

# Notice of meeting and agenda

## Planning Committee

**2.00 pm, Wednesday 30 May 2018**

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

## Contacts

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## **1. Order of business**

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- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Deputations**

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- 3.1 None

## **4. Minutes**

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- 4.1 Planning Committee of 14 March 2018 (circulated) - submitted for approval as a correct record

## **5. Business Bulletin**

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- 5.1 Planning Committee Business Bulletin (circulated)

## **6. Planning Policy**

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- 6.1 Review of Planning Guidance: Advertisements, Sponsorship and City Dressing – report by the Executive Director of Place (circulated)

## **7. Planning Process**

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- 7.1 Compulsory Purchase Orders for Pennywell Town Centre – report by the Executive Director of Place (circulated)

## **8. Planning Performance**

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- 8.1 Planning and Building Standards Service Improvement Action Plans for 2018/19 and Review of Customer Service Charter – report by the Executive Director of Place (circulated)
- 8.2 Implementing the Programme for the Capital: Coalition Commitments – report by the Executive Director of Place (circulated)

## **9. Local Development Plan**

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- 9.1 Edinburgh Local Development Plan 2: Project Overview – referral from the Housing and Economy Committee (circulated)

## **10. Conservation**

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- 10.1 None

## 11. Motions

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11.1 Motion by Councillor Staniforth – Supplementary guidance on short term lets  
Committee:

- 1) Recognises that a working group has been established to address issues around short term lets in the city.
- 2) Notes that there is currently only very limited planning guidance on short term lets and that this guidance is open-ended and liable to significant variation in interpretation.
- 3) Notes that current guidance indicates the factors that will be taken into account in deciding whether planning consent will be granted but fails to make clear the circumstances in which planning consent will be required.
- 4) Notes that the issue of short term lets has grown very rapidly in scale in recent years and that clearer planning guidance is urgently required.
- 5) Resolves that there will be a report to the committee which will include new draft supplementary planning guidance for short term lets within two cycles.
- 6) Further resolves that in preparing the updated draft guidance, officers should consult with the working group to ensure that it is compatible with future, wider solutions to the issue of short term lets.

### Laurence Rockey

Head of Strategy and Insight

### Committee Members

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Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Graczyk, Griffiths, Mitchell, Mowat, Osler and Staniforth.

### Information about the Planning Committee

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The Planning Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Planning Committee usually meets every eight weeks. It considers planning policy and projects and other matters but excluding planning applications (which are dealt with by the Development Management Sub-Committee).

The Planning Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

### Further information

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If you have any questions about the agenda or meeting arrangements, please contact Stephen Broughton or Carol Richardson, Committee Services, City of Edinburgh

Council, Waverley Court, Business Centre 2.1, 4 East Market Street Edinburgh EH8 8BG, Tel 0131 529 426, e-mail [stephen.broughton@edinburgh.gov.uk](mailto:stephen.broughton@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

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## Planning Committee

2.00 pm, Wednesday 14 March 2018

### Present

Councillors Gardiner (Convener), Booth, Child, Dixon, Gordon, Graczyk, Griffiths, Mitchell, Mowat, Osler and Staniforth.

## 1. Community engagement in planning – detailing proposals

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### 1.1 Deputation – Planning Aid Scotland/Leith Academy

The Committee agreed to hear a deputation from Erin Fulton Planning Aid Scotland and Ria Ellison, Eleanor Brennan and Molly Upward, Leith Academy in relation to the report by the Executive Director for Place on community engagement in planning.

The deputation advised of their experience of a workshop organized by the Council on ways to improve the area where they lived and around the waterfront.

The workshop consisted of comparing maps of the area and highlighting the important points in the locality, Leith Links, Ocean Terminal and the school.

The workshop gave young people who were often ignored the opportunity to express their views, the workshop also had an interactive question and answer session which allowed them to express their views on improvements to the area. The points highlighted in this were traffic congestion, public safety and lack of recreational facilities. The points highlighted as good were Leith Links for recreation, public transport to and from the area, Ocean Terminal as a community hub, however there was need for improvement in the shopping experience, there was also a high level of local identity in the community.

Areas highlighted for improvement were care and maintenance of property, waste collection, litter and social interaction facilities for young people.

In conclusion they highlighted the lack of consultation to seek the views of young people, and asked that a concerted effort be made to make all consultations more inclusive that took in the views of all.

### 1.2 Report by the Executive Director of Place

Details were provided of proposals for improving engagement in the planning system.

### Decision

1. To note the content of the report by the Executive Director of Place in terms of how the planning service intends to improve engagement in the planning process;
2. To agree the proposals to involve more children and young people in planning projects and processes;
3. To note that the planning service would work with the development community to encourage the involvement of children and young people at pre-application stages of major planning applications;
4. To agree to engage with the process to increase participation in the planning system; and
5. A progress report be presented to Planning Committee on the outcomes of these engagement processes in 12 months.
6. The guidance for pre-applications to be amended to encourage developers to engage with young people.

(Reference – Planning Committee 17 August 2017 (item 6) and 12 October 2017 (item 8); report by the Executive Director of Place, submitted)

## **2. Minute**

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### **Decision**

To approve the minute of the Planning Committee of 11 December 2017 as a correct record.

## **3. Business Bulletin**

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The Planning Business Bulletin of 14 March 2018 was presented.

### **Decision**

To note the Business Bulletin

## **4. Supplementary Guidance: Heat Opportunities Mapping**

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The Edinburgh Local Development Plan was adopted in November 2016. The Local Development Plan requires statutory Supplementary Guidance to be prepared regarding heat mapping and district heating opportunities.

Approval was sought of the draft Supplementary Guidance on Heat Opportunities Mapping for consultation purposes.

### **Decision**

1. To approve appendix 1 of the report by the Executive Director of Place as draft Supplementary Guidance on Heat Opportunities Mapping for consultation purposes; and
2. To refer appendix 1 of the report by the Executive Director of Place to the Housing and Economy Committee for approval prior to consultation.

3. To note that there would be a committee workshop for members arranged during the consultation period on this issue.

(Reference – report by the Executive Director of Place, submitted.)

## 5. Annual Review of Guidance

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Details were provided of changes to planning guidance in 2017 and those intended for the coming year, and approval was sought for minor updates to certain guidelines.

### Decision

1. To note the progress in consolidating and updating guidance for users of the planning service (appendix 1 of the report by the Executive Director of Place);
2. To approve the attached minor updates to certain guidelines (appendix 2 of the report by the Executive Director of Place);
3. To approve the programme for work in 2018 as set out in Section 3 of the report of the report by the Executive Director of Place; and
4. To approve the new streamlined process for the preparation and review of non-statutory guidance, which was trialled during 2017 (appendix 3 of the report by the Executive Director of Place).

(References – report by the Executive Director of Place; submitted.)

## 6. Planning and Building Standards Performance and Service Improvements

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An update was provided on the Planning and Building Standards Customer Engagement Strategy and Building Standards Improvement Plan.

Proposals for a number of service improvements to help improve performance and efficiency including changes to the Scheme of Delegation and various procedural changes were detailed.

### Decision

1. To note the Minister's response to the Council's 2016/17 Planning Performance Framework;
2. To note performance issues in Planning and Building Standards;
3. To note progress with the delivery of the Planning and Building Standards Customer Engagement Strategy;
4. 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:
  - i. The Chief Planning Officer shall have delegated powers to determine householder development planning applications, where not more than 20

representations or a petition have been received, provided other parts of the scheme of delegation do not apply

- ii. The Chief Planning Officer shall have delegated powers to determine local applications for refusal, where not more than 20 representations in support have been received, subject to certain provisos, including the issues raised.
  - iii. The Chief Planning Officer shall have delegated powers to determine planning applications, other than householder development, where a petition has been submitted properly headed with material planning considerations and it has not more than 20 signatures of objection in relation to recommendations for approval and not more than 20 signatures of support in relation to recommendations for refusal
  - iv. 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;
  - v. 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
  - vi. The term non-statutory Council adopted policy shall be removed from the Scheme of Delegation.
5. 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:
- a) The Chief Planning Officer shall have delegated powers to determine all listed building consent applications conterminous with an associated householder development where not more than 20 representations or a petition have been received, provided other parts of the scheme of delegation do not apply
  - b) 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 not more than 20 signatures of objection in relation to recommendations for approval and not more than 20 signatures of support in relation to recommendations for refusal.
  - c) 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;
  - d) 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;



- e) The term non-statutory Council adopted policy shall be removed from the Scheme of Delegation;
  - f) 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
  - g) The Chief Planning Officer shall have delegated powers to publish the Local Development Plan as Modified following Examination
6. To cease the informal arrangement whereby all applications for replacement large scale adverts and school extensions be determined by Committee as summarised in paragraph 3.38 of the report by the Executive Director of Place
  7. To approve changes to Development Management Sub-Committee procedures as detailed below:
    - A. Pre-application reports will only be presented if a member of the DM Sub-Committee requests a presentation;
    - B. Interested parties invited to hearings will be defined as only those who have commented on the planning application;
    - C. Committee reports will be made more concise with electronic links to relevant information;
    - D. The practice of making paper copies of representations available in the party group rooms will cease; and
    - E. Members of the Development Management Sub-Committee will have the opportunity to request a short presentation rather than a full presentation.
    - F. To note the practicalities of C and E above would be determined at a workshop of the Planning Committee.
  8. To approve operational changes to deliver service efficiencies as detailed below:
    - I. Assessment of an application including neighbour notification, advertising and consultations will not start until all the information is submitted; and
    - II. No changes be made to the consultation and notification requirements for amendments and variations.
  9. To note that a detailed service improvement plan for both Planning and Building Standards will be reported to the next meeting of Committee;
  10. To approve changes to the Streetnaming Charter as detailed in paragraph 3.73 of the report by the Executive Director of Place; and
  11. To note the response to the review of planning documentation to assist the visually impaired.

(Reference – report by the Executive Director of Place; submitted.)

## 7. Grants to Third Sector Organisations 2018/19

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Approval was sought for the annual grant awards to Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust.

### Decision

1. To approve grants for £46,000 to Edinburgh World Heritage and £25,833 to Edinburgh and Lothians Greenspace Trust; and
2. To note the grant awards to the Cockburn Association, the Scottish Civic Trust, Architectural Heritage Society for Scotland, the Edinburgh Access Panel and Archaeology Scotland as outlined in appendix 1 of the report by the Executive Director of Place.

(Reference – report by the Executive Director of Place; submitted.)

### Declaration of Interests

Councillor Child declared a non-financial interest in this item as one of the Councils appointees on Edinburgh World Heritage and Lothians Greenspace Trust.

Councillor Gardiner declared a non-financial interest in this item as he had been nominated to be one of the Councils appointees on Edinburgh World Heritage and Lothians Greenspace Trust

## 8. Developer Contributions: update and new Supplementary Guidance

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The Council on 26 October 2017 approved a motion by Councillor Ritchie on Developer Contributions

The Housing and Economy Committee on 18 January 2018 considered a report by the Executive Director of Place on various issues relating to developer contributions, including the implications of the 'Elsick' decision on the Council's approach to developer contributions.

The Committee was requested to discharge the motion by Councillor Ritchie

### Decision

To discharge the motion by Councillor Ritchie

(Reference – report by the Head of Strategy and Insight; submitted.)

## **9. Edinburgh Urban Design Panel: Eighth Progress Report**

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The annual review of the Edinburgh Urban Design Panel's work was provided

### **Decision**

1. To approve the recommendations and actions from the annual review of the Edinburgh Urban Design Panel; and
2. To record its appreciation of the voluntary contribution made by Panel members to the design review process.



(Reference – report by the Executive Director of Place; submitted.)

## Planning Committee

**2.00pm, Wednesday 30 May 2018**

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

## Planning Committee

Convener:	Members:	Contacts:
<p>Councillor Neil Gardiner</p> 	<p>Councillor Chas Booth Councillor Denis Dixon Councillor George Gordon Councillor Ashley Graczyk Councillor Joan Griffiths Councillor Max Mitchell Councillor Joanna Mowat Councillor Hal Osler Councillor Alex Staniforth</p>	<p>Stephen Broughton Committee Services 0131 529 4261 <a href="mailto:stephen.broughton@edinburgh.gov.uk">stephen.broughton@edinburgh.gov.uk</a></p> <p>David Leslie Chief Planning Officer 0131 529 3948 <a href="mailto:david.leslie@edinburgh.gov.uk">david.leslie@edinburgh.gov.uk</a></p>
<p>Vice- Convener Councillor Maureen Child</p> 		

### Scottish Public Services Ombudsman (SPSO)

Following a complaint regarding a development at Canonmills Bridge, the SPSO upheld three of the four complaints made against the Council as planning authority. The complaints were as follows:

- The council unreasonably failed to consider their waterside development policy when processing the planning application (UPHELD)
- The council unreasonably failed to consult SEPA on the planning application (UPHELD)
- Communication with the applicant was unreasonable (UPHELD)
- The council unreasonably accepted that works for the application were initiated on time (NOT UPHELD)

This case raises a number of issues:

- Relevant policies should be explicitly referred to in reports of handling. Whilst the report to Committee confirmed the proposals complied with the Development Plan, the relevant waterside policy was not referred to. Whilst this may not have been a key issue in this case, it was a matter that required consideration.
- Where there is ambiguity over whether to consult with external bodies, it is wise to err on the side of caution. In either event, this should be made clear in the report of handling. In this case, the Council's flood protection team were consulted so flooding issues were addressed.
- It is recognised that keeping on top of communications in complex cases can be time consuming. However, a considered early response may forestall further communications. In this case, the responses were quite technical and led to more questions, further delay and ultimately a formal complaint.

The SPSO has recommended that this information should be shared with all relevant Council staff.

## Housing Land Audit and Delivery Programme

Planning Committee discussed the findings of the annual audit at its meeting in October 2017 and referred it to Housing and Economy Committee to consider actions to help accelerate housing delivery. A report on this issue was discussed at Housing and Economy Committee's meeting on [22 March 2018](#). This includes a detailed analysis of sites in the audit which have constraints and means of accelerating delivery. Committee concluded that a more interventionist approach may be required for the Council to work with others to find ways of unlocking development. Progress on such actions will be included in the annual report of audit findings to Planning Committee at its meeting in October 2018.

# Planning Committee

2.00pm, Wednesday, 30 May 2018

## Review of Planning Guidance: Advertisements, Sponsorship and City Dressing

Item number	6.1
Report number	
Executive/routine	
Wards	
Council Commitments	<a href="#">C11, C15, C27</a>

### Executive Summary

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The existing policy on '[Advertisements, Sponsorship and City Dressing](#)' requires revision to address the increasing move towards digital advertising and its potential impact on amenity and public safety. The objective is to provide a coherent and up-to-date policy with a focus on commercial advertising and sponsorship.

Wide-ranging consultation exercises are proposed to explore the opportunities, concerns and issues surrounding all types of outdoor advertising including digital. The consultation will inform a review of the existing policy which will be presented to Planning Committee for approval.

Further work will be required to update the 'Guidance for Businesses' and to develop a separate protocol for city dressing.



## Review of Planning Guidance: Advertisements, Sponsorship and City Dressing

### 1. Recommendations

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- 1.1 It is recommended that the Planning Committee;
  - 1.1.1 Agrees the review of the planning guidance and the revised focus on outdoor advertising and sponsorship; and
  - 1.1.2 Agrees the proposed consultation themes and exercises.

### 2. Background

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- 2.1 The planning guidance on Advertisements, Sponsorship and City Dressing was approved by Planning Committee in [2010](#) with subsequent minor amendments in [2013](#). The guidance requires updating in response to a number of factors;
  - 2.1.1 To address the changing format of outdoor advertising towards digital where over half of outdoor advertising is now delivered digitally;
  - 2.1.2 To provide updated guidance given the date of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984;
  - 2.1.3 To link with other Council initiatives connected to the public realm;
  - 2.1.4 To review where it is appropriate to have outdoor advertising within the city;
  - 2.1.5 To explore the opportunities that outdoor advertising can deliver for the city; and
  - 2.1.6 To rationalise the planning guidance by focussing on outdoor advertising and sponsorship controlled through the planning process.

### 3. Main report

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- 3.1 It is proposed that the review and the revised policy focus on outdoor advertising and sponsorship which require advertisement consent. The current policy also includes guidance related to businesses, city dressing and event publicity. Consequently, there will be a requirement to review the 'Guidance for Businesses' policy. In terms of the city dressing and event publicity, these are not normally controlled through the planning process given the temporary nature. However, guidance and direction to control and improve the presentation of events within the

city is still required. The Events Group has agreed to undertake a review of city dressing and develop a separate protocol.

