

Notice of meeting and agenda

Planning Committee

2.00 pm Wednesday, 2nd December, 2020

Virtual Meeting - via Microsoft Teams

Contacts

Email: veronica.macmillan@edinburgh.gov.uk

Tel: 0131 529 4283

1. Order of Business

- 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

- 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

- 3.1 If any

4. Minutes

- 4.1 Planning Committee of 14 October 2020 - submitted for approval as a correct record 9 - 14

5. Business Bulletin

- 5.1 Business Bulletin 15 - 34

6. Development Plan

- 6.1 City Plan 2030 - Progress to Proposed Plan Stage and Development Plan Scheme – Report by the Executive Director of Place 35 - 50

7. Planning Policy

- 7.1 None.

8. Planning Process

8.1 None.

9. Planning Performance

9.1 None.

10. Conservation

10.1 None.

11. Motions

11.1 Motion by the Green Group – Extending permitted development rights for sheds

“Committee

1) notes the critical importance of convenient, secure cycle storage in allowing people to travel by bike; notes the Edinburgh Design Guidance which states "High Quality cycle parking, including secure storage, is essential in making cycling as attractive as possible." (p.55); notes the Edinburgh-based research which found that "bike storage problems for flat/tenement dwellers are a significant deterrent to city centre bike use." (Encouraging bike use in residential neighbourhoods, Dr Tim Ryley, 2008)

2) notes Scottish Government design guidance that "[Cycle] parking facilities should be located as close as possible to the entrance of the establishment they are intended to serve." (Cycling by Design, 2020, p.110) and that "there should be a climate of encouraging existing developments to retro-fit or extend cycle parking." (Cycling by Design, 2020, p.109);

3) notes previous decisions of this committee on 16 May and 3 October 2013, on "Cycle Storage in Gardens" to approve a

factsheet on the topic, the text agreed with Spokes, the Lothian Cycle Campaign and referenced in the Guidance for Householders; notes that the factsheet, approved by this committee, states that "Much of the difficulty for householders in Scotland who need garden bike storage could be removed if the Scottish Government changed the rules for permitted development, so as to allow front garden sheds/containers which meet certain criteria, such as those in section 4 of this factsheet."
(p.4)

4) notes the council's commitment to become a net zero-carbon city by 2030; notes that transport accounts for 37% of carbon emissions, and is the largest source sector and that emissions from the transport sector are increasing; notes the draft City Mobility Plan includes the aim that Edinburgh will see "mass commuting by bike" by 2030;

5) notes the Scottish Government's recent consultation on reviewing and extending permitted development rights ran from 1 October to 12 November 2020 and included a section on active travel, and notes the council's response which is included in the papers for this meeting; notes that this response has not been considered by this committee before today; notes that the Scottish Government has indicated that the council cannot resubmit a revised response, but may submit supplementary information;

6) notes the council response to the previous Scottish Government consultation on reviewing & extending permitted development rights in Scotland, which ran from November 2019 to January 2020, that "City of Edinburgh Council would like [...] active travel to be given a higher priority to enable the City to deliver its transformative vision for the City as efficiently as possible.";

7) notes the report to this committee on 2 October 2014 which was unanimously agreed, which included analysis of all 18 sheds in Shandon Colony front gardens, and which concluded that "the

area is characterised, to an extent, by sheds in gardens and although planning permission would have been required, the sheds and other structures were not detrimental to the amenity of [the] area. It was resolved that it was not expedient for the Council, as local planning authority, to use its discretionary powers to enforce the removal of the structures or the submission of a retrospective application to regularise the structures." (para 3.6)

8) recognises that the planning authority cannot control what is stored in sheds, but nonetheless considers that sheds which are of a suitable size to be bike sheds have not proved to be detrimental to the amenity of residential neighbourhoods, including in conservation areas;

9) therefore agrees to submit the view that the Committee supports extending permitted development rights for sheds in front gardens, including within conservation areas, within the size parameters set out in the factsheet agreed with Spokes and previously approved by this committee in 2013; also to support PD rights for sheds in private garden areas of flats, and communal rear garden areas of flats, with dimensions as proposed in the most recent Scottish Government consultation;

10) further agrees that the Convenor will write to the Scottish Government without delay, enclosing a copy of this motion as approved by committee as a supplementary response to their recent consultation, and offering to work constructively with the Scottish Government on implementation should they decide to proceed with granting Permitted Development rights to modestly sized sheds suitable for bike storage, as proposed in their recent consultation."

Andrew Kerr

Chief Executive

Committee Members

Councillors Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Rob Munn and Councillor Cameron Rose

Information about the Planning Committee

The Planning Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Veronica Macmillan, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4283, email veronica.macmillan@edinburgh.gov.uk.

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.

Webcasting of Council meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under the General Data Protection Regulation and Data Protection Act 2018. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial

damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

This page is intentionally left blank

Minutes

Planning Committee

2.00pm, Wednesday 14 October 2020

Present

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Dixon (substituting for Councillor Gordon, items 1 to 4), Doran (substituting for Councillor Griffiths), Gordon, Mitchell, Mowat, Osler, Rose and Councillor Frank Ross (substituting for Councillor Munn).

1. Minutes

Decision

To approve the minutes of the Planning Committee of 30 September 2020 as a correct record.

2. Business Bulletin

The Committees Business Bulletin for 14 October 2020 was presented.

Decision

To note the business bulletin

(Reference – Business Bulletin, submitted.)

Declaration of Interests

Councillors Gardiner and Child declared non-financial interests in the above item as non-Executive Directors of Edinburgh World Heritage and the Edinburgh and Lothians Greenspace.

3. Scottish Government Call for Ideas for National Planning Framework 4 - Interim Regional Spatial Strategy

In January 2020 the Scottish Government published a Call for Ideas for National Planning Framework 4 as part of its engagement with Local Authorities and other stakeholders to inform a draft NPF 4. Under the Planning (Scotland) Act 2019 the NPF would become a statutory part of the development plan, would include housing targets and would incorporate a revised Scottish Planning Policy.

The Council as Planning Authority and as part of the South East Scotland Strategic Planning Authority (SESplan) Joint Committee and Edinburgh and South East Scotland City Region Deal (ESESCRD) had provided appropriate strategic planning and policy input to this process to ensure interests were appropriately represented.

Decision

- 1) To ratify the proposed interim Regional Spatial Strategy as approved by the South East Scotland Strategic Development Plan Authority (SESDPA) Joint Committee at its meeting of 21 September 2020.
- 2) To note that this would be the region's further response to the Scottish Government's Call for Ideas for National Planning Framework (NPF) 4 as a contribution to the Position Statement to be issued by the Scottish Government in Autumn 2020 and that a draft NPF was now scheduled to be published to the Scottish Parliament in September 2021.
- 3) To agree that officers continued to work with the Scottish Government on the above process, with any amendments to the interim Regional Spatial Strategy proposed through that joint work to be brought back to the SESDPA Joint Committee and Planning Committee for consideration.

(References – Planning Committee, 18 March 2020 (item 2); report by the Executive Director of Place, submitted.)

Declaration of Interests

Councillor Doran declared a non-financial interest in the above item as a member of SEStran

4. Princes Street and Waverley Valley Strategy - project scope

A report was provided scoping a new Strategy for Princes Street and the Waverley Valley to inform future development and management of the valley landscape, the role and use of buildings on Princes Street and its environs, and the quality and offer of its public realm.

Motion

- 1) To agree the scope for the preparation of the Princes Street and Waverley Valley Strategy and the outline programme set out in Appendix 1 of the report.
- 2) To agree to delete paragraph 4.7 in the report and and replace with the following wording: Forthcoming considerations to include: the Princes Street and Waverley Valley Strategy would provide context and guidance, including civic considerations, within which forthcoming planning applications would be considered, such as the Waverley Station masterplan by Network Rail; and the Ross Development Trust's proposals to replace the Ross Theatre with a new event pavilion, associated facilities, landscaping and access improvements and other projects which may have a significant impact. As ECCT also progresses, central streets would be increasingly oriented towards walking, wheeling, cycling and public transport and new areas of public realm established, such as at Waverley Bridge.
- 3) To request that the first stage of work included a review of current

documentation and policies be presented to Planning Committee with all background papers available as appendices.

- moved by Councillor Gardiner, seconded by Councillor Child

Amendment

- 1) To note the report and its attempt to bring together a complex policy landscape which cuts across Council areas; was concerned that no decision had been taken to move Council policy into cross cutting place based policy statements and until such time as the Council moved to such a delivery framework considered this to be premature and regrets that the report did not fully consider the relationship between Princes Street and the bus network.
- 2) To therefore call for a review of current documentation and policies to be conducted and presented to Committee with all background papers available as appendices before instructing further work so that Committee could consider whether there were any gaps in policy that needed further development or whether a review and consolidation of existing policy was sufficient at this time given the constrained Council resources.

