often unreliable and unavailable and often there is no alternative but to submit comments by email or in some cases, by Word document as an email attachment. In many instances, the portal sometimes appears to 'lose' the smaller submissions and seems to "stick" with lengthy submissions - so a Word document is more reliable in many instances. Gilmerton Inch Community Council views this proposal as another case of the Council trying to reduce the options for the general public to exercise their voice rather than facilitating increased means of such representation	Portal outages are rare and there is no record of lost comments. The CC was asked to give an example and responded as follows *Candlemakers Residents Association submitted responses on the portal which were subsequently lost on more than one occasion. He has submitted a formal complaint. Also, quite a few local residents found it difficult to access the portal preferring to send their responses by email in relation to the LDP consultation on Gilmerton Station Road and Broomhills. And I personally sometimes find gaining access to the portal complicated dependent on what operating system is being used.* If there were any significant outages, emails would be accepted but basically we are suggesting that the word document is pasted into the comments box of the portal where it will be processed automatically. The portal cannot be used for LDP consultations and it does work with various operating systems so there should be no problem gaining access. The issue of the lost comment is addressed below.
Candlemaker Residents Association	Candlemaker's Residents Association wishes to support the submission below by Gilmerton and Inch Community Council. In our extensive dealings with the planning service over the past year or so especially in regard to the housing development	As stated above, there is no record of lost comments. Indeed, the writer of this response sent his comments via email and the problem was that it was then not properly processed. He was sent an acknowledgement

	17/00696/AMC, it was often the case that the planning portal was unreliable with some submissions being lost necessitating having to be redone from scratch and lengthy submissions "freezing" half way through. Often there was no alternative in my case but to submit comments by Word document as an email attachment. It is recognised in a letter of 23 November 2017 from John Inman, Service Manager, in response to my complaint that "IT systems which support the delivery of the application...do have failures now and again". In my experience it is more often than that. In any case, it does not follow that those who might be comfortable with sending an email response or a Word document attachment would be just as competent accessing the means to submit a response on your planning portal. There are a number of older people whose expertise on the computer does not extend much beyond email and many others who have no access to a computer at all and, as the Community Council says in its submission, the planning authority and the Council in general should be facilitating increased means of representation rather than trying to reduce the options. The Council should be trying to encourage the democratic response in such matters rather than narrowing the possibilities.	letter telling him the application was deficient when it was not. For portal comments, an acknowledgement is not sent because the writer can request a copy of their comment. In fact, the writer sent several comments by email which were all processed and taken into account in the determination of the application. His complaint was upheld regarding the processing of his initial comment which was put down to human error. This would not have happened if the comment had been pasted into the portal.
Balerno Community Council	With respect to the planning applications process, I would like to put on record my disagreement with the proposal to stop accepting comments submitted by email and restrict them to the planning portal or printing & posting letters. I have used the planning portal in the past. Based on that experience, for it to be the only online tool available to the public it would require significant upgrade. Many development applications raise numerous issues and the current portal does not provide an adequate means of submitting satisfactory responses. For example, it is not even possible to "bullet" or apply formatting to text to	We would encourage the preparation of comments as a word document and then copy and paste them into the comment box in the portal where all the formatting including bullets will be retained. The comments are fully stored and the case officer receives a copy of this when the comment is made. The copy sent back can be truncated if it is very long and we are looking at this in more detail but we have the full comments and these are available to view when the comments are made public.

	emphasise key points. There is also an element of doubt as to the certainty that comments entered have been fully stored. Letters, the other alternative to email, are sufficiently inconvenient as to represent a deterrent to public participation in the process. As a general point I think we all want to encourage public participation in our democratic processes and decisions: removing email as a mechanism to that is a retrograde step.	

Cramond & Barnton Community Council	Our views are as follows –
	  a. In general, we would accept the reasons for no longer accepting representations by post or e-mail and requiring these to be lodged electronically through the planning portal
	  b. Exceptions should include provisions for –
	     i. Community councils and other formal organisations (e.g. amenity organisations) wishing to make representations on major developments, which include substantial technical information, possibly including plans, photographs, etc.
	    ii. Submissions, by special arrangement, where the respondent does not have ready access to the internet (e.g. some elderly or disabled persons).
	
	In making this response we would wish to bring to your attention that there have been several occasions over the past year where submissions by this Community Council have been either recorded under the respondent's name rather than the CC's name or have been recorded as public comments, despite it having previously been agreed that the CC should be treated as a statutory consultee and the submission stating this. Following one or more representations to planning officers, these situations have been
		The exceptions could be built into the system. Paper comments would still be accepted and emails relating to statutory consultations.
		