- 3.2 Outdoor advertising varies in its format and the revised planning guidance is expected to cover the following: temporary advertising, advertising on scaffolding, sponsorship, street furniture, small format, large format and public safety.
- 3.3 Outdoor advertising has long been a feature of the city's townscape and is typically located in areas of high footfall and vehicle movement to reach as many people as possible. However, the increasing change to digital outdoor advertising is a new phenomenon, currently constituting around half of all outdoor advertising. There are significant benefits of digital advertising for the industry including the ability to accommodate multiple advertisers and to run flexible and responsive campaigns. As the cost of digital technology continues to decline, there will be an increased demand for digital advertising including converting existing sites to digital.
- 3.4 Adverts can only be assessed on the grounds of public safety or amenity. Planning cannot control the content of adverts. Digital has potentially a greater impact on amenity and public safety through the level of illumination, the capability for movement/animation and the transition of adverts. However, the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 which controls adverts is increasingly out-dated given the change to digital.
- 3.5 It is important to see the review as part of the wider Council initiative to reduce street clutter and enhance the city's streets and public spaces, for example, in line with the trade waste strategy, the 'A' Board strategy and the Central Edinburgh Transformation Project. The impact of outdoor advertising on the public realm has to be carefully considered in terms of the format and locations of adverts.
- 3.6 However, as with many other local authorities, advertising can help to fund projects, maintenance and services for the Council. Temporary advertising such as poster boards and advertising drums can promote and support local organisations and events as well as reduce fly-posting and graffiti. One of the aims of the review is to explore the range of opportunities and benefits.
- 3.7 Overall, it is timely to explore the concerns, challenges and opportunities of advertising through consultation with the public, stakeholders and industry to ensure a robust and current planning guidance. The review and consultation will require a balanced approach in exploring and considering the city's approach to outdoor advertising and sponsorship.

### **Engagement and Consultation**

- 3.8 The engagement and consultation exercises will explore the different formats of adverts and the themes of amenity and public safety.
- 3.9 Two main consultation exercises are proposed:
  - Public Survey on the Consultation Hub; and
  - Stakeholder Workshops.

- 3.10 The proposed public survey questions for the Consultation Hub are outlined in appendix 1. The published version will include photographs to illustrate the questions. The aim is to explore general public perceptions of the benefits, concerns and opportunities of advertising within the city. The survey will be publicly available as well as sent to key target audiences including community councils and business organisations as outlined in appendix 3. The public survey will be on-line for eight weeks and will be promoted via social media.
- 3.11 It is proposed to hold a series of workshops with internal and external stakeholders which will involve more detailed and targeted questions. The proposed consultation boards are outlined in appendix 2. The proposed workshop stakeholders are outlined in appendix 3 and include the advertising industry and amenity groups. Any requests to participate in the workshops or respond to the more detailed questions will be accommodated. It is expected that the workshops will take place in June with scope for additional workshops as required or requested.
- 3.12 The themes and questions of the consultation exercises have been informed by identifying issues with the current planning guidance, reviewing appeal decisions and researching other local authorities' planning guidance for outdoor advertising.

#### **Outcomes**

- 3.13 Following the consultation process, a revised guidance on outdoor advertising and sponsorship will be presented to Planning Committee for approval. A review of the existing 'Guidance for Businesses' will be required to capture the business related advertising elements such as flagpoles and banners. A city dressing protocol will also need to be developed.

## **4. Measures of success**

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- 4.1 Measures of success will be the level of participation in the consultation exercises, the balanced review of the issues raised and the delivery of revised guidance.

## **5. Financial impact**

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

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

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- 6.1 There are no perceived risks associated with this report.

## **7. Equalities impact**

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- 7.1 There is no requirement to undertake an assessment at this time. An Integrated Impact Assessment will be undertaken for the finalised guidance.

## **8. Sustainability impact**

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- 8.1 There are no perceived sustainability impacts arising from this report.

## **9. Consultation and engagement**

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- 9.1 Consultation will take place prior to drafting the revised guideline as outlined in the main report.

## **10. Background reading/external references**

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- 10.1 Planning guidance on [Advertisements, Sponsorship and City Dressing](#).
- 10.2 Report to Transport and Environment Committee on 'A' Boards and other Temporary on-street Advertising Structures (17 May 2018).

### **Paul Lawrence**

Executive Director of Place

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## **11. Appendices**

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Appendix 1 - Proposed Draft Public Survey

Appendix 2 - Proposed Draft Workshop Questions

Appendix 3 - Proposed Consultees

## **APPENDIX 1**

### **Consultation Hub: Draft Public Questionnaire**

The Council's Planning Service currently has planning guidance on '[Advertisements, Sponsorship and City Dressing](#)'. This guidance is used to help decide whether certain adverts in the City are acceptable or not.

It includes large and small format adverts, advertising on scaffolding and advertising on street furniture e.g. bus shelters. It does not cover adverts on shops and businesses - but the commercial adverts you see when you are 'on the go' such as the billboards at the side of the road or the adverts on the bus shelters.

The Council has decided to review the guidance for a number of reasons. These include:

- The changes to digital advertising i.e. the growing number of digital screens
- Looking at where adverts should or should not be located in Edinburgh
- Exploring whether there should be more adverts in the city.

The Council is seeking your views to help decide what the new guidance should say. Following the consultation, new guidance will be drafted and presented to the Planning Committee for approval.

#### **Question 1)**

Many adverts are now being delivered via a digital screen rather than traditional paper billboards. It is likely that this change will continue. A digital advert allows for frequent advert changes, moving images and illumination.

What concerns, if any, do you have about digital advertising in Edinburgh? (Please tick all that apply).

- Digital advertising distracts drivers more than traditional advertising
- Digital advertising makes the city look less attractive
- Digital advertising creates light pollution
- Digital advertising negatively impacts on people with disabilities
- Other (please specify)

#### **Question 2**

What can the Council do to address your concerns about digital advertising?

#### **Question 3**

Where do you think it is acceptable to have advertising in Edinburgh? (Please tick all that apply).

- Bus shelters in busy shopping areas
- Bus shelters in residential areas
- Litter bins
- Lamp posts
- Park benches
- Building sites, while construction work is ongoing
- Bicycle storage
- Private businesses
- At sports venues
- On Council buildings
- On other public buildings, such as hospitals, schools, or libraries.

**Question 4**

Other than the items listed above, are there any areas of the city or Council properties where you think advertising should be allowed?

**Question 5**

What specific areas of the city, if any, should outdoor advertising not be permitted?

**Question 6**

Would you support more outdoor advertising in Edinburgh if you knew revenue from advertising was helping to pay for Council services?

**Question 7**

Do you support temporary adverts, such as poster sites, if they help to 'tidy-up' or improve the appearance of an area?

**Question 8**

Would you support more outdoor advertising in Edinburgh if community groups and local small businesses were able to access that advertising space free or at discounted rates?

**Question 9**

Do you have any other comments about digital or outdoor advertising?

**APPENDIX - 2****INTRODUCTION**

The Council's current planning guidance on **Advertising, Sponsorship and City Dressing** requires updating for a number of reasons:

- **To address the changing format of outdoor advertising towards digital;**
- **To review where it is appropriate to have outdoor advertising;**
- **To explore the opportunities that outdoor advertising can deliver for the City.**

The outcome is to provide robust and up-to-date planning guidance to help assess outdoor advertisement proposals.

Adverts can only be considered on the grounds of amenity and public safety. Planning cannot control the content of adverts.

**Consultation and Review Process**

These workshops are part of a wider consultation which also includes a public survey on the Council's Consultation Hub.

The consultation was approved by Planning Committee on 30 May 2018 and following consultation, a revised version of the guidance will be reported to Planning Committee.

# USING POLICY REVIEW

## ADVERT

### TEMPORARY ADVERTISING OPPORTUNITIES



### DISCUSSION POINTS

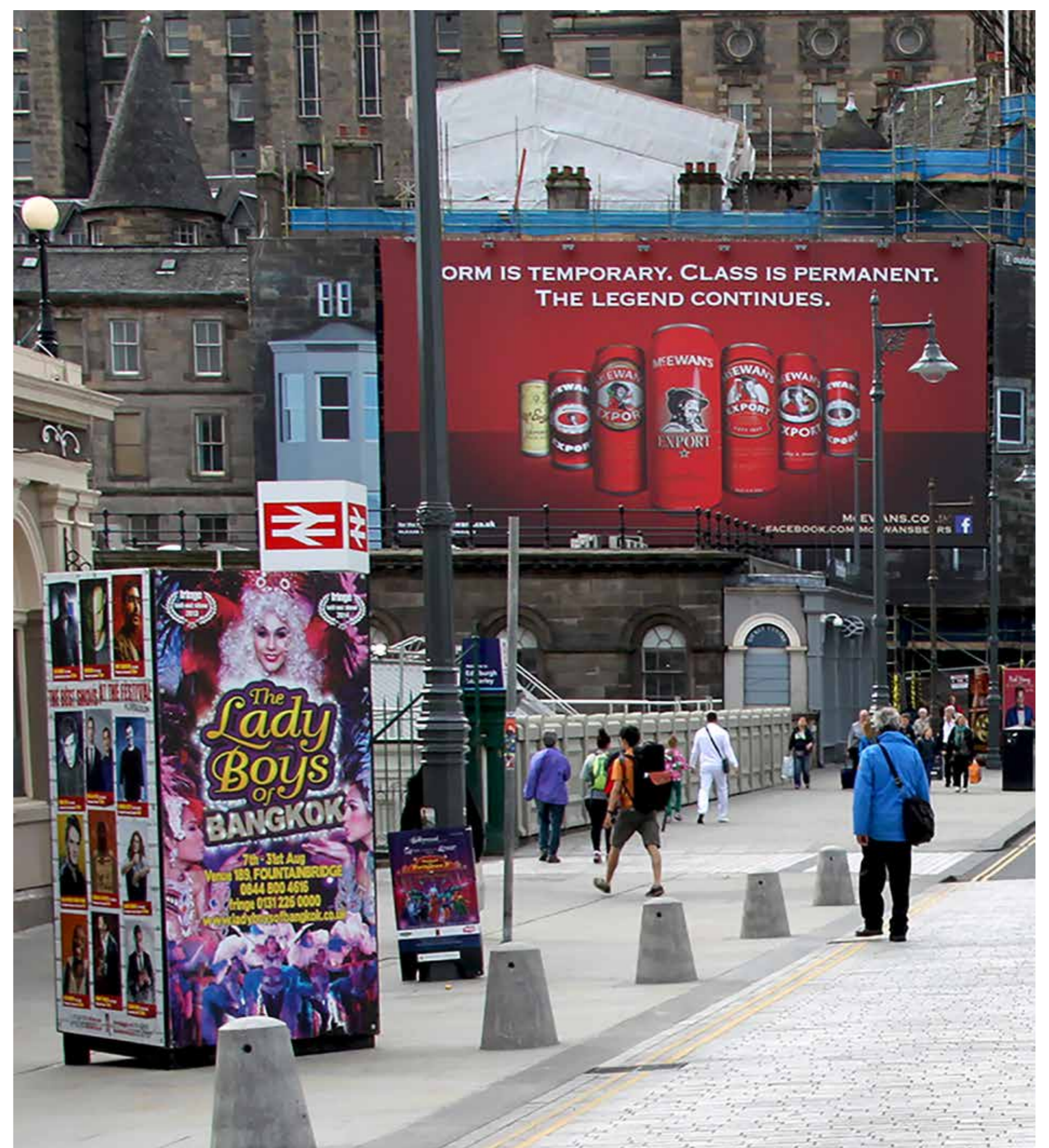
- Should advertising be allowed on construction sites, sites awaiting development and vacant buildings?
- Should there be any restrictions on locations?
- Should advertising only be allowed if it is part of an overall designed scheme that includes, for example: art work, wayfinding, community information, historical interpretation?
- Should sponsorship on Council infrastructure still be supported, for example on roundabouts?



# USING POLICY REVIEW

## ADVERT

### SCAFFOLDING



### DISCUSSION POINTS

- Should adverts remain restricted to a percentage of the building elevation? What should that percentage be?
- Should the rest of the scaffolding net be a 1:1 image of the building or could other creative solutions be considered?
- Should there be any difference in size of advert for the World Heritage Site from the rest of the City?
- Should there be any restrictions on locations?
- On buildings with more than one public elevation, should a larger advert be allowed?

# USING POLICY REVIEW

## ADVERT

### STREET FURNITURE

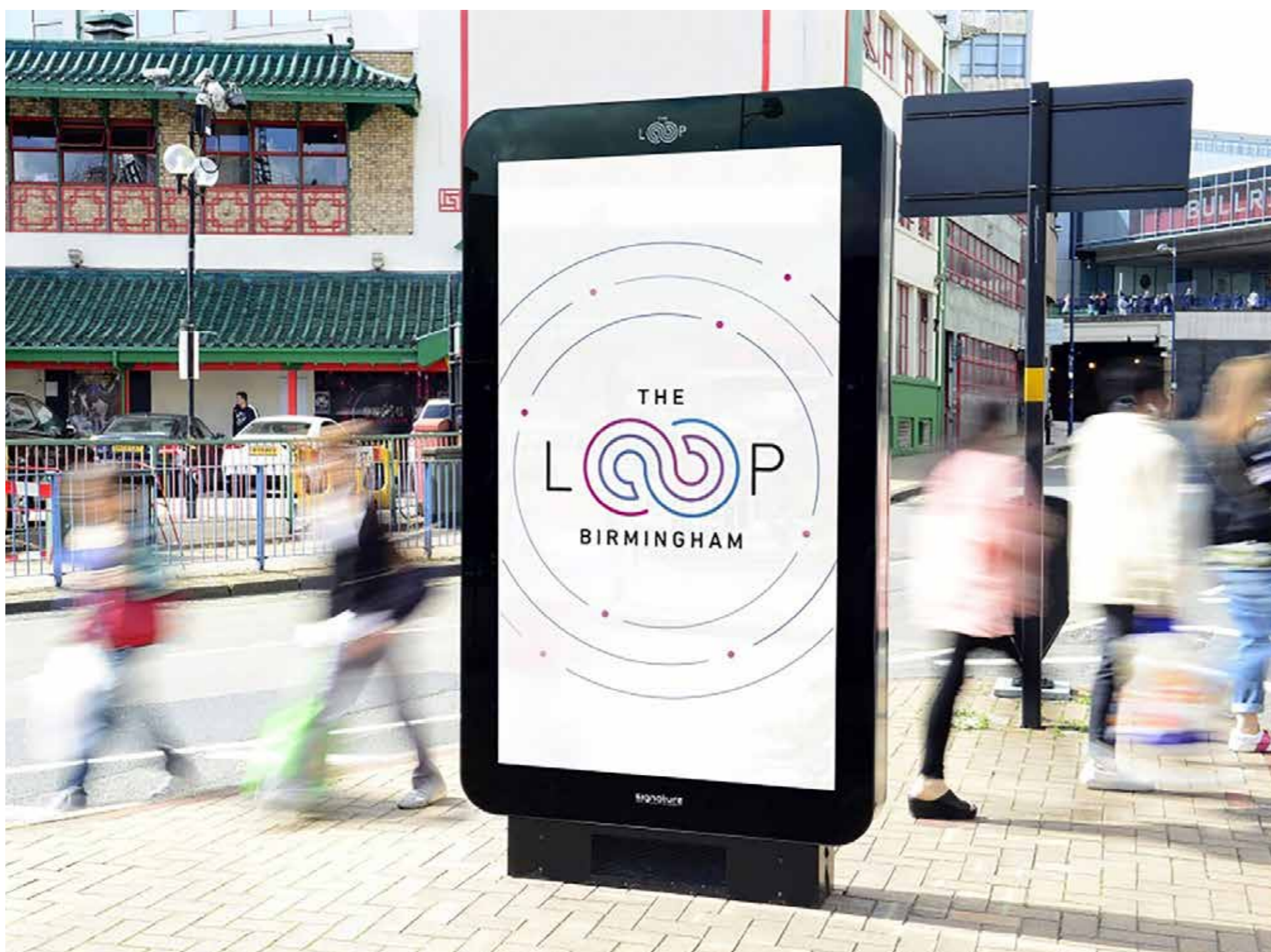


### DISCUSSION POINTS

- Should advertising (including digital) be located on other items of street furniture e.g. bins? Or should advertising remain limited to bus shelters?
- Could advertising be permitted on other street furniture if there is a clear benefit i.e. improving services, funding of streetscape projects or the removal/improvement of redundant street furniture?
- There are approved banner locations for advertising 'events', could these also be used for commercial advertising?
- Are there any locations in the city where no advertising should be allowed?
- If there is an increase in digital adverts, could there be a benefit to the local community or businesses i.e. advertising opportunities?