- moved by Councillor Mowat, seconded by Councillor Mitchell

Voting

The voting was as follows:

For the motion	-	7 votes
For the amendment	-	4 votes

(For the motion: Councillors Gardiner (Convener), Mary Campbell, Child, Booth, Dixon, Doran and Frank Ross.

For the amendment: Councillors Mitchell, Mowat, Osler and Rose.)

Decision

To approve the motion by Councillor Gardiner

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

5. Legal Review of Council Planning Processes - Implementation and Resource Impacts

In response to a motion by Councillor Mowat agreed at Council on 24 October 2019, details were provided setting out how the recommendations of the Shoosmiths Legal Review of Council Planning Processes were being implemented and addressed and the resource impacts of doing so.

Motion

- 1) To agree the proposed implementation of the recommendations of the Legal Planning Committee – 14 October 2020

Review as set out in Appendix 1 of the report.

2) To note the resource impacts identified in Appendix 1 of the report.

- moved by Councillor Gardiner, seconded by Councillor Child

Amendment

1) To agree the proposed implementation of the recommendations of the Legal Review as set out in Appendix 1 of the report with further clarification on:

Para 4.15(i) Best practice was that Councillors should submit additional information they received prior to the Committee to officers as soon as possible and advise officers if they planned to ask questions on this at Committee; officers should advise if they could respond to those requests and Committee would then decide whether a pause was required.

Para 4.19 (i) It should be clear to Convener and Committee that legal advice was available should this be required, where this was not requested prior to Committee and requested at Committee it should be Committee's decision whether to pause the item.

Para 4.20 (iv) The Convener and Vice Convener with Planning Officers should determine at their agenda planning meeting which Committees required the presence of a Council solicitor and revert to process at 4.19 (i) where there was no solicitor present and another member of the Committee raised issues that the required a legal opinion; as agreed at the elected members planning workshop items 4.19(i) and 4.20(iv) would be reviewed by officers and committee members at a Workshop in February 2021.

Para 4.21 (iv) To note that elected members may take part in determination of Planning Applications which had been the subject of a site visit without attending the site visit. To note that officers were carrying out a review of how information was communicated to Committee via reports, presentations and site visits. Where information relevant to a particular application could not be communicated by other means, officers would seek to provide information to enable members to undertake a site visit at an appropriate time so those members unable to undertake and organise site visits (due to accessibility or other commitments) to ensure that elected members had appropriate visual contextual information to take part in the determination of a planning application where a site visit was considered necessary.

- moved by Councillor Mowat, seconded by Councillor Rose

In accordance with Standing Order 22(12), paragraphs 2 and 3 of the amendment were accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Gardiner:

- 1) To agree the proposed implementation of the recommendations of the Legal Review as set out in Appendix 1, with further clarification on:

Para 4.19 (i) It should be clear to Convener and Committee that legal advice was available should this be required, where this was not requested prior to Committee and requested at Committee it should be Committee's decision whether to pause the item.

Para 4.20 (iv) The Convener and Vice Convener with Planning Officers should determine at their agenda planning meeting which Committees required the presence of a Council solicitor and revert to process at 4.19 (i) where there was no solicitor present and another member of the Committee raised issues that the required a legal opinion; as agreed at the elected members planning workshop items 4.19(i) and 4.20(iv) would be reviewed by officers and committee members at a Workshop in February 2021.

- 2) To note the resource impacts identified in Appendix 1 of the report.

(References – City of Edinburgh Council, 24 October 2019 (item 18); report by the Executive Director of Place, submitted.)

6. Scottish Government Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning - proposed response

Approval was sought for the Council's response to the Scottish Government's consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning.

Decision

- 1) To approve the content of the consultation response attached at Appendix 1 of the report.
- 2) To agree that this would be sent to Scottish Government as the City of Edinburgh Council's formal response to the Consultation on Proposed Changes to Pre-Application Consultation Requirements in Planning.

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

7. Training and Awareness Raising Programme

Details were provided of the proposed themes and dates for the training and awareness programme for Planning Committee members, and where relevant, members from other Council committees.

Decision

To agree the priorities for training and awareness raising over the next 12 months and the indicative themes for workshops.

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

8. Proposed Extension to New Town Conservation Area

On 17 August 2017, the Planning Committee approved the Finalised New Town Conservation Area Character Appraisal (CACA). A proposed boundary extension to the New Town Conservation Area was presented.

Decision

To approve the boundary extension to the New Town Conservation Area.



(References – Planning Committee, 22 August 2018 (item 12); report by the Executive Director of Place, submitted.)

Business Bulletin

Planning Committee

2.00pm, Wednesday 2 December 2020

Planning Committee

Convener:	Members:	Contacts:
<p>Councillor Neil Gardiner</p>  <p>Vice-Convener Councillor Maureen Child</p> 	<p>Councillor Chas Booth Councillor George Gordon Councillor Joan Griffiths Councillor Cameron Rose Councillor Max Mitchell Councillor Joanna Mowat Councillor Rob Munn Councillor Hal Osler Councillor Mary Campbell</p>	<p>Veronica MacMillan Committee Services 0131 529 4283 veronica.macmillan@edinburgh.gov.uk</p> <p>David Leslie Chief Planning Officer david.leslie@edinburgh.gov.uk</p>

Scottish Government Consultation on a Licensing Scheme and Planning Control Areas for Short Term Lets in Scotland

The consultation sought views on the Scottish Government's detailed proposals for the regulation of short-term lets which will form the basis for secondary legislation to be laid in Parliament in December 2020. The target implementation of regulations is April 2021. Comments were requested by Friday 16 October 2020.

The consultation paper addresses three key areas and seeks views on issues arising and possible ways of addressing these issues:

- definition of short-term lets;
- the establishment of control areas under the Planning (Scotland) Act 2019; and
- the establishment of a licensing scheme under the Civic Government (Scotland) Act 1982.

A response has been submitted by officers after consultation with the Short Term Lets Member – Officer Working Group. (See Appendix 1).

A report was considered by Policy and Sustainability Committee on [1 December 2020](#).

Contact:

david.leslie@edinburgh.gov.uk
Chief Planning Officer

Scottish Government Consultation on Permitted Development Rights – phase 1 priority development types

The consultation sought views on the Scottish Government's draft proposals for changes and extensions to Permitted Development Rights (PDR) in the following development types:

- Digital telecommunications infrastructure;
- Agricultural developments;
- Peatland restoration; and
- Development related to active travel.

Following consideration of the consultation comments, the Scottish Government intends to finalise proposals and to prepare regulations to be laid in Parliament in December

Contact:

Gina.bellhouse@edinburgh.gov.uk

2020. Comments were requested by Thursday 12 November 2020.

A response has been submitted by officers after consultation with the Convener and Vice Convener (See Appendix 2).

Planning Time Performance Information – Quarter 2 2020/21

Time performance statistics for Quarter 2 are provided as Appendix 3.

They use the Scottish Government's headline indicators, which measure decision making times by the average number of weeks in which applications without processing agreements or agreed time extensions are determined. The national indicators look at major, local (non-householder) and householder developments. The appended statistics present information on listed building consent and advert applications in a similar way. Enforcement cases are presented using the same indicators as in previous years.

The time performance charts for the three headline indicators use the Scottish Government's checked mid-year return, which was made available in November. Accordingly, average times for majors and locals show average decision times incorporating stop-the-clock periods for both Quarter 2 and Quarter 1 (for which interim figures were reported in October).

Appendix 3 shows that in Quarter 2:

- Average decision times for relevant major applications (33.0 weeks) were faster than in any quarter in 2019/20 and similar to the national average for last year (33.5 weeks).
- Average decision times for relevant local developments (11.7wks) were faster than in any quarter last year and Quarter 1 (12.9wks) and are approaching the national average (10.9 weeks).
- Decision times for householder applications (7.3 weeks) were faster than in any quarter last year and Quarter 1 and match the national average for last year (7.3 weeks).

Across all application types, the service determined over 694 applications during July, August and September. This is lower than typical for a quarter and lower than for Q1 (780). Overall submission of applications for the first 6 months of 20/21 is lower than typical. Depending on type, incoming

Contact:

ben.wilson@edinburgh.gov.uk

volumes of applications are around 65%-90% of levels last year. Householder applications have reduced the least (to 90%).

Appendix 3 also provides information and brief commentary on enforcement cases and legal agreements.