		Community councils would be encouraged to register on the portal to make it easier to make comments although this would not be compulsory. This means their name would always come out correctly in the comment.

	rectified, but it would be helpful if recording was undertaken accurately in the first place	
Tollcross Community Council	Tollcross Community Council has been in the habit of submitting representations as letters attached to an email. I understand the sense of keeping all such online. I had discussions with one of your officers recently but did not receive clarification on the following points. Our letters are placed amongst the submitted documents for a planning application on your website and we feel that they should be in the public domain in this way as a single document. It is not clear that on-line comments are treated in this way. Also, our letters are copied to the members of the planning sub-committee as part of the papers for a case. In these papers there seems to be a summary of the on-line comments prepared by the planning department which has made a recommendation. Is it the case that the full on-line comments are provided? If we had clarification on these points it would be easier for us to comment on the proposal to stop accepting emailed representation letters.	All online representations appear as a single separate document. If an application is going to Committee, all representations are automatically made public 5 working days before the Committee. Currently a set of representations is also printed out but this takes a large amount of admin resource. The best way to make comments is actually to do it first as a word document and then copy and paste it into the portal. This avoids any problems with time outs. Once it is in the system, the name of the community council will appear on the comments tab.
Leith Links Community Council	We think this is a bad idea. While we can see how it would ease the clerical workload of a department presumably under some staffing and resource stress, we strongly oppose the proposal. It might well make the planning department's job easier but it would also make the role of the concerned citizen harder. And we would argue that it should be reconsidered in the light of the Planning (Scotland) Bill 2017, currently before the Scottish parliament, through which the Scottish government is aiming to strengthen the hand of communities in the planning process by encouraging more effective early engagement. This proposal, it could be argued, would only work counter to that aim.	The PAN process is unaffected and the role of CCs as statutory consultees is unaffected.

	We note your reassuring indication that the proposed change would "not apply where the community council is a statutory consultee and wants to make comments", nor would it be upheld in the event that the council's planning portal was "down", precluding public access (which as we know from experience it can often be, even at crucial times and over protracted periods). Yet we remain firmly resistant to the proposal and consider it a retrograde step that would curtail the opportunity for individuals and organisations to participate in the planning process as is their right. If the proposal were to be adopted – and I repeat that we are against it in principle and in terms of what it would mean for practice – we would ask that the facility to respond by email should be extended to community councils not just for applications on which they are statutory consultees but for all planning applications within their ward about which they – and thereby individuals within their ward – might wish to comment. We would also ask, in return for losing the existing public entitlement to make email responses, for some other refinements to the whole process: Firstly, we think that the stability of the planning portal needs to be improved if it is to be the sole digital method available for comment. It appears to be "down" too often and, when it is, for too long. People are not always confident that their comments have been sent safely via the portal (and that's often why they send an email – i.e. to "make sure"). Might it not also be sensible to extend the length of time available to input comments on the planning portal? We know of instances	No IT system in the Council is 100% stable but we have not had any recent outages with the portal except for the planned outages that took place in November and 30 minutes planned downtime on 7 December. The portal times out after 20 minutes that is why we advise to do your comment as a word document and paste it in. There is an actual warning on the portal about this.

	in which folk have been caught frustratingly short mid-response, and have lost their whole comment. This, we believe, is one of the reasons why some people choose to use email to send in their responses. It is felt to act as a safeguard. We would also ask that greater flexibility be built into the process, for example relaxing the requirement to adhere to already tight deadlines for comments (typically three weeks from the date of an application's registration, notification of which tends only to reach the wider world some few days after that date). We feel that such an adjustment of established practice would be particularly necessary at times when: • the planning portal has been offline for any part of the three-week window for comments. • the window for comments falls over public holidays (e.g. the Christmas/New Year period just past when the planning department was effectively shut for 10 days) and school holidays (when many engaged local people may be distracted elsewhere). In fact, we feel that these changes to current practice would be desirable regardless of the outcome of the present consultation about emailed responses to planning applications.	The 21 days for making representations is set in planning legislation and it is not intended to extend this.
West Blacket Association	We have been advised of your circular of 22 December 2017 to Community Councils seeking comments on a proposal to stop accepting planning representations by email. As this is the means by which West Blacket Association comments are largely submitted we are concerned about your proposal, to a considerable extent because of the limitations, restrictions and unreliability of your preferred online process. While the numbers you quote in support	The portal is an off the shelf piece of software so we would not have the ability to make the changes suggested.

| | of the proposal illustrate the daunting scale of the Planning workload, there would have to be substantial improvements and flexibility to the portal processes to make them universally acceptable and user friendly.