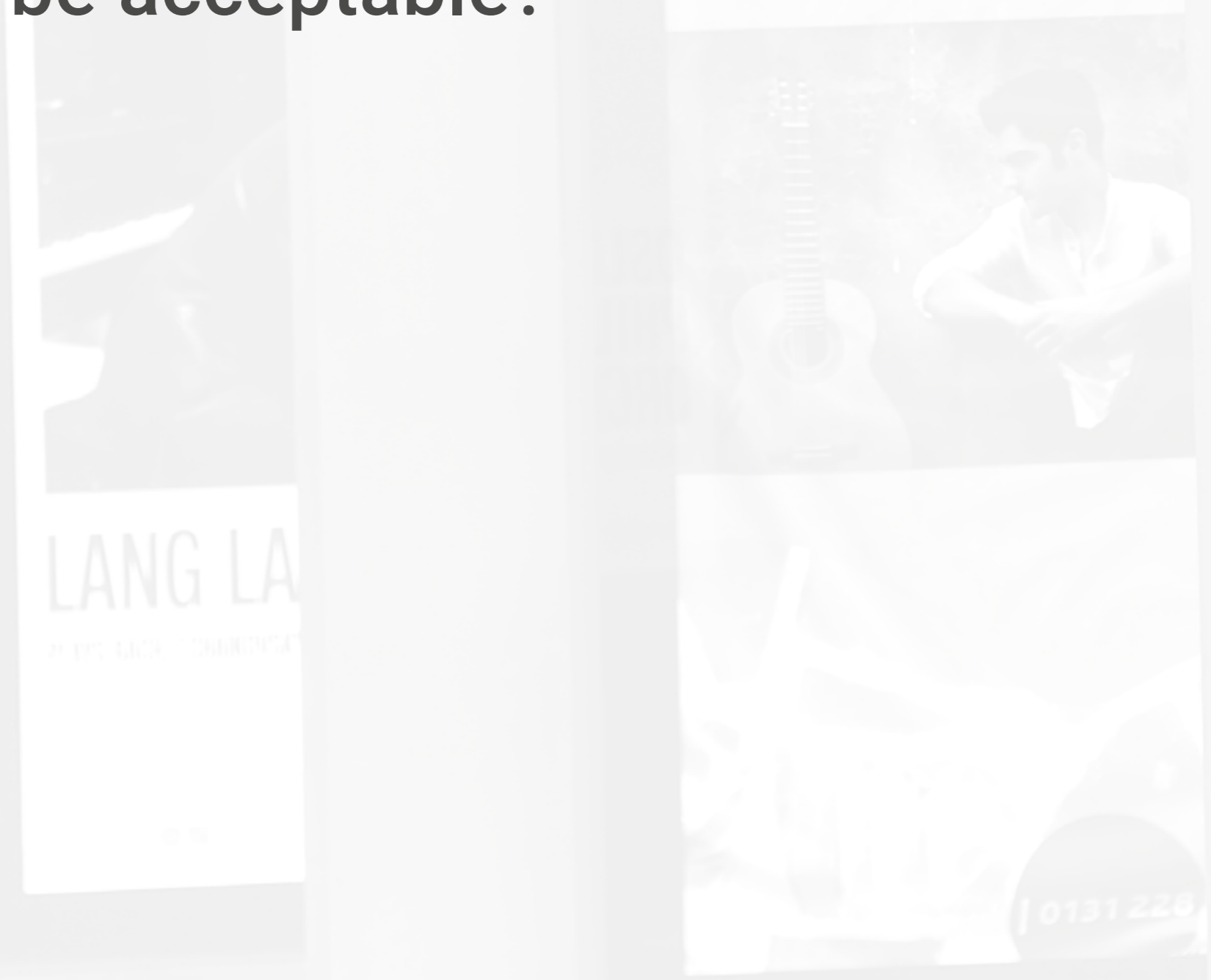
# USING POLICY REVIEW

## SMALL FORMAT ADVERTS



## DISCUSSION POINTS

- Should there be guidance on small format adverts attached to buildings?
- Should the presumption against free-standing adverts remain or are there locations or circumstances where free-standing small format adverts might be acceptable?



# USING POLICY REVIEW

## LARGE FORMAT



## DISCUSSION POINTS

- Is more guidance required on what is an acceptable location for example: commercial/ industrial areas, arterial route?
- Is the proliferation of large format adverts a concern?
- Are there areas/ locations where large format adverts would not be suitable?
- Is the impact on residential properties a key consideration?
- Where the character of an area is changing, for example from commercial to residential, should that be a factor in considering large format advert proposals?

# USING POLICY REVIEW

## ADVERT

### DIGITAL



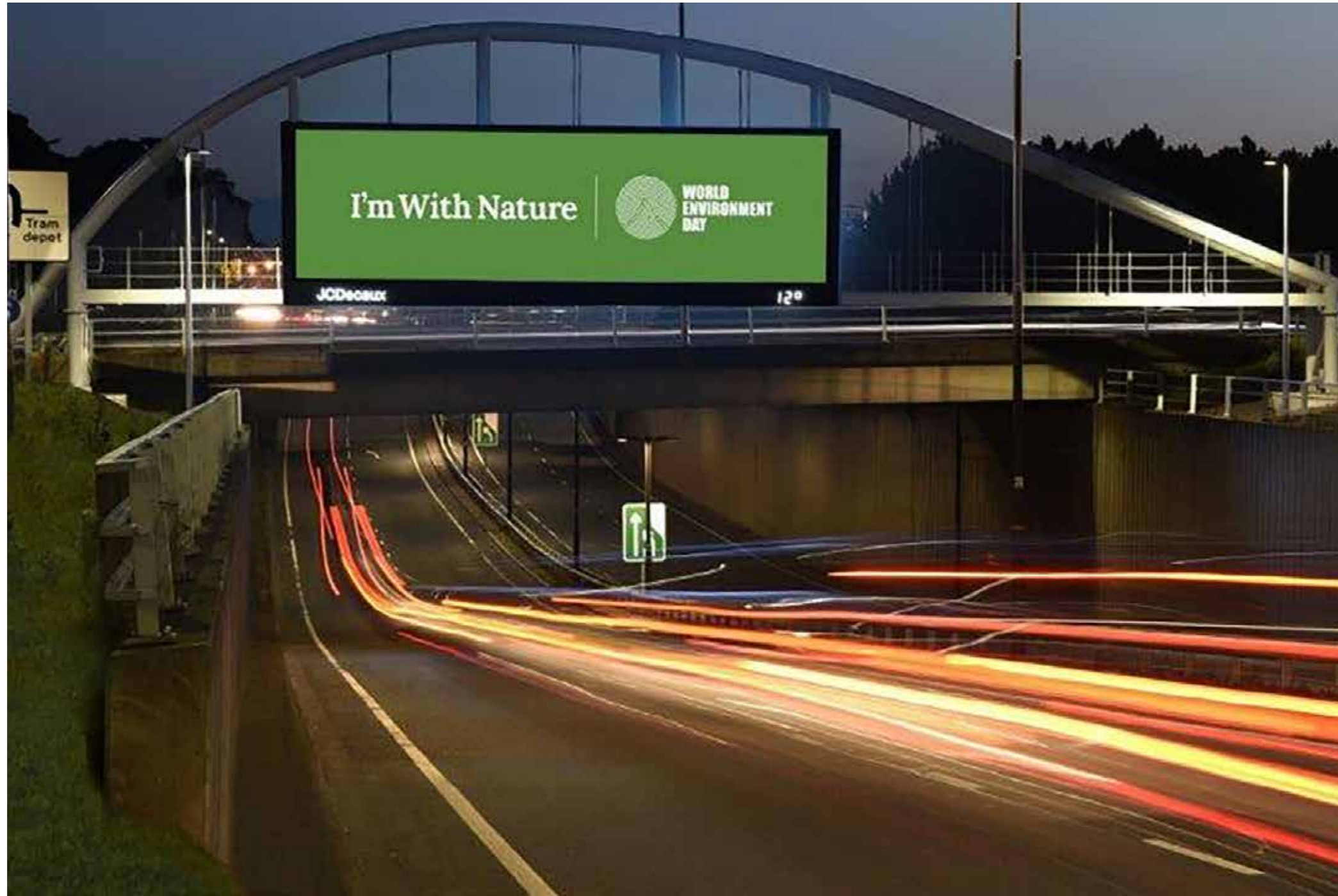
### DISCUSSION POINTS

- Should there be any differentiation between digital and non-digital adverts in terms of the guidance; or just acceptable locations for adverts?
- What scope is there for additional controls on digital adverts through planning conditions that could help to address public safety and amenity concerns?

# USING POLICY REVIEW

## ADVERT

### PUBLIC SAFETY



### DISCUSSION POINT

- Should the policy include more guidance on public safety - the key considerations/ checklist?
- What measures could be put in place to address any concerns regarding adverts and public safety?

## Appendix 3: Proposed Consultees

### Workshop

<b>Advertising Companies</b>	Ashleigh Signs
	Baillie Signs Ltd.
	Blaze Signs Ltd.
	City Centre Posters
	Clear Channel
	Forrest Outdoor Media.
	Harlequin (InLink UK)
	Insite Poster Properties.
	JC Decaux
	Out of Hand
	Outdoor Media Management Ltd
	Primesight Ltd
	SR Signs Ltd.
	The Poster Associates
<b>Amenity Group</b>	Architectural Heritage Society of Scotland
	Cockburn Association
	Edinburgh World Heritage
	Living Streets
<b>Business/ Marketing</b>	Essential Edinburgh
	Grassmarket BID
	Marketing Edinburgh
	West End BID
<b>CEC</b>	Parks, Greenspace and Cemeteries
	City Centre Programme Manager
	City Centre Transformation Project
	Place Management
	Procurement
	Culture
	Communications
	Localities: Transport & Environment
	Planning
	WHS Co-ordinator
<b>National Heritage Agency</b>	Historic Environment Scotland
<b>Transport</b>	Transport for Edinburgh

### Public Survey

<b>Arts and Culture</b>	Usher Hall
	Centre for Moving Image / Filmhouse
	Edinburgh Theatres
	Festivals Edinburgh
	Lyceum Theatre

	National Galleries of Scotland
	National Museums Scotland
	Queen's Hall
	Regular Music
	Royal Lyceum Theatre
	Scottish Chamber Orchestra
	The Bongo Club
<b>Community Councils</b>	All Community Councils
<b>Business Group</b>	BID - Edinburgh's West End
	BID - Essential Edinburgh (City Centre)
	BID - Greater Grassmarket
	Chamber of Commerce
	Edinburgh Chamber of Commerce
	Edinburgh Hotels Association
	Edinburgh Old Town Association
	Edinburgh Restaurants
	Federation of Small Businesses
	George Street Association
	Morningside Traders Association
	Princes Street Association
	Rose Street Traders
	Royal Mile Business Association
	Scottish British Beer & Pub Association
	Scottish Civic Trust
	Scottish Grocers Federation
	Scottish Licensed Trade Association
	Scottish Retail Consortium
	Tollcross Traders
<b>Equalities Group</b>	Edinburgh Access Panel
	RNIB Scotland



# Planning Committee

2.00pm, Wednesday, 30 May 2018

## Proposed Compulsory Purchase Orders - Pennywell Town Centre

Item number	7.1
Report number	
Executive/routine	Executive
Wards	4 (Forth)
Council Commitments	<a href="#">1 and 2</a>

### Executive Summary

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This report seeks approval to serve a Compulsory Purchase Order (CPO) in respect of three homes at 41/6 Pennywell Road, 47/9 Pennywell Road and 47/10 Pennywell Road.

Approval is also sought to serve a CPO in respect of the commercial leases at 61 Pennywell Road, 59 Pennywell Road, 55a-57 Pennywell Road, 53a Pennywell Road, 39 Pennywell Road, 45a Pennywell Road, 47a Pennywell Road and 9 Pennywell Court.

The purchase of these homes and leases by the Council is required to enable the next phases of the Pennywell/Muirhouse Civic Centre redevelopment, as approved by Council on 27 October 2016. Full planning permission has been obtained and a contractor appointed to deliver the works on a phased programme.

This project is central to the wider award winning 21<sup>st</sup> Century Homes Pennywell / Muirhouse regeneration project where over 700 new homes are being built by the Council in partnership with Urban Union. It will support growth of the local economy and enable all the residents of the local community to enjoy a higher quality of life.

## Proposed Compulsory Purchase Orders - Pennywell Town Centre

### 1. Recommendations

---

- 1.1 It is recommended that committee;
  - 1.1.1 Agrees to pursue a CPO for the homes at 41/6 Pennywell Road, 47/9 Pennywell Road and 47/10 Pennywell Road and instructs the Head of Legal, Risk and Compliance to commence proceedings;
  - 1.1.2 Agrees to pursue a CPO for the commercial leases at 61 Pennywell Road, 59 Pennywell Road, 55a-57 Pennywell Road, 53a Pennywell Road, 39 Pennywell Road, 45a Pennywell Road, 47a Pennywell Road and, 9 Pennywell Court and instructs the Head of Legal, Risk and Compliance to commence proceedings;
  - 1.1.3 Notes that it is intended to submit a draft Compulsory Purchase Order to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers; and
  - 1.1.4 Notes that the Council will continue to seek a negotiated purchase of the homes and leases in parallel with the CPO process.

### 2. Background

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- 2.1 The Central Area Masterplan for Pennywell/Muirhouse received Planning Permission in Principle on 16 August 2012 (Planning reference 12/00996/PPP).
- 2.2 The Central Area Masterplan set out the general principles for the Civic Centre in the context of the surrounding homes and the NHS led Partnership Centre. At the time of master planning, the architects were limited in their scope due to the current Muirhouse shopping centre, which is a dominant feature, being in private ownership. The majority of this structure was therefore retained on the plan, in its current form.
- 2.3 Ongoing consultation as part of the regeneration programme highlighted a strong local desire for more extensive redevelopment in order to create a 'civic heart' that can meet the needs of the community both now and in the future. The purchase of the Muirhouse Shopping Centre by the Council in 2014 provided an opportunity to review the scope of potential redevelopment in line with the overall aims and objectives of the regeneration programme.

- 2.4 On 27 October 2016 Council agreed to the delivery of a new civic centre for Pennywell/Muirhouse. This included the demolition of 48 existing flatted properties (five of which were privately owned) and 25 commercial units. A map of the existing layout is included at appendix 1.
- 2.5 A contract is in place with Willmott Dixon Ltd through the national Scape framework, to carry out the redevelopment of the shopping centre and surrounding area.
- 2.6 In addition to funding agreed by Council, the town centre project has been supported by Scottish Government Regeneration Capital Grant Funding. The project represents an additional investment of over £20million in the area.
- 2.7 The first phase of demolition and construction is underway. The finished project will include high quality public realm, 13 retail units and 148 flats, 96 of which have been designed to help meet the needs of older people.
- 2.8 Planning permission in principle for the whole site was secured in June 2017 alongside detailed planning permission for the first phase of works to the civic square, 12 flats and three retail units (Block 2). A map at appendix 2 shows the numbering of proposed buildings.
- 2.9 Detailed planning permission was granted for phases 2 and 3 (blocks one and three) of the project in December 2017. A phased demolition and construction programme is in place, to complete by spring 2022 which allows for the re-housing, buy backs and a commercial relocation strategy to retain retail while the regeneration is ongoing.
- 2.10 Phased demolition of the shopping centre commenced in October 2017. Good progress has been made and the first phase of new homes and retail is expected to be ready for occupancy by early 2019.

### **3. Main report**

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- 3.1 Since late 2016, the Council has undertaken continued and constructive dialogue with the owners of all five privately owned residential properties, two of which have been purchased to date. These properties are ex-Council, sold under the former Right to Buy entitlement.
- 3.2 The Council will continue to engage with the three remaining privately-owned flats at 41/6 Pennywell Road, 47/9 Pennywell Road and 47/10 Pennywell Road with a view to purchasing these properties to allow for the redevelopment to take place within the timescales outlined within appendix 2.
- 3.3 Negotiations with all three home owners have, to date, been positive and it is hoped that amicable agreements can be reached in all three cases. However it is important that the Council acquires title to all properties in line with timeframes outlined within appendix 2 to allow redevelopment to take place within the contractual programme.