APPENDIX 1

Submitted to **Short Term Lets: Consultation on a licensing scheme and planning control areas in Scotland**

Submitted on **2020-10-16 10:18:51**

Questions

1 Please identify any issues with the proposed definition as set out in chapter 4, and how to resolve them.

Question 1:

CEC approach to date is that we have

- encouraged the use of a common definition for Planning and Licensing purposes,
- sought a criteria based approach,
- identified particular loopholes,
- sought clarification of definition of house and flats
- asked that there is a focus on defining a "primary residence" .

This consultation paper

- addresses all these points apart from definition of "primary residence" .

CEC therefore

- supports the proposed definition and asks that the Glossary of terms includes definition of a primary residence.

2 Please identify any issues with the proposed control area regulations as set out in chapter 5, and how to resolve them.

Question 2:

a) CEC approach to date is that we have

- sought the principle that all STLs in a defined area will require a change of use to overcome the current burden of a case-by-case basis
- sought a way of managing high concentrations of STLs
- highlighted where "seasonal" use of property to support events could be an exception.

This consultation paper proposes

- in a designated STLCA all secondary letting will be a change of use and require planning permission
- that the primary purpose of STLCA is to manage high concentrations
- discretion for planning authorities to apply a flexible approach around one-off events.

CEC therefore

- supports this approach. Further local decisions will be required by CEC on designated STLCA (or Areas) and any flexibility for specific events.

b) CEC approach to date is that we have

- sought simple way of linking planning permission to licensing of properties.

This consultation paper proposes

- in a manner similar to advertising hoardings, any planning permission which is granted would be valid for a default period of ten years (unless a longer or shorter period is set by the authority) but that local authorities should have the power to revoke planning permission after that time.

CEC therefore suggests an alternative:

- revocation of planning applications is a complex process and would be onerous for an authority potentially handling thousands of cases. Instead of the onus being on the planning authority to revoke the consent, the consents should be temporary and lapse. The period of planning permission could be linked to the length of the licence to keep it simple and easy for neighbours to follow.

c) CEC approach to date is that we have

- sought clarity about permitted development rights and the general allowance of a use for up to 28 days in a calendar year.

This consultation paper proposes

- to remove this permitted development right within control areas because it is considered this undermines the purpose of establishing a control area, adds to the complexities of enforcement and is confusing for neighbours.

CEC therefore supports this approach

- but seeks explicit clarification in relation to existing limitations of General Permitted Development Order Class 15.

d) CEC approach to date is that we have

- sought details of the process of establishing a STLCA
- shared information about existing extent of STL in Edinburgh and how transitional arrangements might work.

This consultation paper proposes

- using a similar process to that used to establish conservation areas (they have a similar effect in making planning permission mandatory within them). The conservation area process requires some form of consultation (not specified in legislation) and notification to Ministers for approval
- that local authorities have the power to set a grace period during which a host may submit a planning application for an existing secondary let and during which

no enforcement action would be taken against them.

CEC therefore supports the approach

- but seek early publication of guidance alongside the regulations to allow proposals in Edinburgh to be prepared and planning policies clarified.

e) in Annex B - Planning Legislation

The proposed legislation states: (2) In a short-term let control area, the use of a dwellinghouse for the purpose of providing short-term lets is deemed to involve a material change of use of the dwellinghouse.

This does not appear compatible with what is set out in the consultation paper. The paper states it will be secondary lettings (a form of short term lets) which will involve a material change of use in control areas. Home sharing and home letting shouldn't, but they would under this wording.

CEC proposed revision:

Revise this section so that the legislation reflects secondary lettings as automatic change of use in control areas (if that is approach intended).

3 Please identify any issues with the proposed licensing order as set out in chapter 6, and how to resolve them.

Question 3:

a) CEC approach to date is that we have

- sought a licensing regime to identify where and how STLs are operating and to regulate their operation to address safety issues
- sought to implement a licensing scheme at the earliest opportunity after regulations are in place.

This consultation paper proposes

- that the licensing system is to be delivered by local authorities but the Scottish Government will specify the mandatory and other possible conditions for the licence. Local authorities will have the power to introduce licensing conditions from a menu of options to address local issues of concern
- a target for local authorities to be able to implement a licensing scheme from 1 April 2021 and give local authorities discretion as to when they bring the provisions into force in their area. However, all local authorities must have a live licensing scheme open to receive licensing applications by 1 April 2022.

CEC therefore

- supports these proposals

b) CEC approach to date is that we have

- sought to ensure that it is a requirement of applying for a licence that planning permission is granted for the property.

This consultation paper proposes

- a mandatory condition that the host must confirm they have applied for, or obtained planning permission (if required), that it remains current and that they are complying with any planning conditions.

CEC therefore supports this

- but seeks clarification on 1) whether the licensing authority can refuse to consider a licence application until the result of a planning permission application is approved and 2) the impact on a licence granted if planning permission is subsequently refused.

c) CEC approach to date is that we have

- sought to allow comments to be received from neighbours when STL uses are proposed in a manner which is easier to address in both Planning and Licensing.

This consultation paper proposes

- that the applicant for a licence needs to notify neighbours within a 20 metre distance of the property, including all residents on a tenement stair and neighbouring tenement stairs and where planning permission is also required, propose to give local authorities the power to combine the notification requirements so that neighbours are not notified twice about the same proposal.

CEC therefore supports the approach

- but seeks further detail is required of how this will be delivered in a joined-up process.

d) CEC approach to date is that we have sought a licensing regime

- that sets a maximum occupancy for a STL based on size of property
- where local conditions can be applied within the local authority area
- which has appropriate transitional arrangements to allow the Council to manage a large volume of applications

This consultation paper proposes

- that local authorities will specify a maximum occupancy capacity condition with each licence. Local authorities must do this but may use their own criteria to set appropriate occupancy limits
- that local authorities will have discretionary powers to add licence conditions to address local needs & concerns
- to make appropriate transitional arrangements to allow operators to continue operating until a licence has been granted or refused
- to include grace periods which will allow hosts already operating to submit an application & afford local authorities time to consider them.

CEC therefore supports these proposals

- but notes that the proposals do not allow for the licensing system to control the numbers by imposing a cap or limit (but rather through the STLCA planning designation).

e) in Annex C - Licence requirements

Under Planning permission and conditions:

Indicates that where planning permission is required, that this will be self-declaratory and will not need to be verified. Would it not be appropriate at least in control areas, where planning permission is required by legislation, for this to be verified before a licence can be issued? Otherwise operators may well get their licence and potentially not apply for planning permission. This is likely to lead to continued instances of ESHORT investigations and a potential conflict whereby the local authority under the powers of the planning authority say it is not acceptable but under other powers grant a licence to operate anyway, and potentially take additional tax revenue. Surely this will undermine the planning system and integrity of planning enforcement.

CEC proposed revision:

Make verification of planning permission a mandatory requirement as part of licence application.

Digital Telecommunications Infrastructure

1 Do you agree with an increase in permitted height for new ground based masts to 30 metres outside designated areas, subject to the existing prior approval regime on siting and appearance?

Yes

If you disagree please explain why:

2 Do you agree that existing ground based masts should be able to be increased in height up to 30 metres (i.e. the same maximum height as for new masts proposed in Q.1 above) and that the increase should be limited to no more than 50% of the height of the original mast (whichever is the lower)?

Yes

If you disagree, please explain why:

3 Do you agree that we should allow existing masts which are above 30 metres in height to be increased to up to 50 metres in height?

Yes

If you disagree, please explain why:

4 Do you agree that we should allow existing masts which are greater than 50 metres in height to be increased by up to 20% of the height of the original mast?

No

If you disagree, please explain why:

Using percentages creates unnecessary confusion. PDR criteria covering expansions in height should be clearly set out in metres not percentages.

5 Do you agree that we should allow an increase in the width of existing masts by up to 2 metres or, if greater, one half of the width of the original mast (i.e. the increase is on the widest part of the mast and including any equipment)?

Yes

If you disagree, please explain why:

6 Do you agree that any height or width increase within a designated area should be subject to prior notification/prior approval in order that visual impacts can be assessed?

No

If you disagree, please explain why:

The City of Edinburgh Council (CEC) do not approve of the use of prior notification procedures for development under class 67. The concept of PNT/PA creates a public expectation that a planning authority will deal with such applications in a manner similar to a planning authority, and that residents can actively influence the determination of the proposed development in the same manner as a planning application. The system of PNT/PA is cumbersome and creates an additional strain on local authority administrative and financial resources, particularly as it generates a fee which is below that which would have been received for a planning application.

7 Do you agree that we should increase the maximum distance that replacement masts may be from their original location from 6m to 10m, outside designated areas?

Yes

If you disagree, please explain why:

8 Do you agree that in the case of replacement masts, in designated areas the current 6m distance from the original location should be retained?