An important issue for us, which I am sure applies also to the many conservation areas across the city, is that a good proportion of development proposals involve FUL, LBC & sometimes CON applications, but the portal process is set-up to treat them individually. While there certainly can be differences between the FUL and LBC applications the public perception is that they are variations or even duplications. As we understand it there is no facility on the portal for public comments to be attributed to 'both' applications in such circumstances other than by undertaking the same process twice and doubling the effort involved. While that might well suit your purposes you will be well aware that the variation in numbers of public comments for 'equivalent' FUL and LBC applications illustrates that a proportion of people do not do so as they think that commenting on one applies also to the other. This effectively results in an under recording of public comments on many applications. It is already difficult enough to persuade individuals that they should participate in the planning process when they have concerns, particularly as there are time and access constraints which limit the consultation period but which are not widely understood by those not familiar with the planning process.

In order to gain the benefits you describe, and to reduce the extent of 'manual' intervention we therefore suggest that you must first address the shortcomings with the current portal processes, including robustness and reliability. Moreover a means of connecting related applications should be sought in order to avoid, or at the very least reduce, duplication of effort on the part of | |

	those submitting comments. If, and only if it is not possible to offer the opportunity to apply comments to more than one application, the online process should offer the opportunity to 'save' the comments & subsequently paste them into a secondary application process. We would also suggest that the online process should default to providing a copy of the comments to the 'applicants' email, with an option of opting out, rather than the other way round.

Your proposal highlights the workload for the Council in handling email representations and uses this to justify requiring anyone with internet access to use public access on the portal. This is a heavy handed approach and one which does not acknowledge the poor past performance and limitations of the portal, or the benefits for others of the present arrangements. A significant benefit for us in submitting comments by email is that we can circulate these among our membership by the same means. This process of communication is important for amenity organisations such as ourselves, of which there are many across the city despite the imposition of the community council system a number of years ago.   Therefore unless you can substantially improve on the present online processes we would object to the implementation of the changes you have proposed. | |
| Blacket Association | The Blacket Association agrees with the comments made by the West Blacket Association. | |
| Queensferry and District Community Council | My thoughts on this is that I would like to see Community Councils continue to be able send representations by e-mail(if they wish) for all applications and not just as a statutory consultee. At present when I send comments I do so as a PDF.

Regarding public comments, I understand that presently e-mail representations does cause a lot of extra work, which I did not | We would still accept paper representations.

There is no limit on the numbers of characters that can be inserted into the comments box. The reference to 500 is a rough guide on when the 20 minutes might time out. |

	realise and I can see your reasoning why you wish to make changes but I would hope that the change proposed would not put people off commenting on applications especially seeing the 20 minute time out warning and having to compose a word document or similar for more than 500 characters and then copy and paste. 500 characters is not a lot if you have detailed comments to make and unfortunately not everyone will be familiar with composing word documents. Maybe an upgrade is required for the portal to provide a comments system which would be easier to use all round and not having to count how many characters your comments will take and having to keep an eye on the clock incase you are going to be timed out before you have completed your comments. Just to verify - there will be no change regarding paper representations and you will accept these by post from people who do not have internet facilities and may have viewed the planning applications elsewhere or at consultations.	There will be upgrades to the portal later this year - automatic acknowledgements etc but currently it is easy to use and quite stable. Since April 2017, 87% of all the comments we have received have been made online through the portal.
Grange/Prestonfield Community Council	This is a response to the proposal in the email of 22nd December 2017 from Nancy Jamieson, Planning Team Manager Appeals and Review, for CEC to stop accepting representations by email on planning applications. Representations may then be made only on paper or through public access on the planning portal. It is stated that 75% of representations are now made via this public access route, which automatically redacts personal information., leaving some 3750 per year to be manually redacted based on the information given in the email. This proposal must reduce this redaction workload substantially assuming paper representations are only a small proportion of the total. 2. What is not stated in the email is whether this reduced workload would significantly reduce the overall workload of the CEC planning service. What might also reduce its workload would	Given that online comments are now at around 87%, around 700 emailed representations have been processed by the service since April 2017.