- 3.4 CPO action requires to be commenced now to ensure that titles to the three properties can be timeously acquired to ensure the contractual programme is not delayed. The CPO will only be implemented, in respect of any of the three properties, if the property has not been able to be acquired by agreement by the project deadlines set out at appendix 2.
- 3.5 The Council has also, since late 2016, been in dialogue with leaseholders currently occupying retail units in the centre with a view to managing the redevelopment sensitively so that retail provision is retained throughout the project.
- 3.6 There are eight leases which require termination outwith their current terms. These are:

**Phase 2**

- 3.6.1 59 Pennywell Road Sara Zarar, Ali's Pizza
- 3.6.2 61 Pennywell Road Paulo Crolla t/a Gerry's Cafe
- 3.6.3 55a-57 Pennywell Road Lloyds Pharmacy Ltd
- 3.6.4 53a Pennywell Road Whitecross Dental Care Ltd

**Phase 3**

- 3.6.5 39 Pennywell Road Colin Lai, New Suen Moon Take Away
- 3.6.6 45a Pennywell Road Greggs plc
- 3.6.7 47a Pennywell Road Ladbrokes Betting and Gaming Ltd
- 3.6.8 9 Pennywell Court Tendayi Chengeta t/a EH4 Hair & Beauty

- 3.7 It is anticipated that the contractor will require vacant possession of the retail units outlined at 3.6.1 – 3.6.4 by early 2019 to allow for phase 2 demolition to commence. Phase 2 demolition will commence on completion of phase 1 redevelopment to allow for retailers which have chosen to relocate into phase 1 from Pennywell Road to do so.
- 3.8 It is anticipated that the retail units at 3.6.5 – 3.6.8 will be required in 2020 on completion of phase 2, this will permit some retailers from phase 3 to relocate into phase 2 allowing for demolition of the final phase 3 to commence.
- 3.9 It is important that the Council achieves vacant possession in line with timeframes outlined above to allow redevelopment to take place within the contractual programme. Negotiations to date have been positive with all commercial tenants whose leases are affected, it is hoped that amicable agreements can be reached in all eight cases.
- 3.10 CPO action requires to be commenced now to enable vacant possession of these properties to be timeously acquired and to ensure the contractual programme is not delayed. The CPO will only be implemented if by the project deadlines negotiations have not enabled amicable agreements to have been reached.

## **4. Measures of success**

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- 4.1 The CPO process is progressed in line with relevant legislation to allow the construction of new homes, retail, and public realm.
- 4.2 Success will be measured through the provision of high quality and sustainable new homes and public realm, creating a new mixed tenure community where people choose to live, work and play.

## **5. Financial impact**

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- 5.1 An allowance has been made in the project budget on the basis of available valuations, to calculate the purchase prices.
- 5.2 A further allowance has been made in the project budget for costs associated with relocating tenants and compensating where lease will be terminated early as a result of the development.
- 5.3 These costs were previously approved by Council in the report dated 27 October 2016.
- 5.4 The costs relating to the CPO process itself such as preparation and promotion of the orders will be met from existing Housing Revenue Account budgets.

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

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- 6.1 The Procedure for making and where appropriate confirming most CPOs is contained in The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (the "1947 Act"). Specific Acts of parliament provide the Council with powers to acquire land by CPO in specific circumstances.
- 6.2 Acquiring title by CPO is a complex process, with the 1947 Act putting mechanisms in place to ensure an objecting affected party has a right to be heard and that all affected parties are fairly compensated.
- 6.3 Where a CPO is not objected to it may be confirmed by Scottish Ministers within months, however if it is objected to it may take significantly longer.
- 6.4 If negotiations were to fail in respect of any of these properties without a CPO being commenced now there is a significant risk to delivery of the programme.
- 6.5 The Council has CPO powers to enable delivery of this redevelopment project in terms of Section 189 (1) of the Town and Country Planning (Scotland) Act 1997. Section 189 (1) allows a local authority, on being authorised by Scottish Ministers, the power to acquire compulsorily any land in their area which is;
  - 6.5.1 suitable for and is required in order to secure the carrying out of development, redevelopment or improvement; and

- 6.5.2 required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated
- 6.6 If approved by Planning Committee, a draft CPO will be prepared. The draft CPO and this report will be referred to full Council for approval. If approved, the order will be advertised with an opportunity for any objections to be made. If objections cannot be resolved, Scottish Ministers will appoint a Reporter and arrange for a Hearing or Inquiry in respect of the CPO. Subject to the ministers' satisfaction the order will be confirmed, modified or rejected.
- 6.7 If the CPO is confirmed by Scottish Ministers it will be for the Council to determine whether it is necessary to implement it.

## **7. Equalities impact**

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- 7.1 There are no adverse equality issues arising from this report. The purchase of homes previously owned by the Council will allow the completion of a major regeneration project. The CPO process is designed to ensure that individuals rights are protected, the Council is fully engaging with this.
- 7.2 Appropriate support, such as translation services, will be provided to property owners and leaseholders as required.
- 7.3 Construction of 148 new affordable homes will improve the housing opportunities in the area for those on low to moderate incomes.
- 7.4 The 96 homes in phase 3 include wheelchair and amenity flats to meet tenants' changing needs. This phase will include lifts to maximise accessibility.
- 7.5 The houses will be highly insulated and energy efficient meaning they require less energy to heat and therefore reducing living costs for tenants.
- 7.6 The construction of a new civic square is expected to deliver significant benefits in terms of social cohesion and the place making objectives of the wider regeneration of the area.

## **8. Sustainability impact**

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- 8.1 Compulsory purchase of the current flats and retail will allow for the development of new energy efficient homes and retail around a new well designed civic square.
- 8.2 Homes will be built to high standards of energy efficiency and sustainability and will help to reduce fuel poverty.

## 9. Consultation and engagement

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- 9.1 Regular engagement continues to take place with homeowners and leaseholders to ensure they are kept informed of progress and timescales of the regeneration project.
- 9.2 The Council opened negotiations with the homeowners in late 2016 regarding the acquisition of their properties within the timescales and on mutually agreeable terms.
- 9.3 The Council has continued to provide the Commercial Tenants with regular updates regarding the redevelopment, progress with planning applications and any associated site works. Throughout this process the Estate Officers have worked to reduce disruption where Tenants' businesses have been affected by site activity.
- 9.4 The redevelopment works have been structured in three phases to minimise disruption to the commercial tenants' businesses and to retain an element of retail for the local residents throughout the build period.
- 9.5 The Council has updated the commercial tenants when timescales have been proposed and set for each stage of the demolition. Where tenants will be affected and leases need to be altered or terminated early, the Council opened negotiations with the Tenants as early as possible with the aim of reaching an agreement acceptable for both parties by way of a relocation were possible or compensation.
- 9.6 The ward Councillors, local community and other stakeholders are consulted on the development of plans for the regeneration of the area through regular meetings and public events.

## 10. Background reading/external references

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- 10.1 [Pennywell-Muirhouse Civic Centre Redevelopment, report to Council, 27 October 2016](#)
- 10.2 [Pennywell Muirhouse Masterplan, Report to Development Management Sub Committee, 13 December 2017](#)
- 10.3 [Pennywell Muirhouse Masterplan, Report to Development Management Sub Committee, 14 June 2017](#)

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## 11. Appendices

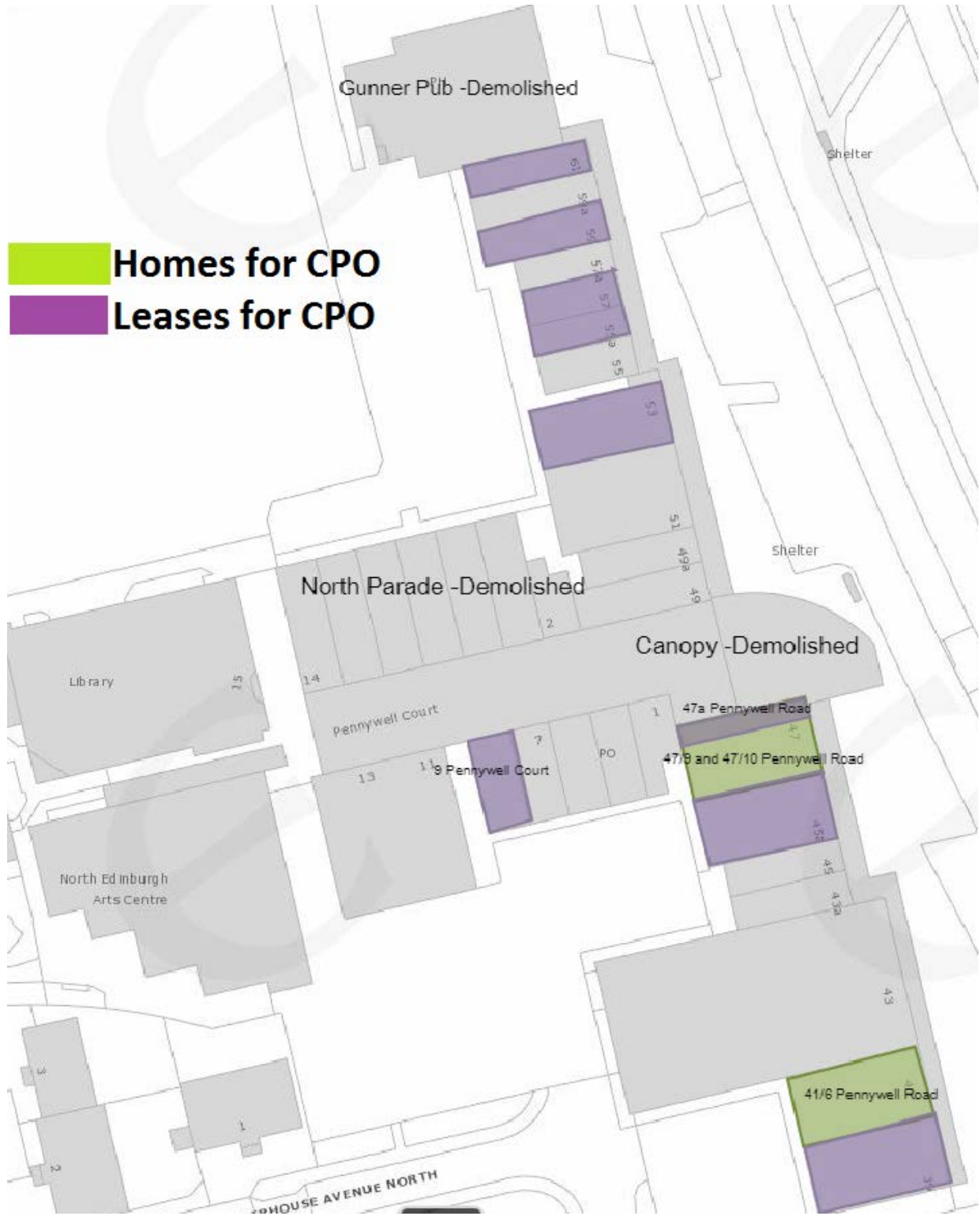
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Appendix 1 – Existing Layout

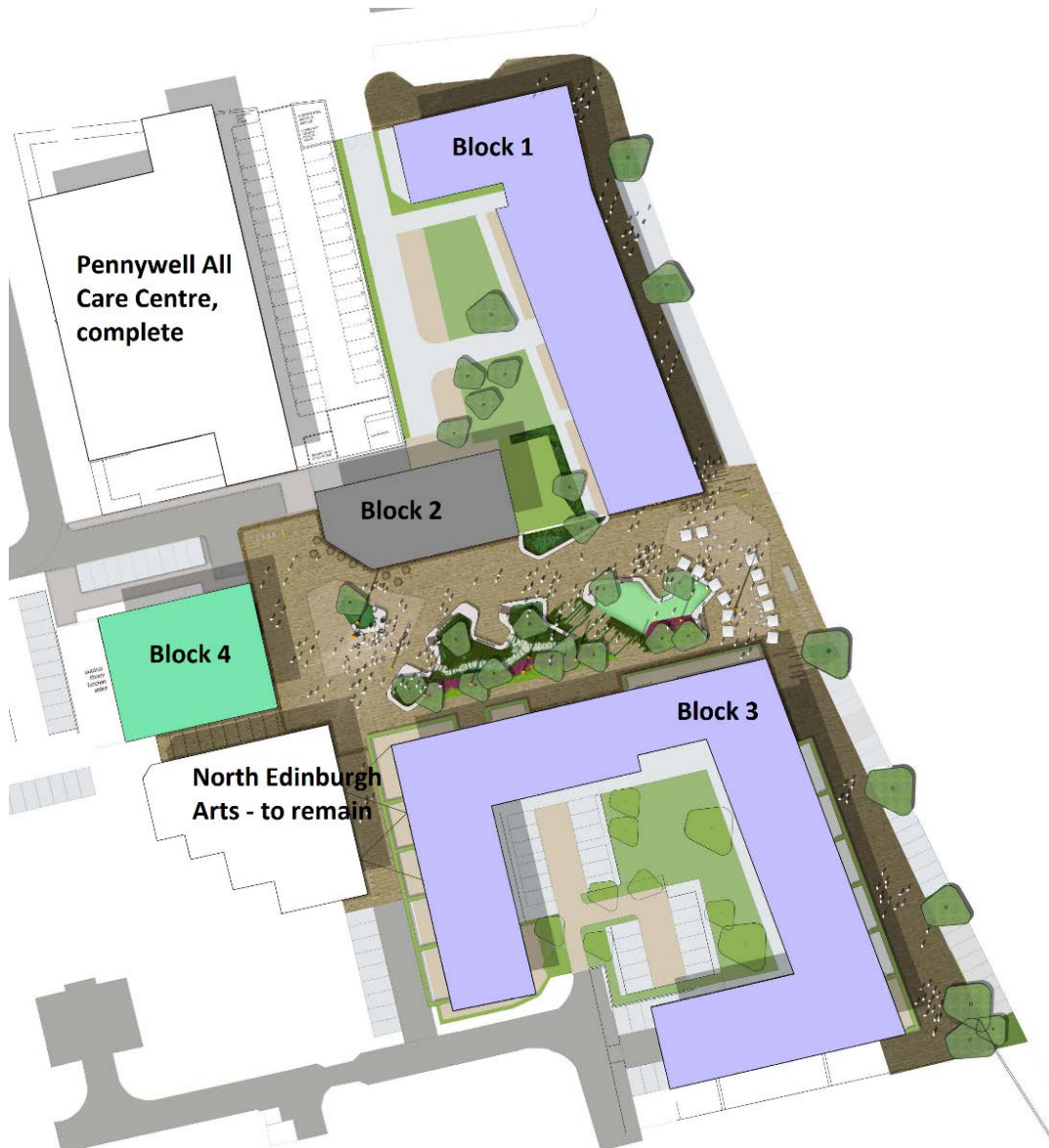
Appendix 2 – Proposed layout with development timescales



**Appendix 1 - Existing layout**



## Appendix 2 - Proposed Site Layout



### Indicative Programme

#### Phase 1

Block 2 – Demolition commenced October 2017

#### Phase 2

Block 1 – Start date estimated Spring 2019, or on completion of Phase 1

#### Phase 3

Block 3 – Start date estimated 2020, or on completion of Phase 2

Block 4 – Design development underway

# Planning Committee

2.00pm, Wednesday, 30 May 2018

## Planning and Building Standards Service Improvement Action Plans for 2018/19 and Review of Customer Service Charter

Item number	8.1
Report number	
Executive/routine	Executive
Wards	All
Council Commitments	<a href="#">13</a> , <a href="#">15</a>

### Executive Summary

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The purpose of this report is to present the Planning and Building Standards Service Improvement Action Plans for 2018/19 and to review the Customer Service Charter. The Planning Service Improvement Action Plan requires the Committee's approval as it will be incorporated into the Planning Performance Framework for 2017/18. The report also seeks Committee approval of changes to the Planning and Building Standards Customer Service Charter to reflect the latest national building standards performance targets. It follows from the report considered by Committee on [14 March 2018](#) on Planning and Building Standards Performance and Service Improvements.

## Planning and Building Standards Service Improvement Action Plans for 2018/19 and Review of Customer Service Charter

### 1. Recommendations

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- 1.1 It is recommended that the Committee:
  - 1.1.1 Approves the Planning Service Improvement Action Plan for 2018/19;
  - 1.1.2 Notes the Building Standards Service Improvement Action Plan 2018/19;
  - 1.1.3 Notes that a further report on broader three year improvement plans for Planning and Building Standards will be presented to a future meeting of the Planning Committee; and
  - 1.1.4 Approves the changes to the Planning and Building Standards Customer Service Charter.

### 2. Background

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- 2.1 At its meeting on [14 March 2018](#) the Committee considered a report by the Executive Director of Place on Planning and Building Standards Performance and Service Improvements. The Committee noted that a detailed service improvement plan for both Planning and Building Standards would be reported to the next meeting of the Committee.
- 2.2 The performance of the Planning Service is reported to the Scottish Government annually through the Planning Performance Framework (PPF). The PPF assesses performance in the round in terms of both qualitative and quantitative measures. When assessing the PPFs, Scottish Ministers expect planning authorities to demonstrate a culture of continuous improvement.
- 2.3 With regard to Building Standards, since the committee meeting on 14 March, Kevin Stewart MSP, Minister for Local Government and Housing, wrote to the Council to advise that the Council has been appointed as Building Standards Verifier for the Council's geographical area for a period of one year.
- 2.4 With the agreement of Scottish Government, the Council has commissioned an improvement team to help address weaknesses identified by the Scottish Government's Building Standards Division's (BSD) Audit.