Yes

If you disagree, please explain why:

9 We propose to retain the current approach to notify the relevant safeguarding body for masts. Do you agree?

Yes

If you disagree, please explain why:

10 Do you agree that the PDR for antenna systems on buildings outside designated areas should be as set out in Table 3 in the consultation paper?

Yes

If you disagree, please explain why:

11 Do you agree with extending PDR for antenna systems on buildings to all or some of the designated areas to which restrictions on PDR for such infrastructure currently applies?

No

Please indicate which designations should have extended PDR and why, or, if you disagree, please explain why:

CEC's local authority area includes 50 conservation areas, two world heritage sites, several designated gardens and large numbers of category A listed buildings. CEC therefore strongly opposes any extension of telecoms PDR within designated areas.

12 What controls should apply in designated areas for antenna systems on buildings and should there be any differentiation between area type (e.g. size and number limits, prior notification/ prior approval or greater restrictions in designations such as conservation areas and world heritage sites, to avoid any detrimental impact on the built environment in terms of any potential visual clutter etc)?

Please explain your answer:

The existing controls should remain in place with no amendment.

13 Do you agree that we should extend PDR to small cell systems on dwellinghouses (rather than just for small antennas)?

Yes

If you disagree, please explain why:

14 What limitations and restrictions should apply to small cell systems on dwellinghouses (e.g. smaller units, fewer in number than small antennas under PDR)?

Please explain your answer:

15 In conservation areas, what limits or requirements should apply to small cell systems on dwellinghouses and other buildings (e.g. prior notification/ prior approval to assess the visual impacts or smaller/lower limits, different provisions for dwellinghouses compared to other buildings)?

Please explain your answer:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

16 Do you agree that extending PDR for small cell systems as proposed and the proposed changes to PDR for new ground based cabinets in designated areas would meet the requirements of Article 57 of EU Directive 2018/1972?

Not Answered

If you disagree, please explain why:

17 Are there any other potential amendments, comments or observations you wish to make in relation to potential changes to PDR, that you consider necessary, to be compliant with the requirements of Article 57 of EU Directive 2018/1972?

Not Answered

Answer:

18 Do you agree that we should extend existing PDR in designated areas to allow for new equipment housing up to 2.5 cubic metres volume?

No

If you disagree, please explain why:

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

19 Should this be subject to prior notification/prior approval on the siting and appearance to mitigate visual impacts?

No

If you disagree, please explain why:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

20 If this were to be introduced do you agree that we should differentiate between types of designated areas by, for example, having smaller size limits in conservation areas than in National Parks?

No

If you disagree, please explain why and give your views on what limits should apply in which areas:

Dividing up designated areas into sub categories will create unnecessary confusion.

21 Do you agree that we should extend PDR for new equipment housing on buildings in designated areas, with a limit on size of up to 2.5 cubic metres volume?

No

If you disagree, please explain why:

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

22 Should this be subject to prior notification/ prior approval requirements on the siting and appearance to mitigate visual impacts?

No

If you disagree, please explain why:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

23 Do you agree that PDR for other apparatus should be extended in designated areas, beyond the basic 'like for like' alteration or replacement that currently applies?

Not Answered

If you disagree, please explain why:

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

24 Should any new PDR for other apparatus in designated areas have specific limits and restrictions regarding size and visual intrusion?

No

Please explain your answer, and, if you agree, please indicate what sorts of limits and restrictions should apply and why. If you disagree, please explain why. :

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

25 Do you agree that PDR for new development of other apparatus on buildings in designated areas should be subject to prior notification/prior approval to mitigate visual impacts?

No

If you disagree, please explain why:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

26 In which designated areas do you consider that PDR for underground development could be extended?

Please explain your answer, particularly with regard to those designated areas where PDR for underground development could not be extended:

/

27 In those areas where PDR for underground development could be extended, what limitations, restrictions or requirements should apply (e.g. prior notification/ prior approval, a requirement for an archaeological assessment or specific limitations)?

Please explain your answer:

/

28 Do you have any further comments to make which are specifically related to the potential changes to PDR for Digital Communications Infrastructure which have not been addressed in the questions above?

Yes

Additional comments:

Class 67 of the GPDO is written in a complicated manner and is generally difficult to comprehend for both members of public and planning officers. It should be simplified as much as possible for the benefit of all stakeholders, and to to aid the efficient national rollout of 5G. The extensive use of PNT/PA serves to

introduce subjective criteria into the assessment of a proposal which should ideally only be assessed against a set of clear objective criteria. It also creates a significant administrative and financial burden on planning authorities.

Agricultural Developments

29 Do you agree with our proposal to increase the maximum ground area of agricultural buildings that may be constructed under class 18 PDRs from 465sqm to 1,000sqm?

Yes

If you do not agree please explain why. :

30 Do you agree with our proposal to retain other existing class 18 conditions and limitations?

Yes

If you do not agree please explain why.:

31 Do you think that the new 1,000sqm size limit should apply in designated areas (e.g. National Parks and National Scenic Areas)?

Yes

Please explain your answer.:

32 Do you agree with our proposal to increase the scale of extensions or alterations to agricultural (and forestry) buildings that may be carried out without requiring prior approval?

Yes

If you do not agree please explain why.:

33 Do you agree with our proposal to discourage developers from erecting new buildings for the sole purpose of converting them by limiting class 18 and 22 PDR where a residential conversion has taken place under PDR on the same farm within the preceding 10 years?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of agricultural buildings to residential dwellings, even if a 10 year time limit is in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation. Please see answer to question 34 for more detail.

34 Do you agree with the proposed new PDR for conversion of agricultural buildings to residential use, including reasonable building operations necessary to convert the building?

No

If you do not agree please explain why.:

CEC has faced significant and sustained pressure over many years to allow new housing within the green belt, and we face consistent challenges in trying to manage urban sprawl and new housing in unsuitable and unsustainable locations. Introducing PDR allowing the change of agricultural buildings to residential dwellings would seriously undermine our long term attempts to manage the development of new housing within the green belt and urban fringe. CEC is strongly opposed to introducing these new rights.

35 Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters?

No

If you do not agree please explain why.:

CEC Strongly opposes the use of a PNT/PA for agricultural rights. As with telecommunications, we believe the PNT/PA system places a significant administrative and financial burden on planning authorities and raises public expectation unnecessarily.

36 Do you agree with the proposed range of matters that would be the subject of a prior notification/prior approval process?

No

If you do not agree please explain why.:

As detailed in the response to question 35, CEC strongly opposes the PNT/PA process. The list of matters would require a significant amount of officer time and resources to properly assess, and the fee received would be less than that for a full planning application.

37 Do you agree with the proposed maximum number (5) and size (100sqm) of units that may be developed under this PDR?

No

If you do not agree please explain why.:

See answer to question 35 and 36.

38 Do you agree with the proposed protection for listed buildings and scheduled monuments?

Yes

If you do not agree please explain why.:

39 Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of agricultural buildings to residential dwellings, even if a 10 year time limit is in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation. Please see answer to question 34 for more detail.

40 Do you agree with the proposed new PDR for conversion of agricultural buildings to flexible commercial use, including reasonable building operations necessary to convert the building?

No

If you do not agree please explain why.:

CEC has concerns over the ability of agricultural buildings to change to commercial use under PDR. We have strongly attempted through local plan policy to encourage town centre/designated areas first commercial development in sustainable locations which are well served by public transport in order to both promote sustainable travel, and tackle climate changes. Many agricultural sites are situated in remote locations which are accessible only by private car, and the proposed PRD would run contrary to our overall long term aims.

41 Do you agree with the proposed cumulative maximum floorspace (500sqm) that may change use?

No

If you do not agree please explain why.:

See answer to question 40. In addition, it should be noted our current local plan policy regulating this matter only generally permits up to 250 square metres (sqm) of retail out with designated areas under specific circumstances. The proposed changes would allow double this level, seriously impacting on the aims and objectives of our local plan policy.

42 Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters where the cumulative floorspace changing use exceeds 150sqm?

No

If you do not agree please explain why.:

As detailed in the response to question 35, CEC strongly opposes the PNT/PA process

43 Do you agree with the proposed range of matters that would be the subject of prior notification/prior approval?

No

If you do not agree please explain why.:

As detailed in the response to question 36, CEC strongly opposes the PNT/PA process range of matters. The range of matters would require a significant amount of officer time and resources to properly assess, and the fee received would be less than that for a full planning application.

44 Do you agree with the proposed protection for listed buildings and scheduled monuments?

Yes

If you do not agree please explain why.:

45 Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of agricultural buildings to commercial uses, even if a 10 year time limit is

in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation.

46 Do you agree that we should take forward separate PDRs for the conversion of forestry buildings to residential and commercial uses?