	be to reduce the need to email the planning service by improving the reliability of public access to the planning portal and its content. There are occasions where the system seems to be inaccessible, or there are delays in putting drawings on the portal after an application appears in the weekly list, or documents are left out or the wrong ones put in. We can see disputes arising where the planning service considers the portal is functioning when those trying to contact it are having some difficulty. We acknowledge that the CEC planning portal is better than many others, but if this proposal is to be implemented it should be accompanied by an examination to see what can be done to improve the robustness and reliability of the CEC planning portal system as a whole.	Each one is read by the case officer and they will usually print a paper copy as once it is sent to centralised resources to be processed, it can take some time to return. They send the email with the coding required and it is then processed by the same resources staff who validate applications, issue decisions and carry out all the other support processes required by legislation. So it could reduce the overall workload of officers and remove an administrative burden that could be easily avoided.
	3. Now almost all of the representations this community council makes on planning applications are made through public access on the planning portal, but there could still be occasions when the email route is best. Although much can be done in complex cases to reduce the risk of being timed out, by preparing a separate draft for instance, with attachments etc it is still possible to be annoyingly and frustratingly timed out. So is there some way in which extra time could be gained if needed? Also we think that Case Officers should be given the discretion to accept an email representation where justified.	Portal downtime is rare but there has been a problem with the scanners used to scan in paper applications. Drawings over A3 could not be scanned as the old scanner was no longer supported and could not be fixed and although a new scanner was bought, it had to be networked by CGI and this caused delays of around 6 weeks. This was not the fault of the portal but the hardware that the service uses.
	4. We don't think it is particularly helpful, as the email suggests, to accept email representations where a CC is a statutory consultee, as the CC may have to request this status in advance of knowing what route to adopt or indeed whether to make a representation. So to cover the situation a CC would have to request statutory consultee status more than needed also adding to the workload.	Upgrades to the portal will happen in summer 2018 and this will include the removal of the time

	5. Quite often when submitting a comment online using the public access route a message is received stating that the comment has been truncated. It does not state how it has been truncated. So to ensure the full comment is available to the Case Officer, we then separately email the complete version to the Case Officer. This is of course not an email requiring redaction , but still imposes extra work, so is there some way this truncation process can be changed to avoid this? 6. In summary therefore whilst not opposed to what is proposed, we think it must be accompanied by improvements to the public access route on the CEC planning portal. The email does not state when it is intended to start the change, if adopted. We suggest not for at least 3 months during which time those who send email representations should receive an automated response stating what is to happen and when.	out - comments will be saved for 2 days and automatic acknowledgements will be sent. Case officers would be given discretion to accept emails for particularly complex cases. Consultations are processed in a different way to comments. Normally a community council will decide if a proposal raises a wider community interest and so ask to be a statutory consultee. These comments can be made via the portal but it was considered that most CCs would strongly object if we asked all of them to make consultation responses via the portal.
West End Community Council	The feedback I've had from WECC members indicates a preference for retaining e-mail for our CC representations. We have not attempted to find out what residents in our area think of the proposal. We have in the past said that we think it important that paper representations be accepted, and are pleased that you intend to keep this option available for those who are not computer literate.	
Stockbridge & Inverleith Community Council	Whilst the Stockbridge & Inverleith Community Council (S&ICC) understands the Planning Department's desire to make commenting on planning applications more streamlined in order to cut down on the work of the department in these straightened times, we think that the removal of the right of private individuals to make comments and objections by email would be a serious retrograde step.	

	Most objectors probably don't use email; however, using the Planning Portal may be easy for those who know how but is off-putting to others. Being able to send a straightforward email to the Planning Department should remain an option. This is particularly useful on controversial developments where lots of people may ask community councils or other groups what to do. It is less complicated to provide people with an email address than to try and explain to them how to use the Planning Portal and people are far more likely to use email in such situations. The portal can time-out if you take too long and, indeed, the comment space is restricted in length which matters on a complicated proposal; if the length restriction were to be increased, this might result in fewer people using email responses in complex cases. The Planning Department will certainly have fewer objections if it refuses to accept emails. We doubt if the Department can legally refuse to accept comments sent by email and it would certainly make it more restrictive for the public to comment. Council and the Scottish Government are always saying they want to encourage public participation - this would do the opposite. A restriction on the use of email might affect community councils too; a community council may not always be a statutory objector (where email comments and objections would be allowed under the proposed change) and might find itself affected by such a restriction; for example, when an application is out with the community council's boundary. There may also be cases when an application is inside a community council's boundary but where the statutory right to comment may not exist; the definition regarding statutory rights is complex and the community council sometimes	The Council could legally refuse to accept emailed representations under Best Value legislation. The same action was taken with tree applications which were being emailed to the service in batches and the administrative burden was significant. Following a period of consultation and training, we informed tree agents we would no longer accept emails and all tree applications should be made online. This change happened 2 years ago and now virtually all tree applications are made online (although paper applications are submitted occasionally). However, it is preferred to make this change through training and communication and working with community councils. There would be no impact on the role of the community council as a statutory consultee. This would not change.