- 2.5 The Improvement Team have now been engaged and the service is working closely with them to further develop the improvement plan already in place. This report sets out the progress made so far and the next steps.
- 2.6 In addition, Internal Audit carried out an audit of Building Standards in November 2017. This audit was reported to the Governance, Risk and Best Value Committee on [8 May 2018](#).
- 2.7 The national targets for Building Standards performance have been changed. The Planning and Building Standards Customer Service Charter needs to be updated to reflect these changes.

### 3. Main report

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#### **Planning**

- 3.1 The PPF for 2017/18 is currently in preparation and will be submitted to Ministers at the end of July. The PPF will include a summary of the service improvements planned for 2018/19 based on the Planning Service Improvement Action Plan.
- 3.2 The Planning Service Improvement Action Plan for 2018/19 is attached at appendix 1. This draws together a number of actions from various sources including internal audits and customer forums. The Action Plan will be monitored regularly by planning managers and the outcomes reported in the PPF for 2018/19.
- 3.3 However it is recognised that a more strategic approach is required to service improvements in the context of the Council's emerging change strategy, the Scottish Planning Review and the Planning (Scotland) Bill. It is proposed, therefore, to embed the Service Improvement Action Plan 2018/19 in a broader improvement plan for the Planning service covering three years. This will be presented to a future meeting of the Committee.

#### **Building Standards**

- 3.4 The functions of the Building Standards Service are delegated to the Executive Director of Place as set out in the Council's Scheme of Delegation to Officers.
- 3.5 The performance of the Building Standards Service is reported quarterly to the Scottish Government. In future these reports will be included in the Planning Committee Business Bulletin or in substantive reports on the agenda as appropriate.
- 3.6 In response to the BSD and Internal Audits, a Service Improvement Action Plan for 2018/19 has been developed. A summary of this is attached at appendix 2.
- 3.7 However to ensure sustainable improvements to the service and a longer period of appointment as a verifier, it is proposed to embed the Service Improvement Action Plan 2018/19 in a broader improvement plan for the Building Standards service covering three years. This will be prepared with the assistance of the improvement team and presented to a future meeting of the Committee.

- 3.8 Once complete, the Building Standards Service Improvement Plan, will accompany the 2018/19 version of the Building Standards Annual Performance Report, which is due to be published at the end of July.
- 3.9 It is proposed that both of these three-year improvement plans will cover the following matters:
- 3.9.1 Strategy: This long term vision for how the service will fully support the extent of development planned for the city in the years ahead;
  - 3.9.2 Governance: The structures that will be put in place within the Council to ensure that the programme is met;
  - 3.9.3 Oversight: How the improvement programmes will be scrutinised by elected members (including to Planning and Governance, Risk and Best Value Committees);
  - 3.9.4 Risk: How risk will be addressed by the service and how this will be managed strategically within the Council;
  - 3.9.5 Customer: How customers of the service, including direct users and the wider public will be engaged in the development and ongoing evolution of the improvement plan; and
  - 3.9.6 Compliance: How the service will meet the standards, targets and expectations of the Scottish Government.

#### **Customer Service Charter**

- 3.10 In addition, minor changes are proposed to the Planning and Building Standards Customer Service Charter. These are made to ensure the Council's target timescales for processing building warrants match those set nationally by the Scottish Government. These are that:
- 3.10.1 95% of first reports on building warrant applications (telling you if you need to make changes to your proposals to comply with current building regulations) to be issued within 20 working days; and
  - 3.10.2 90% of building warrants, if the final revised drawings are altered to the Council's satisfaction, to be issued within 10 working days.
- 3.11 A revised version of the Planning and Building Standards Customer Service Charter which sets out these targets is attached at appendix 3. The changes are highlighted in yellow.
- 3.12 While it is acknowledged that the Building Standards service is not currently meeting these targets, it is the objective of the Service Improvement Plan that these targets are met.

## **4. Measures of success**

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- 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**

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- 5.1 The costs associated with implementing most of the proposed improvements will be met from the Planning and Building Standards Service budget for 2018/19. There are no significant cost savings envisaged from these changes.
- 5.2 However the upgrade of Uniform (which is proposed as part of action 14 in appendix 1) will have a cost implication for the service. The planned upgrade affects a number of Council service areas, not only Planning and Building Standards. Once the costs are clarified and the implications for service areas are known, these will be picked up within the regular budget monitoring activities for Place.

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

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- 6.1 There are no risks to the Council associated with this report. Service improvements that lead to increased performance will reduce the risk of the Council being placed in remedial measures by the Scottish Government.

## **7. Equalities impact**

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- 7.1 The Service Improvement Actions Plans and Customer Service Charter will benefit all customers of the Planning and Building Standards Service and improve the wellbeing of staff. However they will not have a significant impact on equality, the economy or the environment and therefore an Integrated Impact Assessment has not been carried out.

## **8. Sustainability impact**

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- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are as follows:
- The proposals in this report will reduce carbon emissions because an efficient digital Planning and Building Standards service will reduce the need to travel and use paper;

- The need to build resilience to climate change impacts is not relevant to the proposals in this report because they focus on improving performance and customer service; and
- The proposals in this report will help achieve a sustainable Edinburgh because they will improve the well-being of staff, enhance the service for all customers and reduce the need to travel and use paper.

## 9. Consultation and engagement

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- 9.1 The Service Improvement Action Plans already include actions recommended by the Customer Forum in June 2017. A further meeting of the Forum will be held in June this year.

## 10. Background reading/external references

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- 10.1 [Report to Planning Committee 14 March 2018 - Planning and Building Standards Service Improvements](#)
- 10.2 [Report to Governance, Risk and Best Value Committee 8 May 2018 - Internal Audit Report on Building Standards March 2018](#)

### Paul Lawrence

Executive Director of Place

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## 11. Appendices

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Appendix 1 – Planning Service Improvement Action Plan 2018/19

Appendix 2 - Building Standards Service Improvement Action Plan 2018/19

Appendix 3 - Revised Planning and Building Standards Customer Service Charter



**APPENDIX 1 - PLANNING SERVICE IMPROVEMENT ACTION PLAN 2018/19**

Action Point	Action	Target Date	Owner	Comments	Status	
<b>Resources</b>						
1	Ensure adequate staffing levels to meet service demands	Fill all establishment vacancies as they arise and where appropriate use agency cover in the interim.	Mar-19	DRL/JDI/DG	The Planning Service received income of c. £2.4m in 2017/18. Performance remains fragile and it is essential to fill vacant posts quickly when they arise.	
2		Invest increase in budget provision in additional staff resources in accordance with Council Commitments	Sep-18	JDI	The Council budget for 2018/19 included an additional £100,000 for the Planning Service. This will be invested in accordance with Council Commitment No. 13.	
3		Invest increase in fee income in additional staff in accordance with Council Commitments	Sep-18	JDI	Planning fees for major applications were increased on 01/07/17. The increase is expected to generate c. £240,000 of additional fee income. This will be reinvested in accordance with Council Commitment No. 15	
<b>Processes</b>						
4	Improve performance in processing planning applications	Review the relationship between the planning applications process and the road construction consent process and any organisational change required.	Sep-18	GB	The Roads Authority input to planning applications, the issuing of road construction consents and the adoption of new roads are all carried out by different teams. There is potential to review these processes to ensure a seamless service to applicants. Regular liaison meetings are held with RCC and Transport colleagues.	
5		Increase the use of processing agreements or agreed extensions of time	Mar-19	JDI	Source: PPF 2016/17. The % of major applications with PPAs has declined in recent years to less than 30%. User feedback will be used to determine the reason for this and what actions could reverse this trend. This issue is under consideration by Scottish Government as part of Planning reforms.	
6		Develop or review protocols with key consultees to improve response times and links between council policies.	Mar-19	NAJ	Source: Internal Audit. A programme of review is currently underway. The protocol with Environmental Protection was completed in 2017/18. Work is progressing on a working protocol with Communities and Families and Flood Protection.	

Action Point	Action	Target Date	Owner	Comments	Status	
7		Undertake lean review of Intake, Registration, Validation and Allocation processes.	Dec-18	NAJ	Source: Internal QA Audit. A review of the validation process was undertaken in November 2015 but there is an opportunity to further improve performance. The previous changes will be re-assessed in 2018/19 to seek improved validation times.	
8		Implement updated model Section 75 agreement	Jun-18	JDI	Source: Customer Forum Action Plan. A new model Sec 75 agreement has been developed during 2017/18 in consultation with external solicitors advising the Council under the Framework Agreement. This will help speed up the issuing of consents.	
9	Improve alignment of development management and local community planning	Review area team structures and the potential to align with Localities while maintain a balance of workload.	Mar-19	JDI	Planning team boundaries are currently based on the LDP strategic development areas. It would assist integration of place-making and local community planning if they were realigned to match the Localities.	
10	Ensure developer's meet their commitments	Undertake process review of developer contributions	Jun-18	RA	Source: Council Commitment no. 13. A process review led by the Finance service is already underway.	
11	Increase the proportion of delegated planning decisions upheld by the Local Review Body	Monitor LRB decisions. Review and revise non-statutory planning guidance as necessary.	Mar-19	JDI	Source: PPF 2016/17. 79.3% of reviews were upheld in 2017/18 compared to 48.1% the previous year. Planning guidance was amended in March 2018 to reflect issues raised at appeal/review stage.	
<b>Engagement</b>						
12	Increase transparency of service	Put diagram of structure of service on web pages and planning blog.	Jun-18	NAJ	Source: Customer Forum Action Plan. Customers have asked to see how the service is structured	
13	Improve communication with customers	A review of communication channels including out-of-office messages and auto-responses to help manage customer expectations about how quickly the service responds.	Sep-18	NAJ	Source: Customer Forum Action Plan. Communications is one of the most common issues raised by customers and expectations are increasing. Greater clarity is needed on what the customer is entitled to expect.	
14	Channel Shift: remove barriers to an efficient and reliable electronic planning application process	Upgrade the back office case handling and document management systems.	Dec-18	JDI	The current back office systems are significantly out-of-date and not supported by the supplier. An upgrade has been commissioned which will significantly improve functionality and benefit both staff and customers.	

Action Point	Action	Target Date	Owner	Comments	Status
15	Work with external software providers to develop Public Access system to provide better information to customers particularly on application progress.	Mar-19	JDI	One of the most common reasons for customers to contact the service is to check on progress with applications. There is potential to provide better information on Public Access allowing customers to self-serve 24/7.	
16	Create "quick guides" and "how to " videos to help customers understand the planning process and make best use of online facilities	Sep-18	NAJ	A series of quick guides is now available on the Council website at <a href="http://www.edinburgh.gov.uk/downloads/download/204/planning_quick_guides">http://www.edinburgh.gov.uk/downloads/download/204/planning_quick_guides</a> 'How to Videos' are being prepared on a range of topics including 'How to Comment on a Planning Application	
17	Work with Scottish Government to develop the national Digital Planning Strategy	Mar-19	NAJ	Workshops and working groups are ongoing with the Scottish Government as part of Planning Reform. The Council's participation ensures it is fully involved in developing future systems. This covers issues of inclusion and diversity in engaging stakeholder groups.	

## APPENDIX 2 - BUILDING STANDARDS SERVICE IMPROVEMENT ACTION PLAN 2018/19

Action Point	Action	Target Date	Owner	Comments	Status	
1	Develop robust governance and oversight arrangements	Put in place project management arrangements for the delivery of the action plan and wider improvement plan.	Mar-18	DG	A project manager has now been appointed to ensure the delivery of the programme of improvements - including the actions set out in this plan. Governance arrangements are being put in place with a project board being chaired by the Head of Service and made up of key decision makers other service areas.	
2		Report regularly to relevant Committees to ensure Councillors have oversight of the programme of improvements.	Mar-19	DG / JDI	Internal Audit have reported to Governance, Risk and Best Value Committee on 8 May 2018 and it is intended that further reports on progress will be made later in 2018. Similarly it is intended that progress will continue to be reported to Planning Committee with the Improvement Plan being developed by the service and the Improvement Team to be reported in August 2018.	
3		Ensure risk is managed and reported appropriately	Mar-19	DG / JDI	The risks associated with Building Standards are being reported to the Corporate Leadership Team.	

Action Point	Action	Target Date	Owner	Comments	Status	
4		Engage with staff so that they can develop, deliver and own the improvements	Mar-19	DG / JDI	Staff have been engaged in delivering new ways of working for 2 project (the Virtual Team and CCNP / Site inspection)	
5	Ensure compliance with the Scottish Government's Operating Framework for Building Standards Verifiers.	Carry out a comprehensive review of procedural documentation and implement an ongoing review process so that new procedures are kept up to date.	Jun-18	CW	This process is well underway with 80% of documents being written and approximately 20% signed of by managers. The proposals are being developed so that 25% of new procedures are reviewed every 3 months, thereby ensuring all are reviewed yearly.	
6		Develop quality assurance processes to ensure that checks are in place throughout the building warrant process (from submission of application to acceptance of completion certificate).	Dec-18	DG	The first part of this project is underway, with methods being developed to ensure robust checking procedures are in place for the application stage of the process.	
7		Develop methods to allow feedback from the quality assurance processes, back to individuals, to staff more widely and into the process of review of procedures.	Dec-18	DG	These methods will follow the implementation of quality assurance checks	
8		Document procedures for contingency planning.	Jun-18	DG	This work is now complete with the existing procedure documented.	

Action Point	Action	Target Date	Owner	Comments	Status
9	Improve turn around times for the issuing of first reports on building warrant applications and improve the timescales for granting building warrants.	Dec-18	RG	<p>This project is underway, with the first part, the review of the CCNP process complete. Staff training has been completed on this. The revised CCNP is now being delivered on the computer system.</p> <p>The site inspection process has been reviewed. As a result a team of dedicated site inspecting surveyors is being formed.</p>	
10	<p>Continue to allocate work in the "shared services" arrangements with partner authorities.</p> <p>In long term seek to reduce this and ensure it is used as only contingency arrangement.</p>	Mar-19	RG / CN	This is continuing to be done with additional partner authorities being approached in order to provide greater resilience.	
11	Upgrade the back office case handling and document management systems	Dec-18	JDI	The current back office systems are significantly out-of-date and not supported by the supplier. An upgrade has been commissioned which will significantly improve functionality and benefit both staff and customers.	
12	Deliver mobile electronic devices to reduce paper handling of applications.	Sep-18	DG/JDI	Discussions are being had between the Council and its IT provider on the potential to pilot different tablet computer options.	

Action Point	Action	Target Date	Owner	Comments	Status
13	Review income to establish the extent of increase in income and consider how this could be reinvested in the service to ensure sustained performance improvement.	Jun-18	DG / JDI	It has been established that the fee increase has led to an increase in income. Additional recruitment to free time for professional staff to focus on delivery of the improvement plan is being considered as a result of this.	
14	Develop and implement a customer engagement strategy	Jun-18	DG	Consideration is being given to the adoption of the principles of Customer Service Excellence with a longer term objective of achieving that standard for the service. Developing the strategy is the first part of that process.	
15	Monitor customer satisfaction using surveys and focus groups	Dec-18	DG	Customer satisfaction surveys are in place accompanying warrant decisions. However feedback so far has been limited. The decision letters are being reviewed to make the post warrant survey more prominent.	
16	Increase the extent to which the Contact Centre can answer queries	Jun-18	CW	This project is underway with new scripts in place to enable a greater quantity of queries to be answered directly by the contact centre.	

Action Point	Action	Target Date	Owner	Comments	Status
17	Improve the Building Standards web pages to enable more customers to self-help and have sight of a greater level of information about the service.	Jun-18	DG	This project is underway with a review of the existing website carried out and additional webpages added on Customer Engagement (including complaints) and Pre Warrant Customer Agreements.	



# Planning & Building Standards

## CUSTOMER SERVICE CHARTER

**Delivering a Customer 1st Service**



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## What this Charter does

This Charter explains what the Council's Planning and Building Standards service does and what its customers can expect from us. It begins by setting out **what you can expect from us** when contacting the service and then more specific standards linked to our three main responsibilities which are:

### Planning

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- To prepare a [policy framework](#) that sets out how land should be developed and our natural and built places protected;
- To consider and make decisions on applications for [planning permission](#), listed building consent and other types of application and investigate breaches of planning control to ensure the development of our City is properly managed; and

### Building Standards

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- To consider and make decisions on [building warrant](#) applications, completion certificates and property inspections to secure the health, safety, welfare and convenience of users and achieve sustainable development.

## What you can expect from us

### *If you contact us by telephone:*

- We will help you with your query on the spot if we can
- We will direct you to further information online, including online forms to request pre-application advice

- *If you leave us a comment on [Twitter](#) or the [Planning Blog](#):*
- We will respond within 2 working days if needed
- Consider whether we need to make service improvements to address concerns
- We will direct you to further information online.