No

If you do not agree please explain why.:

Whilst CEC has fewer forestry areas than agricultural land, we still oppose the introduction of any such PDR rights for the same reasons.

47 Do you agree that the same conditions and limitations proposed in respect of the PDR for the conversion of agricultural buildings should apply to any separate PDR for the conversion of forestry buildings, insofar as relevant?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of forestry buildings to commercial uses, even if a 10 year time limit is in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation.

48 Do you agree with our proposed approach to providing greater clarity as to the planning status of polytunnels?

Yes

If you do not agree please explain why.:

Peatland Restoration

49 Do you agree with the general approach to PDR for peatland restoration, (i.e. wide ranging PDR given the likely oversight via Peatland Action and via the Peatland Code)?

Yes

If you do not agree, please explain why.:

50 Do you agree with the approach to PDR for peatland restoration that relies on a general understanding of what will constitute peatland?

Yes

If you do not agree, please explain why.:

51 Do you agree with this approach to a blanket PDR for 'peatland restoration'?

Yes

If you do not agree, please explain why.:

52 Do you agree that as peatland restoration projects will likely be subject to oversight from Peatland Action, or validation under the Peatland Code, there is no need for additional controls on related PDR in designated areas?

Yes

If you do not agree, please explain why.:

53 Do you think there should be PDR for new temporary access tracks (private ways) which may be necessary to carry out peatland restoration projects?

Yes

Please explain your answer:

54 What sort of time limits and restoration requirements do you consider should apply to any PDR for temporary access tracks (private ways) for peatland restoration projects? Please explain your answer.

Please explain your answer:

/

55 If possible, should any PDR for temporary access tracks (private ways) for peatland restoration only apply to projects which have been approved for funds provided by the Scottish Government, through Peatland Action or other bodies?

Yes

Please explain your answer.:

56 Do you agree that the peatland restoration PDR should allow for the transfer of peat within the restoration site and for peat to be brought into the restoration site?

Yes

If you do not agree, please explain why.:

/

57 Do you agree that the peatland restoration PDR should not grant permission for the extraction of peat outside the restoration site or for removal of peat from the restoration site?

Yes

If you do not agree, please explain why.:

/

58 Are there any other forms of development which could be granted planning permission by the PDR for peatland restoration as proposed, which should be restricted or controlled?

No

Please explain your answer, setting out what sorts of development you consider should be restricted and why.:

59 Do you have any other views or points to make about the proposed PDR for peatland restoration?

Peatland restoration - any other views:

\

Development Related to Active Travel

60 Do you agree with the proposal to allow the erection of a cycle store in the front or side garden of a house up to a maximum size of 1.2 m height, 2 m width and 1.5 m depth?

No

If you disagree please explain why:

CEC is generally supportive of active travel initiatives and we have worked with Spokes the main cycling organisation in Edinburgh and the Lothians to produce a factsheet on this matter for the general public. However, we are concerned by the proposal to introduce the specific concept of a 'cycle store' when dealing with structures which are incidental to the enjoyment of the dwellinghouse. The planning authority cannot control what is stored in such structures and given that the key issue when assessing storage structures is aesthetics, the introduction of such rights would make it harder for us to resist the erection of other non bike related structures.

There is also a potential issue in that at present householders can only erect a fence to 1 metre in height under existing PDR. This could create a scenario where storage structures could be higher than fences.

How would the concept of blocking traffic and pedestrian safety by blocking sightlines be assessed?

61 Do you agree with the proposal to permit cycle stores up to 1.2 metres in height, 2 metres in width and 1 metre in depth in the front or side garden of a house in a conservation area?

No

If you disagree please explain why:

CEC has generally been sympathetic to storage structures in front garden within a conservation area. However, the requirement for planning permission means that as an authority, we are able to control the orientation, colour, and materials of the cycle store to minimise the visual impact. If cycle stores are permitted development, there would be no control of the aesthetics. Concern about harm to conservation areas.

62 Should such an extension to PDR be subject to a restriction on materials?

No

Please explain your answer:

There are no particular concerns with regards to materials; there is a recognition that people would be concerned about the security issues of using timber. Colour, orientation and means to disguise the store are more critical than materials.

63 Do you agree with the proposal to increase the floorspace of storage sheds allowed in the rear garden of houses in conservation areas to eight square metres?

No

If you do not agree please explain why:

As stated previously, the planning authority cannot control the use of structures. We would not support a loosening of restrictions in conservation areas.

64 Do you agree with the introduction of PDR for the erection of a cycle store in the private garden area of a flat, including in a conservation area?

No

Please explain your answer:

Within Edinburgh, a number of flats are also subdivided villas and workers accommodation colony buildings. These subdivisions can be very varied and there are instances where a private garden can be overlooked by windows in a separate ownership. With PD rights for flats, it would potentially be possible to have a cycle store in front of someone else's windows but it would under the definition in 7.17 be a private allocated garden space. Any PD rights would need to address such a situation and make sure someone else's ground floor windows do not overlook that private space.

65 Do you agree with the proposal to allow cycle stores sufficient to accommodate up to two bikes per flat to the rear of larger blocks of flats, including in conservation areas?

No

If you disagree, please explain why:

CEC has concern about the description of a traditional tenement building. In Edinburgh, a large proportion of the rear of such buildings is useable garden space and not necessarily a 'functional' area for bins etc. It is amenity space for many of the residents.

In a large tenement building, the proposed PD rights could allow a large number of stores being erected in the common garden space. Some tenements have at least 6 flats, if not more so this could lead to large areas of garden being taken over with cycle stores. There is a key issue of joint ownership and the increase in PD rights would not take this into consideration. Some residents may not be happy with their garden being removed for sheds and this could lead to tension/neighbour disputes and enforcement enquiries. The planning system does not take ownership into account and the only recourse is through expensive civil action.

We would seek to retain control over structures in conservation areas to avoid over proliferation.

66 Do you agree with the introduction of PDR to allow the erection of cycle stores for buildings of class 4, 5 and 6 uses?

Yes

If you disagree, please explain why:

Such premises tend to be situated within commercial or industrial locations where the impact of storage structures would be less prominent than within residential areas.

67 Do you agree with the introduction of PDR to allow the erection of cycle stores on-streets?

Yes

If you disagree, please explain why:

Placing structures on street requires the agreement of the Council as Roads Authority. The planning authority is therefore able to effect some control over such structures prior to their installation. In addition, such structures can often be sited in locations where cars would have been parked resulting in a minimal difference to the overall streetscape.

68 If such PDR is introduced, do you agree with the proposed maximum size for the stores, and the proposed restriction on the number allowed in a particular street or block?

Yes

If you disagree, please suggest alternatives:

69 If such PDR is introduced, do you think it should it be allowed in conservation areas and, if so, should it be subject to any other limitations on size, materials etc?

No

Please explain your answer:

CEC as planning authority would wish to maintain direct control and input over the erection of such structures in conservation areas

70 Is there any other amendment to the General Permitted Development Order that you think we should consider in order to encourage active travel further?

Please explain your answer:

No

SEA Post-adoption Statement Summary

71 What are your views on the findings of the Update to the 2019 Sustainability Appraisal Report that accompanies this consultation document?

Please give us your views on the update to the Sustainability Appraisal, but please don't simply repeat what any views you gave us in the November 2019 consultation as these have already been taken into account:

/

Assessment of Impacts

72 Do you have any comments on the partial and draft impact assessments undertaken on these draft Phase 1 proposals?

Please give us your views on the partial and draft impact assessments undertaken on these draft proposals:

The Equality Impact Assessment does not identify any negative consequences. This should be checked and confirmed.

73 Do you have any suggestions for additional sources of information on the potential impacts of the proposals that could help inform our final assessments?

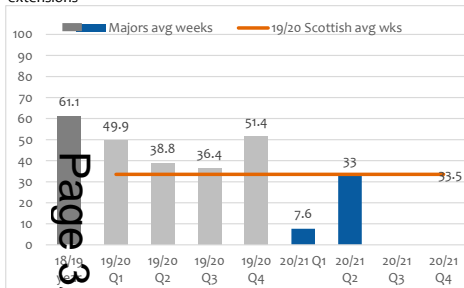
Please let us have any suggestions for where we might obtain additional information on the impacts of the proposals:

Supplementary submission to Scottish Government 19 November

Further to the Phase 1 PDR Consultation City of Edinburgh Council response on Questions 60 to 69, we would wish to suggest that if the Scottish Government progresses with proposals to extend permitted development rights for structures for cycle storage, the Council would be willing to work with Scottish Government planners on good practice and design advice. The Council has existing design guidance for householders considering the erection of cycle storage structures (as indicated in our response to Question 60). In the ongoing review of our Design Guidance, we will be considering further advice on this subject area and would be willing to share this if there was interest in preparing national planning advice on how to encourage permitted structures to address issues in conservation and other amenity areas.