	has to notify the Planning Department that it wants to be considered as a statutory objector. The S&ICC requests that the proposal to disallow email responses be abandoned.	
Trinity Community Council	Community Councils make a valuable contribution to the planning process and are able to reflect the views of their local community. They welcome the opportunity to engage with your department and in particular find it valuable to be able to deal directly with the case officer. To facilitate access it is important that Community Councils have the flexibility of a number of ways to make representations to the City Council. The Planning Portal is not consistently reliable or easy to use. Therefore any proposal to reduce the means of access when commenting on applications would not be supported.	
Juniper Green and Baberton Mains Community Council	JG&BMCC is absolutely opposed to the proposal. We believe that the opportunity for members of the public to make their representations should be as simple and easy as possible. Current planning processes favour developers and, although we have seen from practical observation that often little weight appears to be given to the views of members of the public, CEC must ensure that the public can state its case. The planning portal is not easy to navigate and we would like to see training (online or by any other means) provided in its use so that greater use of it may be made. Perhaps the portal can be simplified in other ways. These changes in themselves will encourage respondents to use it rather than sending emails, but email representations and paper representations should not be disregarded. As a practical point, how would it be determined if the system were "down"? A respondent may attempt to use the portal but give up	

	due to the difficulty of navigation, and end up submitting an email on the basis that the system was not available to them. In the view of the respondent the system was down, but perhaps not in the eyes of the planning team – what record would be maintained of actual downtime?	The portal is fully monitored by the Council's IT service and a record is made of any downtime.
	As a further point, why must personal information be redacted? Can respondents not be advised that if they respond by email then their personal information may be made public? We note that current guidance on making representations states that "Your comments cannot be treated as confidential…Representations may be made available on the Council website with any personal information, other than names and addresses, redacted to comply with the Data Protection Act". It would seem unnecessary for CEC to ask for more than the name and address of the respondent, thus it would seem that no details need be redacted if respondents are given clear guidance.	Personal information must be redacted to comply with data protection legislation. This applies even if there is an agreement to publish it and leaves the Council open to significant risk if not complied with.
	However, even if improvements cannot be made that facilitate submitting representations via the portal, JG&BMCC firmly opposes the proposal not to accept email representations. As a separate point, the original closing date of 18 January for accepting responses on this matter was insufficient. While the closing date has been extended a further month, an adequate consultation period should be offered from the initial release.	
Gordon Macdonald MSP	1. Completion of an online form rather than sending out an email is more onerous to the objector and, thus, would be a disincentive to object. 2. For an objector to complete an online form, there is the assumption that the form will display correctly on their internet viewing device; however, this is potentially not the case as more and more people switch to tablets and handheld devices, and/or may have out of date browser	The planning portal is compatible with tablets and phones. The council website at www.edinburgh.gov.uk/planning will lead quickly to the portal. We would not expect the direct link to be written down and put into the browser. You

	software. Whereas, email is an established technology that works across all platforms without compatibility issues. 3. The direct link to an application can be complex and not suitable for writing down by hand, eg, https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=P2PA5PEWI5E00; the direct link to the objection section is similar, eg, https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=makeComment&keyVal=P2PA5PEWI5E00; whereas "planning@edinburgh.gov.uk" can be said and remembered or quickly written down (albeit that this has to be in conjunction with details to identify the application). 4. Objectors with visibility or disability issues are more likely to have adaptions for enabling them to email than to complete an online form. Therefore, although Gordon understands that processing objections via a form can have efficiency and accuracy benefits, email communication should still be available for the above reasons.	just go to the portal and either put in the application number or the address. We will have to resolve any issues for people with disabilities.
Individual comments - names are not included for data protection purposes	Person 1 - As a visually impaired and housebound Council Tax payer, I wish to express my disappointment and alarm at the continued erosion of my ability to participate in the community by the intended removal of being able to communicate on important local matters via E-Mail. If this medium is denied me, it will, effectively, mean that I have no voice in local matters since the remaining options are inaccessible to me – one because the website portal is so badly designed that it presents major hurdles to someone using screenreading software and the other because I am not able to get out of the house independently to post a letter and	The aim of the proposal is not to reduce the democratic right to make comments on planning applications and certainly not for people with disabilities but to do so in a way which reduces the risk of comments being lost and makes best use of the systems we have in place i.e. the Planning Portal.