### *If you email or write to us:*

- will respond to you within 10 working days or tell you if we need longer
- ensure our response is free from jargon and easy to understand
- direct you to further information online, including online forms to request pre-application advice
- translate information into large print, other languages or Braille if needed.

### *If you visit us:*

- we will advise you when the Planning & Building Standards help desks are available for general enquiries
- one of our staff will give you information that meets your needs or direct you to where you can find it online, including online forms
- see you within five minutes of your appointment time
- have friendly public offices, with clean and tidy waiting areas.



## Policy Framework

What the Planning System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at [www.gov.scot/planning](http://www.gov.scot/planning)

Scottish Government legislation requires that all Councils prepare a document setting out principles for where development of land will be allowed and where buildings and green spaces will be protected. These are called **Development Plans**. In Edinburgh, the Scottish Government requires that this Development Plan be made up of two documents: the Strategic Development Plan and the Local Development Plan.

**The Strategic Development Plan** for Edinburgh and South East Scotland sets out broad principles for the future use of land over a 20 year period on matters that cross Council boundaries. This includes key topics such as how many new houses are required, how they should be spread across the area and whether green belt land should remain as green belt. This document is not prepared by City of Edinburgh Council but by a partnership of the six Councils in the area called SESplan. It must accord with the Government's Scottish Planning Policy.

### The Strategic Development Plan - what you can expect from us

The Strategic Development Plan is prepared, and consulted upon, by SESplan (see above). We will advise you to contact them directly if we cannot answer your questions about it.

Further information is available at [www.sesplan.gov.uk](http://www.sesplan.gov.uk)

**The Local Development Plan** for Edinburgh contains detailed policies and proposals that must follow the principles set out in the Strategic Development Plan. The document sets out policies and proposals for the future use of land and the protection of the natural and built environment over a 10 year period. This includes key topics such as identifying sites for housing to meet the requirements set out in the Strategic Development Plan discussed above. Preparation of the document begins with the main consultation stage where the Council produce a **Main Issues Report** presenting options, and asking for your input on how they meet the requirements that have already been set by both Scottish Government policy and the Strategic Development Plan.

The Planning and Building Standards Service can also prepare more detailed guidance, for example on design, which forms part of the Local Development Plan but is prepared at a later time. This is called Supplementary Guidance and must meet Scottish Government requirements on preparation, participation and adoption.

### The Local Development Plan - what you can expect from us

The programme for preparing the Edinburgh Local Development Plan and details of all opportunities to comment on it can be found in a document called the Development Plan Scheme at [www.edinburgh.gov.uk/localdevelopmentplan](http://www.edinburgh.gov.uk/localdevelopmentplan).

We will update this document annually.

We will use a range of ways of making sure there are opportunities to comment on future plans including using the Council's Consultation Hub, drop in sessions, interactive website information and workshops. We are led by what communities find most informative.

As stated above, the “Development Plan” for the city consists of the Strategic Development Plan and the Local Development Plan. Planning applications must be decided in line with the content of the Development Plan unless there are important planning reasons for an alternative decision.

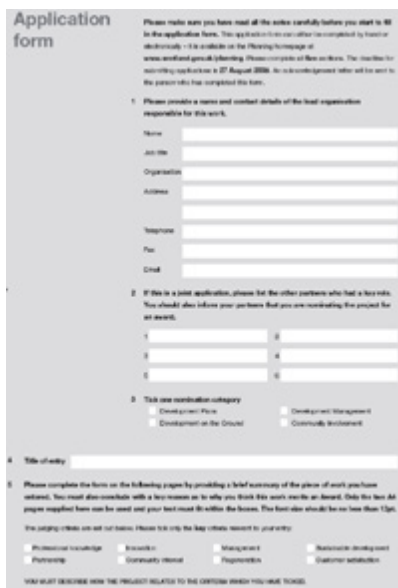
## Planning Applications

This charter explains what you can expect to happen when you want to make an application for planning permission or other planning consents and when you want to comment on someone else’s application. It then explains what happens when making a decision on a planning application.

All applications for planning permission are grouped in terms of size and importance of the type of development that is being proposed. National developments are proposed by Scottish Government, are of Scotland-wide significance, and are the top tier in the hierarchy. An example is the new Forth Crossing. Below national developments are major developments which are of a size and scale to be considered of major importance. Examples might be a new shopping centre, a business park or a large scale housing development. All development proposals which are not national or major are classed as local developments. Examples are house extensions, small scale housing development of less than 50 houses and changes to the use of a property.

Anyone proposing a national or major development must carry out pre-application consultation with the local community to allow them to be better informed and to have an opportunity to contribute their views to the developer prior to the submission of a planning application. Developers must submit a Proposal of Application Notice with details of consultation at least 12 weeks before they want to submit a planning application.

Further information is available on our [major applications web page](#)



## Pre-Application Consultation - what you can expect from us

We will assess Proposal of Application Notices in accordance with the *Edinburgh Planning Concordat*, a document that sets out how the Council, communities and developers work together on major developments.

We will expect developers to carry out more than the minimum consultation for more complex and contentious cases and we will encourage developers to set up websites to allow communities to access information and make comment more easily.

**Making an application for planning permission**, and all types of applications, is quicker when done online and it helps to avoid many of the reasons for applications not being valid on receipt.

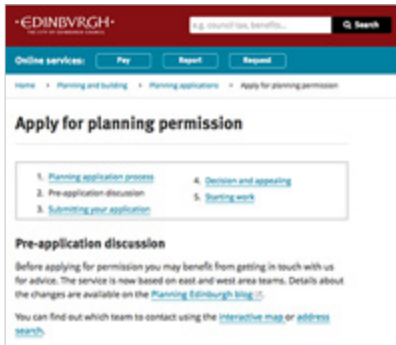
- Online applications are submitted via the Scottish Government E-planning website at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)
- Should you wish to submit your application on paper, all types of form can be downloaded from the E-Planning website.

As well as applications for planning permission, there are many other types of application depending on what it is you are proposing. Further information is available in the Council’s guide to [Validation of Applications](#).

**If you are unsure what type of application to apply for, visit our webpage on [Permissions for Development](#).**

If you are unsure whether you need planning permission or other consents, read our [online information](#) and you can then decide whether to make an application.

The completion and submission of planning application forms, and all other types of application, can be submitted by applicants themselves or using a professional agent, such as an architect.



## Making an application for planning permission – what you can expect from us

**Within 5 working days**, we will check your application and advise you of any problems. It is the responsibility of the applicant to ensure that their application is submitted correctly. Further information on the process and what should be submitted is available in the Council's guide to *Validation of Applications*

**Within 10 working days** of a valid application being received, we will send you an acknowledgement letter and inform you of the planning officer who will be dealing with it and the timescale for making a decision.

If a professional agent is used to submit a planning application, we will deal with the agent rather than the applicant in all discussions and negotiations. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to, the process.

**Within 15 working days** of a valid application being received, we will carry out neighbour notification and consult on the application, where it applies. Notification involves sending a letter to all postal properties within 20 metres of the application site giving details of the proposal and highlighting that comments must be made to the planning service within 21 days from the date of the notification letter. Some applications are also advertised in the Evening News and a site notice is put up nearby.

**Within 20 working days** of a valid application being received, we will visit the site where appropriate.

The case officer will advise if changes are needed to make the proposals acceptable. In some cases, where substantial changes are needed, we will refuse the application or advise the applicant to withdraw their application and re-apply. If we do accept amendments during the application process we will only arrange for neighbours to be re-notified if the changes raise new planning matters.

Applications can be tracked on the *Planning and Building Standards Portal* for any amendments.

## Planning Performance Targets

**90%** of approved major developments within the year to show added value quality improvements

**90%** of householder applications determined within 2 months

**75%** of non-householder applications determined within 2 months

**75%** of listed building consent applications determined within 2 months

## Commenting on someone else's planning application

If you wish to look at a planning application or decision, or on an application, you can do so via the Planning and Building Standards Portal. Your comments cannot be treated as confidential for a number of reasons:

- if the application is refused, the applicant needs to know about objections if deciding to appeal;
- the closeness of an objector to the application site may be an important factor in the decision
- comments on an application are part of the background papers and have to be available under Freedom of Information and Environmental Information Acts.

Only comments relevant to planning issues can be considered as part of the assessment of the planning application. Relevant planning issues include:

*- traffic and parking - appearance of the area - impact on a conservation area - setting or character of a listed building - loss of significant landscape features - noise and disturbance - effect of cooking odours - loss of sunlight or daylight – overshadowing - privacy - economic benefits.*

**We cannot consider comments on non relevant planning issues, such as:**

*- loss of private view - effect of the development on property values - building regulation matters.*

***Racist remarks may be forwarded to Police Scotland.***

Our guide to [Commenting on Planning Proposals](#) outlines how to ensure you make a valid comment.

Comments must be received within 21 days of the date of registration, neighbour notification letter, or advertisement in the press, whichever is later. Extra time is given for public holidays and if the application has an Environmental Impact Assessment.

There is no statutory provision for the public to make comments on some application types eg. tree applications and certificates of lawfulness.

Community Councils should contact the case officer if they need more time to comment.

## Commenting on someone else's planning application what you can expect from us

You will have the opportunity to receive an automatic email acknowledgement when commenting online using the Planning and Building Standards Portal.

We will send you a letter acknowledging receipt if you comment by letter or email.

We will consider all comments on applications provided they are submitted on time and the comments are relevant to planning issues. We will only consider late comments if they raise important planning matters that were not previously considered. We do not accept anonymous comments.

We will make your comments known to the agent but we will not make your personal details available at that time.

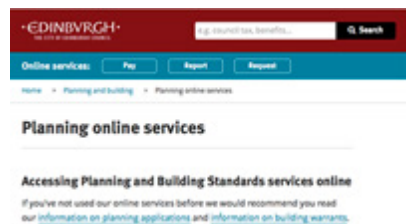
We will only re-notify you of changes to the application if they raise new planning issues: changes can be tracked on the *Planning and Building Standards Portal*.

We are unable to discuss the merits or demerits of a case with objectors or other third parties when an application is being considered as this may affect the objective assessment of the proposal.

We will inform you of the decision on the planning application.

Comments on Committee items will be publicly available online but we will redact personal information such as email addresses, phone numbers and signatures. Comments will be taken offline 6 months after the decision is issued.

We will deal with requests for comments to be taken offline before 6 months as sympathetically as possible.







## Making a decision on a planning application

Once the application, including the responses from consultees, and public comments has been assessed by the planning officer, a report of handling is prepared. Decisions on planning applications are taken in one of two ways. In some cases, the decision can be made by planning officers and is referred to as a “delegated decision”. Delegated decisions make up the vast majority of all decisions and enable quicker decisions on simpler cases. They are usually the less contentious, smaller applications, but can include cases with objections or which are being recommended for refusal.

In other cases the planning officer makes a recommendation to the Development Management Sub-Committee or a full Council meeting in some circumstances and the decision is then taken by the City’s councillors.

### Making a decision on a planning application – what can you expect from us

We will notify you or your agent within 4 working days of the decision being made.

We will notify all those who have made comments on the application within 4 working days of the decision being made.

We will place a copy of the decision notice and the report of handling on Planning and Building Standards Online Services

If a scheme needs to be changed after the decision, we will assess the proposals to see if they raise any new planning issues which might change the substance of the consent. If so, we will ask for a new planning application. If the changes do not raise any new planning issues which change the substance of the consent, we will vary the consent; neighbours and other interested parties will not be notified of these changes but they can be tracked on *Planning and Building Standards Online Services*.

Planning permission lasts for 3 years although we can make a Direction for it to be longer or shorter.

If an applicant is unhappy about a delegated decision taken on a local development, or the application has taken longer than the legal time limit, they can request a review by the *Planning Local Review Body*.

In cases that cannot be decided by a Local Review Body, the applicant has the right to appeal to Scottish Ministers.

Further information is available at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk)

There is no 3rd party right of appeal in Scotland. This means that if anyone commenting on an application is unhappy about the decision, they cannot ask for a review and they cannot appeal to Scottish Ministers. We will direct any aggrieved parties to our Report of Handling which explains the reasons for our decision. We are unable to respond if you think the decision was wrong. However, you can complain if you thought our processes or procedures were wrong in coming to the decision.

## Building Warrants



What the Building Standards System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at

[www.gov.scot/buildingstandards](http://www.gov.scot/buildingstandards).

There is a separate *National Customer Charter*.

You should be aware that to carry out work which requires a Building Warrant, without first having obtained this type of approval, is an offence in terms of Section 8(2) of the Building (Scotland) Act 2003.

A screenshot of a form titled 'Application for Building Warrant'. The form is divided into several sections with checkboxes and text boxes. The sections include: 'Application', 'Location of building or site to which the application relates', 'Type of building', 'Proposed work', and 'Owner of building'. Each section has a corresponding checkbox and a text box for providing details.

## Making a Building Warrant Application

Before you carry out any building work to your building, you should check if you need a building warrant. Most work needs a building warrant which you must get before starting work otherwise there will be legal complications if you want to sell your property.

Applications for a Building Warrant should be made at [eBuildingStandards.scot](http://eBuildingStandards.scot). Paper forms can also be downloaded from here.

You can download our *guidance on making a Building Warrant application*, along with our Building Warrant fees list showing how much your application will cost.

## Making a Building Warrant Application – what you can expect from us

Within 4 working days, we will carry out an administrative check on your application and advise you of any problems after this check. Alternatively, we will let you know your application is valid and is being progressed.

### Building Standards Performance Targets

95% of first reports on building warrant applications, telling you if you need to make changes to your proposals to comply with current building regulations to be issued within 20 working days.

## Making a Decision on a Building Warrant Application

The City of Edinburgh Council will grant a building warrant if they are satisfied that the building will be constructed in accordance with the building operations regulations and the building standards regulations. A warrant for demolition will be granted if the requirements of the building operations regulations will be met.

## Making a Decision on a Building Warrant – what you can expect from us

We will seek to minimise the overall average time taken to grant a building warrant measured from the date of lodging to the date of granting the warrant.



## Building Standards Performance Targets

**90%** of building warrants, if the final revised drawings are altered to the Council's satisfaction, to be issued within 10 working days.

**90%** of completion certificates to be issued within 5 working days after final inspection.

**90%** of requests for a site inspection in relation to a completion certificate to be responded to within 5 working days.



## Seeking Advice

The Council is committed to giving advice on a range of planning and building warrant proposals. If you are unable to go online to seek advice, please visit your nearest library or neighbourhood office where staff will be able to help. A paper based system will be available if this is not possible.

### Seeking Advice – what you can expect from us

If you have a general enquiry about a planning or building warrant matter, we will aim to respond within 10 working days. As part of this process, we will advise you to where you can find the information online.

The Planning and Building Standards Help Desks will be open from 9am to 1pm for general enquiries every week day other than between Xmas and New Year.

If you are seeking advice on a particular proposal, we will ask you to complete a pre-application advice form so that we can ensure we have all the information we need to be able to give advice. As part of this process, we will advise you to where you can find information online.

We will then send the enquiry to the team for the area.

We aim to respond within 10 working days.

We will not generally give advice on the following types of development as the information can be found online - *householder development - windows - driveways - straight forward change of uses - adverts.*

Pre-application advice will normally be restricted to large, unusual or contentious cases or on smaller complex cases where policies or guidance and regulations are open to interpretation.

We will arrange a more formal response for these more complex proposals.

Requests for meetings will be handled by team managers and these will be decided based on the complexity and/or size of the proposals.

Professional agents will normally be advised to do their own assessment of whether permission is needed and make the appropriate applications.

## Works where there is no Record of Permission

We understand that sometimes work is carried out and there is no record of permission. This is called retrospective works. This can be particularly frustrating when you are trying to sell your house.

### In relation to Planning:

If the works were done more than 4 years ago to your house, they are then legal under planning law but if you need a formal letter to confirm this, you will need to apply for a *certificate of lawfulness*. Other types of development such as a change of use, other than to a house, have a longer period (10years) before they become legal.

It may be that the works did not need planning permission but again you need to apply for a certificate of lawfulness if you want legal confirmation.

If you have a listed building and have done work to it without consent or confirmation that you do not need consent, you should read our guidance note on *Selling Your Home* or apply for listed building consent if this is insufficient. We do not issue letters of comfort.

*You can check online whether work has consent using our online services or [historic planning records](#)*

Finally, if you are concerned that work has been carried out without permission, please fill in an *enforcement breach form* so we can investigate. *You can find out more about Enforcement standards in our [Enforcement Charter](#).*

## In relation to Building Standards:

If you do not have a building warrant or a certificate of completion, there are various ways you can get this sorted. See our service standards below.

### Retrospective works – what you can expect from us

In all cases, the target response time is 10 working days.

We will direct you to our online systems if you want to check whether work has permission.

We will direct you to our *enforcement breach form* if you think work has been carried out without either Planning or Building Warrant consent.