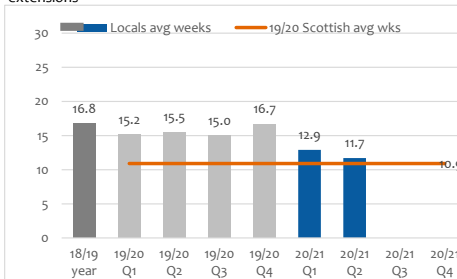
Major Developments

Average Decision Times (weeks) for applications without processing agreements or agreed extensions



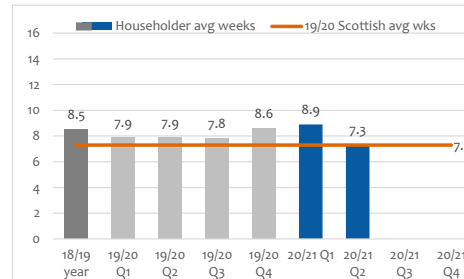
Local (Non-Householder)

Average Decision Times (weeks) for applications without processing agreements or agreed extensions



Householder

Average Decision Times (weeks)



Sub	32	12	7	1	7	3	5		
Det	25	9	7	5	9	5	5		
6 month totals:							Sub:8, Det:10		

Sub	1061	299	248	271	264	184	243		
Det	1082	268	242	241	249	187	212		
6 month totals:							Sub:427, Det:399		

Sub	1464	422	389	375	425	344	384		
Det	1481	387	397	369	390	362	317		
6 month totals:							Sub:728, Det:679		

Comments:

Major applications without a processing agreement/extension:

- Mixed use development at Royal Hospital for Sick Children
- Removal of condition for housing scheme in Granton
- Student housing at Westfield Road

Major applications with a processing agreement/extension:

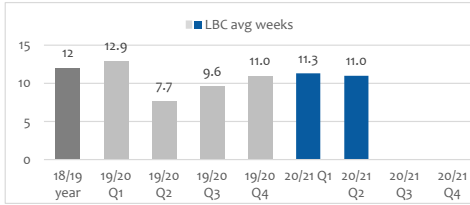
- Leisure development at Craigpark Quarry
- Extension of shopping centre at the Gyle

Notes:

- Decision times are from validation to issuing of permission, which includes time for legal agreements to be concluded.
- [Scottish Government](#) headline indicators monitor average decision times for major, local and householder applications without processing agreements or agreed time extensions. The charts show these times for relevant applications
- Quarterly figures for Q1 and Q2 are from Scottish Government's 6 monthly analysis (draft), and factor in stop-the-clock periods.
- Submitted & determined figures show all applications (i.e. with and without processing agreements / agreed extensions)

Listed Building Consents

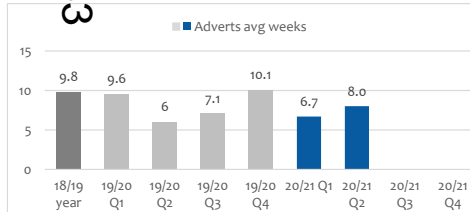
Average Decision Times (weeks)



Sub	1061	257	262	270	284	169	184		
Det	187	187	233	195	231	198	121		
6 month totals:						Sub:353, Det:319			

Advert Consents

Average Decision Times (weeks)



Sub	212	67	68	53	41	33	50		
Det	325	62	76	56	53	32	39		
6 month totals:						Sub:83, Det:71			

Enforcement

Short Term Let Enforcement Cases 2020/21

	Q1	Q2	Q3	Q4
Number submitted	6	61		
Number closed	72	15		
Number (and %) closed within 6 months (target 80%)	43 (59.7%)	9 (60.0%)		
	6 month %:- 59.8%			
	12 month %:- Last year (19/20): 68.9%			
Number of notices served	0	0		
Number (and %) closed within 6 months (target 80%)	n/a	n/a		
	6 month %:- n/a			
	12 month %:- Last year (19/20): 67.6%			

All Other Enforcement Cases 2020/21

	Q1	Q2	Q3	Q4
Number submitted	111	199		
Number closed	127	117		
Number (and %) closed within 3 months (target 80%)	95 (74.8)%	91 (77.8%)		
	6 month %:- 76.2%			
	12 month %:- Last year (19/20): 65.6%			
Number of notices served	0	0		
Number (and %) closed within 3 months (target 80%)	n/a	n/a		
	6 month %:- n/a			
	12 month %:- Last year (19/20): 40.1%			

Comments: No notices were served in Q2 as officers did not have the means to prepare and issue notices while working from home. A system is now in place to allow serving of enforcement notices to take place in Q3. The service has used discretionary enforcement powers, to allow businesses to operate with short term adaptations to Covid-19, before pursuing formal action in many cases.

Legal Agreements

Legal Agreements	At end Q1	At end Q2	At end Q3	At end Q4
Number of applications at legal agreement stage	37	31		
Number of applications where more than 6 months since Minded to Grant decision	24	23		

Comments: Overall pending agreements have reduced from end 19/20 (was 45) and actions to reduce number reaching 6+ months are being progressed.

This page is intentionally left blank

Planning Committee

2.00pm, Wednesday, 2 December 2020

City Plan 2030 – Progress to Proposed Plan Stage and Development Plan Scheme

Executive/routine	Executive
Wards	All
Council Commitments	1, 2, 4, 10, 11, 12, 18, 26

1. Recommendations

- 1.1 It is recommended that Committee approves the new Development Plan Scheme (DPS) (Appendix 1) for publication.

Paul Lawrence

Executive Director of Place

Contact: Iain McFarlane, Programme Director City Plan

E-mail: iain.mcfarlane@edinburgh.gov.uk | Tel: 0131 529 2419

City Plan 2030 – Progress to Proposed Plan Stage and Development Plan Scheme

2. Executive Summary

- 2.1 The purpose of this report is to seek the Committee's approval of a new Development Plan Scheme (DPS). Planning authorities have to publish a scheme at least once a year, to set out their programme for preparing their Local Development Plan (LDP). The last update to the scheme was reported in [August 2020](#). The appended DPS sets out a revised timetable and the likely engagement programme for the period of representation, subject to Covid 19 restrictions in place when this happens, for the next stages in the project to prepare a replacement LDP entitled City Plan 2030.

3. Background

- 3.1 Local authorities have to prepare LDPs for their areas and keep them up to date. LDPs should not be older than five years. The City of Edinburgh Council adopted its first LDP in November 2016. The replacement LDP is to be called City Plan 2030.
- 3.2 The development of City Plan 2030 commenced in 2018. At its meeting of [30 May 2018](#) the Planning Committee received a report which set out an overview of the project.
- 3.3 The report set out the overall objectives for the project, including alignment with the wider strategic context for the Council and its partners. There are several other projects and strategies being progressed or implemented in parallel with the City Plan 2030. Work has been on-going since May 2018 to ensure that these projects inform and are informed by City Plan 2030.
- 3.4 The 2018 report also identified some of the main requirements and constraints on the development of the plan. These include statutory requirements, which must be met if the Council is to adopt City Plan 2030 and avoid a successful legal challenge.
- 3.5 Planning Authorities must prepare a DPS at least once a year, or when the timetable for preparing the Plan changes. The last was approved in August 2020. This report presents an updated DPS for approval.

4. Main report

Purpose and Timetable

- 4.1 The purpose of a DPS is to set out publicly a planning authority's programme for preparing its development plan. This is intended to help communities, individuals and organisations know in advance about formal opportunities to engage with the planning process. A DPS must include a 'participation statement' for that purpose. A new DPS is attached for approval (Appendix 1).
- 4.2 The Development Plan Scheme:
- 4.2.1 explains its purpose, and what development plans are;
 - 4.2.2 describes the context in which the new plan is being prepared;
 - 4.2.3 sets out a timetable and dates for the new plan project; and
 - 4.2.4 sets out a Participation Statement, which is described in more detail below; and provides contact details for further information including social media details to help people follow planning activities.
- 4.3 Since May 2018, the project timetable has been influenced by a number of critical influences including, the Scottish Ministers' consideration and rejection of Strategic Development Plan (SDP) 2 for South East Scotland, the calling of a UK General Election for 12 December 2019, and the additional time allowed for submission of responses to Choices due to the Covid-19 public health emergency in April 2020.
- 4.4 Since then, consideration of the effects of Covid-19 have an impact on the approach to and timing of the technical work required to support the Proposed Plan. This includes:
- 4.4.1 Edinburgh Sustainable Strategic Transport Study (ESSTS) - A Phase 2 of the ESSTS, to support City Plan 2030 and the City Mobility Plan, is underway. This study will inform the strategic approach to transport within Edinburgh, including future tram lines, potential bus network changes, active travel integration and interchanges/mode hubs. Recommendations of this study will influence the strategy of the proposed plan.
 - 4.4.2 Transport Assessment - In addition to recommendations from the ESSTS phase 2 study, up to date assumptions of the level of change to travel patterns and post pandemic working practices, public transport use, private car use and active travel need to be understood to feed into the Transport Appraisal required to support City Plan. Officers are working with the Scottish Government, Transport Scotland and consultants to understand this issue, to inform the proposed plan.
 - 4.4.3 Strategic Flood Risk Appraisal - Due to the Climate Emergency, significant changes are required to enable the city to use the green/blue infrastructure to cope safely, sensitively and innovatively with all aspects of climate change. To enable this change, a holistic city-wide flood risk assessment was

commissioned. Officers are working with Scottish Environment Protection Agency (SEPA), Scottish Water and consultants to complete this assessment to inform the proposed plan.