	have minimal access to people who can take me out in my wheelchair. Before the final decision is taken to discard this medium, I would urge that the needs of all community members are taken into account rather than wilfully further isolating minority elements. As the precedent has already been established by both the council and Scottish government, I find it very baffling as to why its removal is being considered without a meaningful and usable alternative being put in place which is fully accessible to everyone – not just the lucky ones! Person 2 - I am not happy about the proposal to withdraw email representations on planning issues. I can see no fair justification for doing this and making it less convenient for objectors who would have instead to put up with the vagaries and limitations of the Planning website. Person 3 - I understand that in the future we are not going to be allowed to make objections to Planning Applications by email? If this is so then I must protest, as this is the 21st Century and we should be making the good use of the options available to us for communicating our opinions on important issues. Person 4 - Electronic systems such as the planning portal are pretty inflexible and you may be denied access to lodge a late objection. Personally, I think CEC are overstating the difficulties in dealing with emailed objections – handwritten letters I would have thought were far more of a problem. I also have concerns that (as has happened to me in the past), that this may be another way for objections to get 'lost' in the system. As the portal system requires you to tick the relevant box – Object, Support, Neutral – I can see a	Late objections are not usually accepted but they could be emailed in. The case officer would then assess if any new material considerations had been raised in it. If so, these would be addressed in the Report of Handling. The difficulties of email correspondence are not overstated. The email has to be forwarded to the Council's centralised transactions team, coded,

	temptation to just tot up the number in each category and not read what people actually have to say – that means councillors may have the additional burden of reading the letters to check what has been said.	manually redacted, manually uploaded to the portal and acknowledged. None of this is required if the comment is made online. Handwritten letters are also time consuming but we understand that not everyone is online.
	Person 5 - I am writing to object to the proposal that CEC Planning would cease to accept residents' representations on planning applications by email. Although it is possible to comment via the Planning Portal, it is a relatively complex process that discourages occasional users from becoming involved in planning decisions:	
	- Users have to register or log into the portal	Registration is not compulsory and so logging on is not necessary unless you want to.
	- There is a 20 minute time out restriction, which will catch some residents unawares and result in a wasted attempt to engage with the planning process - Users are obliged to compose their comments separately in a Word document, and then copy/paste it into the portal, if they intend their comments to be longer than 500 characters.	There is a warning about the time out and users are advised to copy and paste their comments to avoid this. This will change with an upgrade in the summer when the draft will be saved for 2 days
	- This 500 characters limit seems to equate to around 100 words - or 6 lines. This is nowhere near enough to begin to address the issues within a planning decision and is completely inadequate. It is likely that residents will run out of space quite quickly, and again it will be a wasted attempt and result in disengagement from the process.	There is no limit on the number of letters or words.

	- Most residents will not be regular users of the Planning Portal, and will not necessarily find it simple to comply with all these constraints. Overall, I would suggest that this is not a user friendly way to gather opinions on matters which can have a significant impact on local peoples' quality of life and their local community. Email is used with no constraints when the government invites public comments on the Scottish Planning Bill, and again with the DPEA. This should also be the case with public comments on local planning decisions. It is appreciated that the Planning department is working within an austerity budget, but this is no justification to further discourage public participation in the planning process by making it unnecessarily complex. Public trust in the planning process is at an all time low, and this move would seem to be a somewhat cynical way of further reducing public participation in what is supposed to be a democratic process.	The Scottish Government or DPEA do not have a Public Access portal so as this option is not available.
	Person 6 - As it is my democratic right to comment on planning proposals, I object to being further limited in the methods I can use. If I can email my MSP, my MP and even my GP, I see no valid reason why I should not email the council's planning department. The Scottish government does not impose email constraints on the public when inviting comments on Bills, so why should CEC? Written comment incur additional cost for the planning department since they have to be redacted, scanned, and no doubt	Comments as above

	manually entered into the system. The current web portal can be seen as intimidating by some, and is liable to timing out before some have registered their comments.	