## In relation to Planning

We will advise you to apply for a *certificate of lawfulness* if you need a legal decision on whether planning permission is needed.

We will direct you to our guidance on *Selling Your Home* if work has been done to your listed building without consent. Alternatively you can apply for *listed building consent* as we do not issue letters of comfort.

## In relation to Building Standards

We will ask you to apply for a *property inspection* if the work is of a minor non-structural nature and was carried out and completed before 1st May 2005 and you do not have a building warrant for the works. There is a charge for this.

We will ask you to submit a *Completion Certificate Where No Warrant Was Obtained* if the work was carried out and completed on or after 1st May 2005, together with plans and the relevant fee.

We will ask you to apply retrospectively using our *confirmation of completion service* if you have a building warrant but do not have a completion certificate.

## Information Requests

The Planning and Building Standards Service holds a great deal of information. Some has to be kept in perpetuity, but other information is only kept in accordance with a records retention schedule. Under the Public Records (Scotland) Act 2011 the Council is obliged to keep schedules of what records we keep and for how long we keep them. You can check if we've already published the information that you want on our [Access to Information webpage](#).

Anyone has a right to request information from a public authority. Many planning applications and certain data relating to building warrants are available online on our [Public Access](#) system and you may find the information you want there. Paper records are also available to view and copy.

If you cannot find the information you want online, you can make an Environmental Information Request (EIR). Please ask us in writing using the [online form](#) on our website or by email or post. EIR requests are dealt with centrally within the Council and Planning and Building Standards will send any information requests to that unit for processing.

Copies of Tree Preservation Orders are available for inspection at the Planning and Building Standards Reception area during office hours.

### Information Requests – what you can expect from us

We will hold information in accordance with our records retention schedule.

We will make information available online in accordance with the *Council's publication scheme*.

The Plan Store where you can view and copy paper records, when authorised to do so, will be open from 9am to 12 noon and 2pm to 4pm, Monday to Thursday. It is closed all day Friday and between Christmas and New Year.

We will send any environmental information requests to the FOI team for processing and you will receive a response within 20 working days.

## Complaints

We will consider all complaints made about the way in which your planning application, building warrant, enquiry or comment was dealt with. However, disagreement with a decision of the Council will not, in itself, be a ground for complaint and in many situations there is a separate procedure for an applicant to appeal against such decisions. As such we will not discuss the merits or de-merits of a decision and we will direct you to the Report of Handling which sets out the reasons for the decision.

The quickest way to sort things out is to talk to the officer concerned. However, if this does not work our formal complaints procedure has two stages:

- frontline resolution
- investigation

### Frontline resolution

We will respond to your complaint within five working days. We aim to resolve your concerns within this timescale. If we need more time, we'll let you know. If you are not satisfied with our response you can ask us to review your complaint.

### Investigation

We will appoint a senior Council officer to review your complaint. We will tell you who the Council officer is and respond within 20 working days. If your complaint is complex, we may be unable to resolve your concerns within this timescale. Instead we'll contact you to agree a different date.

If you are still not satisfied, you can then contact the [Scottish Public Services Ombudsman \(SPSO\)](#)

## Complaints – what you can expect from us

If you make a complaint:

We will aim to resolve it on the spot

We will respond to you within five working days if we can't resolve it straight away

We will investigate your complaint if you are still not satisfied, and give you a final response within 20 working days unless we need longer.

## Data Protection

When handling personal data the Council must do so fairly and lawfully in accordance with the Data Protection Act. There is a requirement for us to provide public information on how planning decisions were taken. If you are thinking of lodging a planning application, or commenting on a planning application, but do not wish your contact details to be placed in the public domain then you should consider asking your architect, or a solicitor, to lodge the application or representations on your behalf. Their contact details would then be shown in place of yours.

Personal signatures, e-mail addresses and telephone details will be removed from our online records. Where appropriate other "sensitive" personal information within documents will also be removed prior to publication online. However, all other information relating to a planning application may be publicly available. In relation to Building Standards only those people with a defined interest are able to have copies of Building Warrant approved plans.





If you are unhappy that information about you is published in connection with a planning application please contact the Council at [planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk) and, depending on the nature of your concern, we will consider what we can do about the matter.

### **Data Protection – what you can expect from us**

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We will comply with the Data Protection Act when we publish information.

We will redact any personal email addresses, phone numbers, signatures and other personal information from our online records

We will consider whether we can remove information from our website if you are not happy about its publication.

## Contact Us

### Phone Planning and Building Standards

0131 529 3550

### Planning Enquiries

[planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)

### Building Standards Enquiries

[buildingwarrant.applications@edinburgh.gov.uk](mailto:buildingwarrant.applications@edinburgh.gov.uk)

[www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning)

[www.edinburgh.gov.uk/building warrants](http://www.edinburgh.gov.uk/building-warrants)





# Planning Committee

2.00pm, Wednesday, 30 May 2018

## Implementing the Programme for the Capital: Coalition Commitments

Item number	8.2
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

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On 23 November 2017, the Council considered a report that detailed the approach to implementing the Programme for the Capital, including detail of the performance measures proposed for assessing progress against the 52 Commitments.

The performance framework development work has continued and significant progress has been made. The aim has been to define, where possible, measurable actions and performance indicators with defined targets for each of the 52 Coalition Commitments. The refined set of indicators was submitted to Corporate, Policy and Strategy Committee on 27 February 2018 for further scrutiny. The set was agreed on the understanding that the final set of indicators would be submitted to the relevant Executive Committee.

The set of indicators for this committee can be found in appendix 1 and this sets the baseline for measuring progress.

## Implementing the Programme for the Capital: Coalition Commitments

### 1. Recommendations

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- 1.1 It is recommended that Committee note the set of indicators in appendix 1.

### 2. Background

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- 2.1 The Council considered a report on [23 November 2017](#) that detailed the approach to implementing the Programme for the Capital.
- 2.2 The report included detail of the performance measures proposed for assessing progress against the 52 Commitments and which Executive Committees would be responsible for measuring progress against which commitments.
- 2.3 The Council agreed:
- 2.3.1 To note that the commitments and their associated measurements as set out in the report were those of the SNP-Labour council coalition;
  - 2.3.2 To agree the principles and scheduling set out in paragraph 3.8 of the report by the Chief Executive;
  - 2.3.3 To note the proposed measures for the Coalition Commitments in appendix 1 to the report, within the context of the broader performance framework; and
  - 2.3.4 To refer the report to the Corporate Policy and Strategy Committee to agree specific and assessable performance measures, milestones and actions for all commitments by February 2018.
- 2.4 Corporate Policy and Strategy Committee agreed a refined set of indicators on 27 February 2018 on the understanding that development would continue and a set of indicators with targets would be submitted to the relevant Executive Committee.

### 3. Main report

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- 3.1 The revised performance framework was agreed at Council on 23 November in the report 'Implementing the Programme for the Capital: The City of Edinburgh Council Business Plan 2017-22'. Detail of the indicators which would be used to monitor

progress was referred to Corporate Policy and Strategy Committee for further scrutiny and on to the relevant Executive Committee for further scrutiny and ongoing monitoring.

- 3.2 Executive Committees will consider an overview of performance relevant to their area, scrutinising indicators, improvement actions, issues and opportunities on an annual basis. This report sets the baseline for monitoring the commitments relevant to this committee and the set of indicators and targets can be found at appendix 1 to this report.
- 3.3 The set of indicators will continue to be revised and updated as a result of ongoing monitoring.
- 3.4 The performance framework will be reviewed annually and will include refreshing the measures, actions, milestones and targets to ensure that the data collected is useful in terms of being able to measure performance and delivery against strategic aims, outcomes and commitments. This annual cycle will ensure that the framework provides timely information needed to lead and scrutinise performance but with enough flexibility to be able to change and adapt as necessary.

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

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- 4.1 Performance will be monitored as detailed in the main body of this report and as set out in the Council Business Plan 2017-22.

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

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- 5.1 The financial impact is set out within the Council Business Plan and is in line with actions agreed as part of the 2017-21 Revenue and Capital Budget Framework.

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

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- 6.1 Risk, policy, compliance and governance impact is integrated within the Council Performance Framework.

#### **7. Equalities impact**

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- 7.1 Equalities impact is integrated within the Council Performance Framework.

#### **8. Sustainability impact**

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- 8.1 Sustainability impact is integrated within the Council Performance Framework.

## 9. Consultation and engagement

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- 9.1 The Performance Framework has been, and will continue to be, developed in collaboration with Elected Members, Senior and Service Managers. This has included regular discussions at Corporate Leadership Team and Leaders meetings, discussions with cross-party leaders and Conveners of Executive Committees regarding commitments relevant to their Committee.

## 10. Background reading/external references

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- 10.1 [Programme for the Capital: City of Edinburgh Council's Business Plan 2017-22](#)
- 10.2 [Implementing the Programme for the Capital: Council Performance Framework 2017-22 – referral from City of Edinburgh Council](#)

### **Paul Lawrence**

Executive Director of Place

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## 11. Appendices

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Appendix 1 - Coalition Commitments Measures

# Appendix 1 - Coalition Commitments Measures

Commitments Measures below include performance indicators, actions and milestones and are linked to the Council Business Plan strategic aims and outcomes. These measures will continue to be refreshed to ensure that the data collected is useful in terms of being able to measure performance and delivery against the strategic aims, outcomes and commitments.

\* Targets for IJB Measures will continue to be reviewed as part of the regular performance monitoring.

Business Plan Aim	Business Plan Outcome	Commitment	Actions	Measures	Target
A City of Opportunity	Everyone, regardless of wealth and background can fulfil their potential and benefit from the city's success	C10	<p>Prioritise the use of brownfield sites and work with public sector and private landowners to develop land for affordable housing.</p> <p>Progress monitored through the Annual Housing Land Audit and Local Development Plan</p> <p>Unlock access to key brownfield development sites</p>	Successfully adopt a new local development plan which implements commitment and minimises additional greenfield development	November 2021
	All children and young people have the best start in life and are able to reach their full potential			% of capacity of units in effective land supply which are on brownfield land	Baseline 2017 – 55%
	Citizens are socially connected and able to participate and develop throughout their lifetime				
	Everyone has access to suitable housing, facilities and amenities				

Business Plan Aim	Business Plan Outcome	Commitment	Actions	Measures	Target
A Resilient City	Communities are safe, strong and able to cope with change	C15	<p>Protect Edinburgh World Heritage Status and make sure developments maintain the vibrancy of our city in terms of placemaking, design and diversity of use.</p> <p>Actions are contained within the new World Heritage Site Management Plan 2017-2022 (the 6 Key Challenges with the site)</p>	Monitor the progress of short term actions in the World Heritage Site Management Plan with the World Heritage Site Steering Group	End of 2018/19
	Our built and natural environment is protected and enhanced				
	Edinburgh is a low carbon, connected city with transport and infrastructure that is fit for the future				
	Edinburgh is clean, attractive and well looked after				

Business Plan Aim	Business Plan Outcome	Commitment	Actions	Measures	Target
A Forward Looking Council	We deliver value for money services through optimising our use of resources and building on the capabilities of our talented workforce	C11	Review relevant planning policies and guidance as part of the Local Development Plan project	Consultation and community engagement measures to be established	August 2018
	Establish Strategy Group to oversee the new Edinburgh2020 Tourism Strategy		Implementations Group established to oversee the strategy	2017/18	
	We provide services that are focused on prevention and early intervention	C12	Establish short term multi-agency working group with cross party representation	Concentration, location and occupation rates of short term lets	Summer 2018
	We plan our services to ensure we can continue to		Review locations and numbers of HMO premises	Numbers of student housing developments	End of 2018
			Review relevant planning policies and guidance as part of the Local Development Plan project	Consultation and community engagement measures to be established	August 2018

Business Plan Aim	Business Plan Outcome	Commitment	Actions	Measures	Target
	meet the needs of citizens and communities into the future	C13 Improve planning enforcement to ensure that all developers, large or small, conform to Edinburgh's policies and developer's commitments.	Develop a model legal agreement to help reduce timescales for issuing decisions	Timescales for issuing decisions	End of 2018/19
	Undertake process review of developer contributions		Monitor contributions collected and spent	End of 2018/19	
	Our organisation is flexible and adaptable and embraces change	C14 Work with the Scottish Government to review planning policy and overhaul the planning appeal system to make it shorter, more independent and give communities the right to appeal.	Increase resources to undertake planning enforcement	Timescales for resolving enforcement cases	End of 2018/19
	Consultation submission for Planning Bill to Scottish Government Monitoring of appeal aspect in Planning Bill process Work with Scottish Government on Planning Bill proposals		Continued engagement with the Scottish Government on their proposed Planning Bill	Ongoing engagement with Scottish Government during 2018	

# Planning Committee

2.00pm, Wednesday 30 May 2018

## Edinburgh Local Development Plan 2: Project Overview – referral from the Housing and Economy Committee

Item number	9.1
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

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On 22 March 2018 the Housing and Economy Committee considered a report by the Executive Director of Place which provided an overview of the Edinburgh Local Development Plan 2 (LDP 2) project process. The report was referred to the Planning Committee for information.

# Terms of Referral

## Edinburgh Local Development Plan 2: Project Overview – referral from the Housing and Economy Committee

### 1. Terms of Referral

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- 1.1 On 22 March 2018 the Housing and Economy Committee considered a report which provides an overview of the project process for delivering Edinburgh Local Development Plan 2. The report includes the main statutory stages and current expectations for indicative timescales. The timetable is dependent on that of Strategic Development Plan 2, which is currently in examination. A confirmed timetable, including dates of formal consultation stages, will be reported later in 2018, as a new statutory Development Plan Scheme. In the meantime, the report sets out proposed early stage engagement activities.
- 1.2 The Council's current LDP was adopted in November 2016, at the end of a project which was initiated in 2010. It is the Council's first adopted LDP and replaced two local plans prepared in the 2000s under previous legislation. It was the first authority-wide statutory land use plan since the 1965 Development Plan. At the end of the first LDP project, an 'early review' was recommended by the Scottish Ministers. The project was the subject of an evaluation, an internal audit, and a stakeholder feedback survey. These have informed the approach proposed for LDP 2 as a project.
- 1.3 The Housing and Economy Committee agreed:
  - 1.3.1 To note that the Edinburgh LDP 2 project is now underway;
  - 1.3.2 To note that the project is statutorily dependent on Strategic Development Plan 2, and that a confirmed timetable will therefore be reported later in 2018, as part of a new Development Plan Scheme;
  - 1.3.3 To agree the actions in paragraph 3.13 of the report as first stage engagement activities;
  - 1.3.4 To agree that the project governance includes a forum for Conveners, Vice Conveners and opposition representatives as described in paragraph 3.10. The membership to be considered following discussion and a report to be brought back in 1 cycle for agreement; and
  - 1.3.5 To refer the report to the Planning Committee for its information.

### 2. For Decision/Action

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- 2.1 The Committee is asked to note the report.



## Background reading/external references

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Housing and Economy Committee, 22 March 2018

### **Laurence Rockey**

Head of Strategy and Insight

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### **3. Appendices**

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Appendix 1 – Report by the Executive Director of Place

# Housing and Economy Committee

10.00am, Thursday, 22 March 2018

## Edinburgh Local Development Plan 2: Project Overview

<b>Item number</b>	
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	All
<b>Council Commitments</b>	

### Executive Summary

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This report provides the Committee with an overview of the Edinburgh Local Development Plan 2 (LDP 2) project process. It includes the main statutory stages, and current expectations for indicative timescales. The timetable is dependent on that of Strategic Development Plan 2, which is currently in examination.

A confirmed timetable, including dates of formal consultation stages, will be reported later in 2018, as a new statutory Development Plan Scheme. In the meantime this report sets out proposed early stage engagement activities.

## Edinburgh Local Development Plan 2: Project Overview

### 1. Recommendations

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- 1.1 It is recommended that Committee:
  - 1.1.1 Notes that the Edinburgh LDP 2 project is now underway;
  - 1.1.2 Notes that the project is statutorily dependent on Strategic Development Plan 2, and that a confirmed timetable will therefore be reported later in 2018, as part of a new Development Plan Scheme;
  - 1.1.3 Agrees the actions in paragraph 3.13 below as first stage engagement activities;
  - 1.1.4 Agrees that the project governance includes a forum for conveners, vice conveners and opposition representatives as described in paragraph 3.10 and with membership as set out in Appendix 1; and
  - 1.1.5 Refers this report to the Planning Committee for its information.