4.4.4 West Edinburgh Spatial Strategy for Inclusive Growth - Phase 2 of a study identifying a preferred option for Inclusive Growth in West Edinburgh is underway, including required infrastructure improvements. This study is a key input to the spatial strategy for City Plan 2030 and the Council is engaging with key stakeholders and the Scottish Government on a preferred option, to be reflected in the proposed plan.

4.5 Final outputs for these studies will now be reported in December 2020.

4.6 The recent reversion to stricter measures to control the pandemic also needs to be considered in terms of public engagement and further comment on participation approaches is given below.

4.7 As delays in the plan process could add to the risk of exposure to the Scottish Planning Policy (SPP) considerations of not having an up to date development plan (plans should be less than five years old), not having a clear, effective five year housing land supply and thereby invoking the SPP presumption in favour of development which constitutes sustainable development according to SPP criteria, then delay should be avoided where possible.

4.8 However, it is considered to be critical that the proposed City Plan takes account of the findings of the above transport, flooding and West Edinburgh appraisals and its strategy is informed by them. The risk of a proposed plan failing at examination needs to be managed by ensuring the plan is robust. Therefore, delay to the proposed plan preparation to accommodate these studies is recommended.

4.9 As set out in the DPS, a proposed plan is now expected to be presented to committee in February 2020.

Participation Statement

4.10 The appended DPS sets out a participation statement with consultation activities.

4.11 The next stage of the plan preparation process allows for comment on the proposed Plan, this is called the period of representations.

4.12 The impact of the current health emergency on the period of representations to the proposed plan is not known at this stage. It is not known if social distancing and/or lockdown measures will be still in place in 2021 to enable traditional, in person, engagement to go ahead. Therefore, an update to this participation statement will be provided at the time of publishing the proposed plan.

4.13 However, if possible, some, or all, of the following activities will be used to raise awareness and encourage people to have their say on the proposed plan:

4.13.1 Launch of proposed plan;

4.13.2 Publicity to raise awareness of proposed plan;

4.13.3 Statutory neighbour notification;

- 4.13.4 Notification to those groups and individuals on the project mailing list telling them how to comment;
- 4.13.5 Staffed exhibitions in public places to raise awareness, if possible;
- 4.13.6 Drop-in sessions to allow opportunity to find out more about consultation proposals, if possible;
- 4.13.7 Best practice online/digital engagement (as guided by the Scottish Government's digital planning programme) which could include virtual exhibitions, a planning engagement hub, webinars and online events; and
- 4.13.8 Non-digital engagement - including opportunities to ask informal questions, telephone surgeries, printed newsletters, hard copies of documents, paper letters and engagement via other council services.

5. Next Steps

- 5.1 Once approved, the appended DPS will be published in designed form on the Council's website and circulated to the project mailing list.

6. Financial impact

- 6.1 This report has no direct financial impacts. The budgetary implications of the Proposed Plan will be set out in supporting papers at that stage. Choices was accompanied by a high level financial statement.

7. Stakeholder/Community Impact

- 7.1 Early engagement has informed the process of arriving at the Choices document.
- 7.2 The formal consultation stages are set out in statute and focus in the main issues report (Choices for City Plan 2030) and Proposed Plan stages.
- 7.3 City Plan 2030 has a key role in delivering Edinburgh's vision and aligns with the Edinburgh Economy Strategy which is tailored towards delivering good growth for everyone. An Integrated Impact Assessment (IIA) has been carried out as an integral part of the plan project and will be reviewed and updated at each stage of the process and will be available as a public document.
- 7.4 The IIA identifies potential negative impacts on business and urban communities resulting from providing housing land in existing urban areas. Further choices set out in Choices for City Plan 2030 aim to mitigate this through provision of new business floorspace and re-provision on sites where business floorspace is redeveloped for housing and other uses and a placemaking approach.
- 7.5 The assessment concludes that overall Choices for City Plan 2030 will support equality, health and well-being and human rights and have positive socio-economic impacts overall. There is no expected negative impact. Further IIAs will be carried out as the project progresses.

- 7.6 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.
- 7.7 Project governance arrangements include regular monitoring and management of identified risks.
- 7.8 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 report to the Governance, Risk and Best Value Committee on [16 January 2018](#).
- 7.9 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 through the proposed plan is critical to achieving sustainable development.
- 7.10 A Strategic Environmental Assessment is being carried out as an integral part of the plan project. Its findings are set out in an Environmental Report, which is available as a supporting document at www.edinburgh.gov.uk/cityplan2030. The Environmental Report will be the subject of its own separate statutory consultation.

8. Background reading/external references

- 8.1 Supporting documents for the Choices for City Plan 2030 main issues report are available online at www.edinburgh.gov.uk/cityplan2030:
- 8.2 Development Plan Scheme, [August 2020](#)

9 Appendices

- 9.1 Appendix 1 – Development Plan Scheme.

Appendix 1 - Development Plan Scheme December 2020

Contents

Background

What is a Development Plan Scheme?

What is a Development Plan?

The bigger picture – 2050 City Vision and other strategies

A new plan – City Plan 2030

Participation Statement

Early Engagement (up to December 2019)

Choices for City Plan 2030 Consultation

The Proposed Plan

How to stay informed

What is a Development Plan Scheme?

A development plan scheme sets out how the next local development plan will be prepared. It includes:

- an explanation of what a Local Development Plan (LDP) is;
- a timetable for preparing the next plan, to be called City Plan 2030, and
- details on how you can get involved in preparing City Plan 2030.

The Council needs to publish a development plan scheme at least annually. The Council's last development plan scheme was published in August 2020.

What is a Development Plan?

The planning system impacts on everyone. Our lives are shaped by the places where we live, work and visit and these places are shaped by planning decisions. The Scottish Government requires Councils to prepare development plans for their areas. LDPs contain a 10-year strategy for the future development of an area and set out policies and proposals to guide decision making on planning applications.

An LDP needs to take account of the following statutory documents:

The National Planning Framework: this sets out, at the national level, the Scottish Government's strategy for the country's spatial development, including developments of national importance. The third National Planning Framework was published in June 2014.

A replacement national planning framework is expected to be prepared during the preparation of City Plan 2030.

A Strategic Development Plan (SDP): this sets out a long term (20 years or more) spatial planning strategy for a city region, including where future development will be located and what is required to deliver it. The SDP for South East Scotland was approved in June 2013. It was prepared by the SDP Plan Authority for Edinburgh and South East Scotland (SESplan). The six councils which are members of SESplan are Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian.

The SDP, together with the LDP and any associated Supplementary Guidance (SG) form the development plan referred to in decisions on planning applications.

Edinburgh LDP (2016) - The current Edinburgh LDP was formally adopted on 24 November 2016. The plan is available online at www.edinburgh.gov.uk/localdevelopmentplan

The adopted plan is to be accompanied by twelve pieces of SG. These will also form part of the overall development plan. They cover the following matters:

- 9 town centres, including the City Centre Retail Core;
- Developer Contributions and Infrastructure Delivery;
- Edinburgh BioQuarter and Little France Park; and
- Heat Opportunities Mapping.

The plan is being used to determine planning applications. It is accompanied by a statutory Action Programme which is being used to ensure delivery of the plan's policies and proposals, including necessary infrastructure.

Councils are currently required to review their local development plan at least every five years.

Changes to the Planning System

A Planning Bill was passed by the Scottish Parliament in June 2019. Its full provisions will not take effect for some time, because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. Accordingly, City Plan 2030 is being prepared under the existing legislation. Further

information on changes to the planning system is available on the Scottish Government webpage.

The Bigger Picture

City Plan 2030 is being prepared at a time when the long-term future of Edinburgh is being considered.