### 2. Background

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- 2.1 Local authorities have to prepare local development plans (LDPs) as a statutory duty under the Planning etc (Scotland) Act 2006 and associated 2008 Regulations. This duty includes a requirement to keep LDPs under review and to update them at least every five years.
- 2.2 A LDP is to set land use allocations and policies for a ten year period. It is used to determine planning applications.
- 2.3 The Council also has a statutory duty to ensure that its LDP is consistent with the strategic development plan (SDP) for the wider city region. A new SDP – ‘SDP 2’ – was published in proposed form in October 2016. It is currently at examination. The examination is currently expected to report in Spring 2018 and the subsequent version of the SDP is due to be approved by Scottish Ministers in Summer 2018. It will set various land use requirements and targets, including new housing land requirements, for the period 2018 – 2030, and beyond. These will need to be implemented through a new LDP at authority level.
- 2.4 The Council’s current LDP was adopted in November 2016, at the end of a project which initiated in 2010. It is the Council’s first adopted LDP, and replaced two local

plans prepared in the 2000s under previous legislation. It was the first authority-wide statutory land use plan since the 1965 Development Plan.

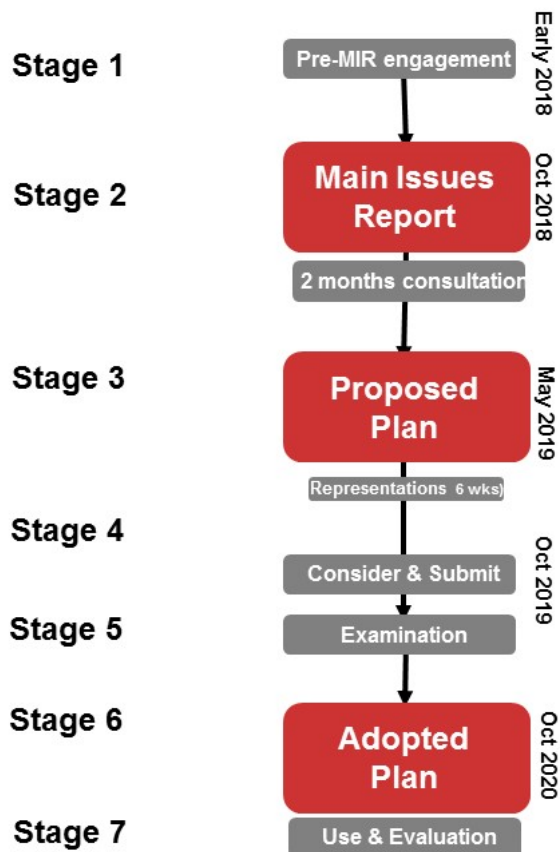
- 2.5 At the end of the first LDP project, an 'early review' was recommended by the Scottish Ministers. The project was the subject of an evaluation, an internal audit, and a stakeholder feedback survey. These have informed the approach proposed for LDP 2 as a project.

### 3. Main report

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#### Overall Process

- 3.1 The Planning Act and Regulations and separate legislation on impact assessments prescribe most of the project outputs. They also prescribe the main stages to be undertaken.
- 3.2 National planning policy sets further expectations, notably those of Scottish Ministers. These include the timescales for LDP preparation, set out in [Circular 6/2013](#).
- 3.3 Councils must publish their timetable and process intentions for LDP preparation at least annually. This is called a Development Plan Scheme.
- 3.4 The current Development Plan Scheme was published in [September 2017](#). It sets out an indicative timetable for LDP 2, based on national expectations and the SDP 2 timetable as anticipated in 2017. LDP 2 must by law be consistent with SDP 2. The current expected timescales for SDP 2 are referred to above however the eventual dates of the examination report and Ministerial approval are still subject to change.
- 3.5 A new Development Plan Scheme will need to be reported and published in 2018. It must give detailed advance notice to stakeholders about how and when the project's main consultation stage – the Main Issues Report (MIR) – will take place. This element of a Scheme has a statutory name: the 'participation statement'. The Council must later submit to examination a report explaining how it conformed with the participation statement active at the time of the Proposed Plan period of representations. Failure to have conformed results in the LDP being sent back before the examination proceeds. A similar level of conformity should be achieved at the MIR stage to avoid reputational and potential legal risks.
- 3.6 Due to the legal significance of a Development Plan Scheme, and the uncertainty related to the outcome of SDP 2, it is not intended to report the 2018 Development Plan Scheme until the outcome of SDP 2 is formally confirmed. The Development Plan Scheme is therefore expected to be reported in either June or August 2018.
- 3.7 The seven main project stages are indicated in the following diagram, using the indicative timings in the September 2017 Development Plan Scheme:



Dates as per September 2017 Development Plan Scheme (DPS). Timings subject to SDP 2 and examination timings, and availability of relevant committee dates. Confirm timetable in 2018 DPS once SDP 2 outcome confirmed



### Project Governance

3.8 Project governance follows a PRINCE 2 approach and includes:

3.8.1 A project team formed of Council staff, with a core of Planning staff and a wider team with officers from relevant other services and directorates;

3.8.2 A project board with relevant senior managers; and

3.8.3 An Oversight Group chaired by the Chief Executive, repurposed from the existing Action Programme Oversight Group. The Oversight Group will include:

- Chief Executive
- Executive Directors (Place, Resources, Communities & Families)
- Director of Edinburgh Health & Social Care Partnership
- Head of Finance
- Head of Place Development
- Chief Planning Officer (reports to Oversight Group)

3.9 The Housing and Economy Committee has the remit to approve the key project documents, including the Main Issues Report, Proposed Plan, submission to examination, and Plan as Modified following examination. The full Council formally adopts the LDP at the end of the process.

- 3.10 The following section describes how elected members can be involved in the LDP 2 engagement process in their role as ward councillors. In the interests of achieving alignment of LDP 2 and other Council strategies, it is also intended to provide an informal cross-party forum for relevant conveners, vice conveners and opposition representatives. The purpose of this 'leadership forum' would be to brief these elected members on key project issues and work as it progresses towards formal reporting. The proposed membership is set out in appendix 1.
- 3.11 Detailed project governance arrangements and controls have been informed by the findings of an internal audit. The recommendations of this audit were referenced in a recent report to the Governance, Risk and Best Value Committee ([16 January 2018](#)).

### **Early Engagement**

- 3.12 As explained above, the 2018 Development Plan Scheme will set out the statutory consultation process and period and will be the subject of a separate report.
- 3.13 The following sets out proposals for Stage 1 engagement before the Main Issues Report formal consultation period.
- 3.13.1 [Stakeholder feedback on LDP 1](#) indicated the need for improvement in engaging the wider citizenry of Edinburgh in the preparation of the LDP. Four community briefings on the LDP Action Programme were held in November and December 2017 for community councils and ward councillors, grouped by Locality geography. These briefings found an appetite for involvement in LDP 2 *prior* to the formal consultation stage;
- 3.13.2 Accordingly, Stage 1 of the LDP 2 project includes 'pre-MIR engagement' with these four groupings, to help frame and test the choices to be put to the wider stakeholders and citizenry in the Main Issues Report consultation. These conversations would also aim to build consensus on how best to engage the wider public at that formal stage (Stage 2 – the MIR and consultation). A set of four briefings has been arranged for March 2018. A further set is planned for June 2018;
- 3.13.3 It is also proposed to engage on topics (e.g. housing development, employment space, retail and leisure) with relevant industry/development sectors and community representatives over a similar period, with the same purpose – to help frame the choices presented in the MIR; and
- 3.13.4 Stakeholder feedback on LDP 1 also confirmed that there is a particular gap in engaging younger age groups in plan preparation. This has also been identified in a report to the Planning Committee setting out the Planning service's overall engagement strategy (report to Planning Committee 14 March 2018). It is therefore proposed to include a Children and Young People Engagement Programme as a central element in the LDP 2 project. As part of this, it is proposed to hold engagement activities May and June 2018, in parallel with the community briefings and topic engagement.

3.14 It is proposed to continue to make use of the Planning service’s social media activities to build awareness and interest in the project over 2018 and onwards.

### **Alignment with Other Plans & Strategies**

3.15 The Council Business Plan (August 2017) positions the LDP as an important document and process in delivering the 2050 City Vision, and the aims of the Council and its partners (see following diagram):



3.16 The main project objectives are:

3.16.1 Adopt a new LDP which can be used to deliver the vision, aims and outcomes identified by the Council in the Council Business Plan (August 2017);

3.16.2 Adopt a LDP which is the spatial expression of the forthcoming Edinburgh Community Plan (aka the Local Outcomes Improvement Plan or LOIP) and is aligned with existing and future Locality Improvement Plans and relevant Council strategies;

3.16.3 Prepare and adopt a LDP in a way which prevents a successful legal challenge following adoption. This includes achieving consistency with an approved SDP 2;

3.16.4 Prepare a new LDP in an inclusive and transparent way which represent good practice in terms of participation of individual citizens and community groups;

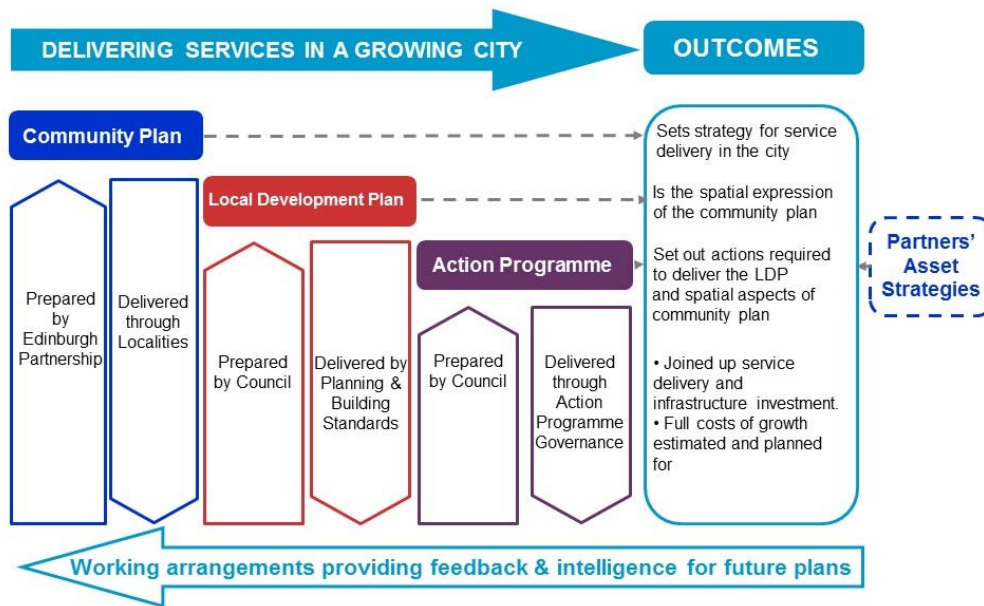
3.16.5 Prepare a new LDP which has the support of: elected representatives, Scottish Ministers and their directorates, statutory Key Agencies and all relevant Council officials;

3.16.6 Achieve an up-to-date and robust policy basis for good development management decisions which deliver good places on the ground. This should translate national planning policy into a policy framework which is appropriate for Edinburgh as a distinct place;

- 3.16.7 Establish a strategy for growth which is resource efficient in terms of providing and running infrastructure, as supported through a new cycle of statutory Action Programmes; and
- 3.16.8 Adopt a new LDP within the four years from adoption of the current LDP (i.e. by end October 2020), and no later than the statutory five year target (i.e. October 2021).
- 3.17 More detailed objectives relating to the specific content of the LDP itself, such as individual policy objectives or site and area outcomes, will be identified as outputs of the project. This is a key element of policymaking projects. The main statutory consultation stage – the Main Issues Report – is the key vehicle for identifying these specific objectives and seeking views on them and on how best to achieve them.
- 3.18 There are several other key strategies in preparation or implementation in parallel with the LDP, including:
  - 3.18.1 Community Plan (LOIP);
  - 3.18.2 Local Transport Strategy;
  - 3.18.3 Air Quality Strategy / Low Emissions Zone project;
  - 3.18.4 Economy Strategy;
  - 3.18.5 Central Edinburgh Transformation project;
  - 3.18.6 Locality Improvement Plans; and
  - 3.18.7 SDP 2 Supplementary Guidance (x2).
- 3.19 The following diagram shows the relationship of the LDP and its Action Programme with the Community Plan:



## Community Planning & Spatial Planning



- 3.20 Detailed alignment with the other relevant strategy documents identified above will be considered as part of individual workstreams.
- 3.21 LDP 2 is required by statute to be consistent with the approved SDP 2.
- 3.22 Planning legislation requires LDPs to be prepared with regard to certain other documents and matters as follows:
- 3.22.1 The resources available for implementing the plan;
  - 3.22.2 Any neighbouring LDPs;
  - 3.22.3 Any adopted national marine plan or regional marine plan relating to areas adjoining the plan area;
  - 3.22.4 Any regional or local transport strategy (referred to above);
  - 3.22.5 Any approved flood risk management plan;
  - 3.22.6 Any finalised local flood risk management plan;
  - 3.22.7 Any river basin management plan;
  - 3.22.8 Any local housing strategy relating to the plan area (referred to above);
  - 3.22.9 The national waste management plan; and
  - 3.22.10 Issues arising out of the European Directive on the control of major accident hazards involving dangerous substances.
- 3.23 In addition, the project will seek to achieve alignment with the key national planning policy documents expected to be reviewed over the LDP project's duration (Scottish Planning Policy and National Planning Framework 4) as far as practicable within timescales.

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

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- 4.1 The measure of success is that the Council adopts a new LDP which can be used to deliver the vision, aims and outcomes identified by the Council in the Council Business Plan and achieves the other project objectives identified above.

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

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- 5.1 There are no direct financial impacts arising from the approval of this report.
- 5.2 It is anticipated that the cost of preparing key project documents will be met through existing budgets, primarily those relating to staff. There is existing budget provision for potential legal costs, however these are not anticipated to arise until the later years of the project.
- 5.3 Some costs may arise in relation to limited consultancy work for certain specialist matters which Council staff do not have expertise in, and for engagement events and materials. These will be identified and managed as part of the formal governance process referred to above.

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

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- 6.1 The risks associated with this area of work are significant in terms of finance, reputation, and performance in relation to the statutory duties of the Council as Planning Authority and in several of its other capacities.
- 6.2 Project governance arrangements include regular monitoring and management of identified risks.
- 6.3 Project governance arrangements are outlined above, and include the formation of a forum for conveners, vice conveners and opposition representatives as proposed in appendix 1.

#### **7. Equalities impact**

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- 7.1 An Integrated Impact Assessment will be carried out as an integral part of the LDP 2 project.

#### **8. Sustainability impact**

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- 8.1 There are no direct sustainability impacts arising from this report although the ability of the Council to manage successfully the impacts arising from the growth of the city is critical to achieving sustainable development.

- 8.2 A Strategic Environmental Assessment will be carried out as an integral part of the LDP 2 project.

## 9. Consultation and engagement

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- 9.1 The formal consultation stages are set out in statute and focus in the Main Issues Report and Proposed Plan stages. These will be the subject of future statutory Development Plan Schemes, to be reported and published separately, as described above.
- 9.2 Pre-Main Issues Report engagement activities are proposed as described above, summarised as follows:
- 9.2.1 Community briefings with community councillors and ward councillors, on a Locality geography, in March and June 2018;
  - 9.2.2 Topic engagement, with relevant industry stakeholders, including community representatives; and
  - 9.2.3 Children and Young People's Engagement Programme, including events in May/June 2018.
- 9.3 It is intended that engagement processes will include reports to the four Locality Committees.

## 10. Background reading/external references

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- 10.1 Community Engagement in Planning – detailing proposals, Report to Planning Committee, 14 March 2018
- 10.2 Development Plan Scheme, [Report to Housing & Economy Committee, 7 September 2017](#)
- 10.3 Edinburgh Local Development Plan - Adoption, [Report to Full Council, 24 November 2016](#)
- 10.4 Internal Audit Quarterly Update Report: Quarter 2 – (1 July – 30 September 2017), [Report to Governance, Risk and Best Value Committee, 16 January 2018](#)
- 10.5 Programme for the Capital – The City of Edinburgh Council 2017-2022, [Report to Full Council, 24 August 2017](#)
- 10.6 SESplan Strategic Development Plan 2, Proposed Plan (October 2016), available at: [www.sesplan.gov.uk](http://www.sesplan.gov.uk)
- 10.7 Scottish Government [Circular 6/2013](#): Development Planning
- 10.8 Scottish Government [Planning Advice Note 82](#): Local Authority Interest Developments

**Paul Lawrence**

Executive Director of Place

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**11. Appendices**

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Appendix 1 - Proposed representation on LDP 2 leadership forum

Appendix 1

LDP 2 Leadership Forum – Proposed Representation

<b>Housing &amp; Economy Committee</b>	
Convener	1
Vice Convener	1
Opposition Representatives	3
<b>Planning Committee</b>	
Convener	1
Other Administration Representative	1
Opposition Representatives	3
<b>Transport &amp; Environment Committee</b>	
Convener	1
Vice Convener	1
Opposition Representative	3
<b>Total:</b>	<b>15</b>