- Edinburgh 2050 City Vision – an ongoing project in which residents, businesses and organisations define how they want the city to be in 2050;
- The Council Business Plan 2017/22 - this sets out the Council’s commitments and priorities over a five-year period, several of which are relevant to the new LDP;
- Community Planning – Four Locality Improvement Plans have been prepared – one for each part of the Council’s area. In addition, an overall Community Plan has been prepared to coordinate services across the public and voluntary sector;
- City Mobility Plan – a new transport strategy is being prepared alongside a project to deliver City Centre Transformation and a Low Emissions Zone;
- City Housing Strategy – a regularly updated strategy to deliver new affordable housing; and
- Edinburgh Economy Strategy – a strategy approved in 2018 which aims to enable good growth for Edinburgh’s economy, based on inclusion, innovation and collaboration.

A New Plan – City Plan 2030

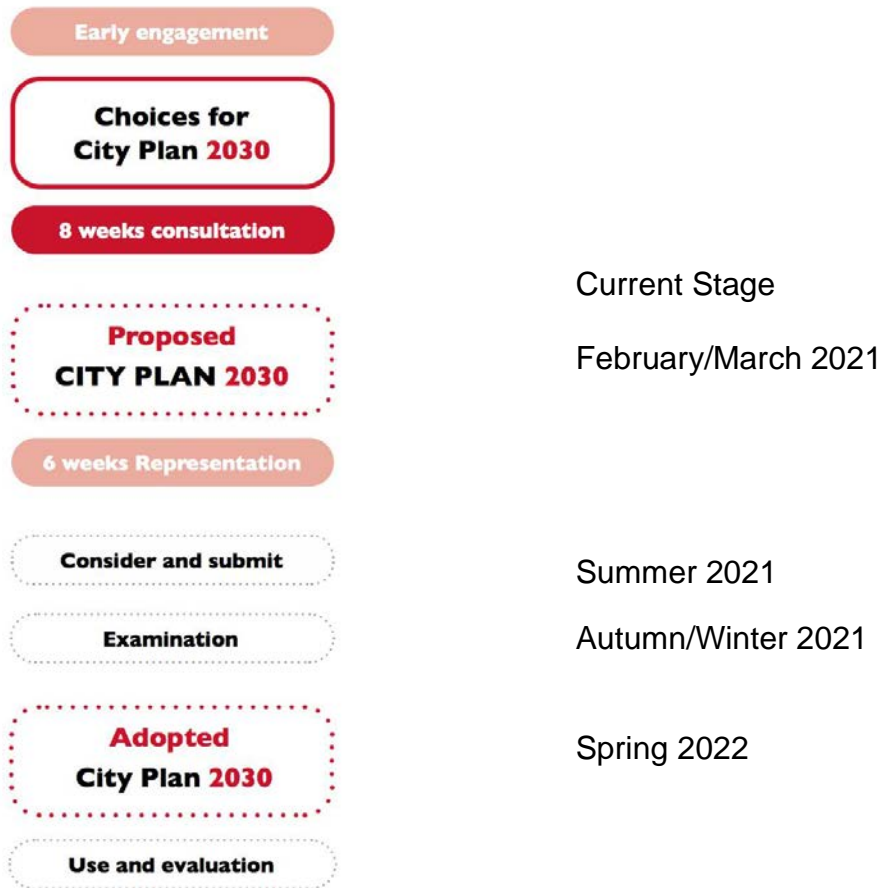
Our next LDPs can deliver the emerging vision of Edinburgh in 2050.

City Plan 2030

The new LDP will be called City Plan 2030.

This name is intended to help explain what time period the plan covers, and to be more user friendly than calling our next plan an ‘LDP’.

Timetable



Choices for City Plan consultation		January to April 2020
Proposed Plan reported to Planning Committee		February/March 2021
Period for representations on Proposed Plan	6 weeks	
Submit Plan and representations to Scottish Ministers	5 months after Proposed Plan formal publication	
Examination and Report of Examination	6 to 9 months (target) + 1-month administrative preparation	
Plan as Modified	Within 3 months after Report of Examination	
Notify Scottish Ministers of intention to adopt	Within 3 months after Report of Examination	
Adoption	Within 3 months after Plan as Modified	

Project stage duration estimates are derived from Circular 6/2013 Development Planning.

PARTICIPATION STATEMENT

The following section sets out how we intend to engage during the preparation of City Plan 2030 and what we have been doing so far.

Early Engagement (up to Autumn 2019)

We have been working with community representatives and others to shape the choices to be presented in the main consultation stage in 2019/2020.

This engagement has included the following:

- Community briefings and workshops including 12 briefings with community Councillors and ward Councillors and six-community workshops;
- Children and Young People Engagement Programme, including nine Place Standard workshops in schools, sessions with geography classes in a high school (Boroughmuir), a session with a youth group (second one planned was cancelled due to Covid-19) and an exhibition stall at Climate Talks Youth Summit;
- Topic stakeholder discussion events, focusing on key land use issues including office and industry, development, housing, visitor accommodation and shopping and leisure;
- Use of social media to build awareness and interest in the project; and
- Engagement and consultation on closely-linked projects such as City Centre Transformation.

Choices for City Plan 2030 Consultation

The main issues report was the key consultation opportunity in the City Plan 2030 project. Our main issues report was called 'Choices for City Plan 2030'. It set out the main choices for the new plan, including the Council's preferred options for change and other reasonable alternatives.

We consulted on these choices using the Council's online Consultation Hub from 31 January 2020 and accepted responses up to 30 April 2020.

The following activities were used to raise awareness and encourage people to have their say:

- Launch of consultation document;
- Publicity to raise awareness of consultation and online engagement on Facebook, Twitter and LinkedIn;
- Notification to those groups and individuals on the project mailing list telling them how to comment;
- 11 key stakeholder sessions for key agencies, primary schools and transport groups, and three topic seminars (one seminar was cancelled due to Covid-19 pandemic);
- 8 Drop-in sessions to allow opportunity to find out more about consultation proposals (one event cancelled due to Covid-19 pandemic).
- Staffed exhibitions in public places to raise awareness; and
- 5 consultation hub surgeries to enable people to ask detailed questions and complete the survey online.

The consultation received 1,807 formal responses. This compares to 438 responses to the Main Issues report which led to the current LDP. Social media statistics demonstrate that knowledge of the project reached 1.2 million people, with over 24,000 engagements on our posts.

The Proposed Plan

The Proposed Plan is due to be reported to the Planning Committee in February 2021. It will be accompanied by a summary explaining how the main issues consultation responses have been taken into account.

Proposed Plan Representation Period

The Proposed Plan will then be published for a six-week period in which representations can be made. These can support the Proposed Plan or seek changes to it. These will then be considered first by the Council then by a Scottish Government reporter in an examination. The examination report can make recommendations for changes to the plan.

Impact of Coronavirus / Covid-19 on the proposed Plan Representation Period

The impact of the current health emergency on the period of representations to the proposed plan is not known at this stage. The Chief Planner wrote to all Local Authorities on the 3 April 2020, encouraging progress on delivering LDPs.

It is not known if physical distancing and/or lockdown measures will be still in place in early 2021 to enable traditional, in person, engagement to go ahead. Therefore, an update to this participation statement will be provided at the time of publishing the proposed plan.

However, if possible, some, or all, of the following activities will be used to raise awareness and encourage people to have their say on the proposed plan:

- Launch of proposed plan;
- Publicity to raise awareness of proposed plan;
- Statutory neighbour notification;
- Notification to those groups and individuals on the project mailing list telling them how to comment;
- Staffed exhibitions in public places to raise awareness;
- Drop-in sessions to allow opportunity to find out more about consultation proposals;
- Best practice online/digital engagement (as guided by the Scottish Government's digital planning programme) which could include virtual exhibitions, a planning engagement hub, webinars and online events; and
- Non-digital engagement - including opportunities to ask informal questions, telephone surgeries, printed newsletters, hard copies of documents, paper letters and engagement via other council services.

How to stay up to date

Follow us: Twitter: @planningedin

Blog: planningedinburgh.com

View the project webpage at: www.edinburgh.gov.uk/cityplan2030

To find out more about engagement in the City Plan 2030 project or add yourself to the mailing list: cityplan2030@edinburgh.gov.uk

Questions about the content of the current LDP:
localdevelopmentplan@edinburgh.gov.uk

Contact us by post: City Plan Team, Waverley Court (G3), 4 East Market Street,
Edinburgh EH8 8BG

You can request more copies of this leaflet by emailing cityplan2030@edinburgh.gov.uk

You can get this document on tape, in Braille, large print and various computer formats if you ask us. Please contact Interpretation and Translation Service (ITS) on 0131 242 8181 and quote reference number 19-5213. ITS can also give information on community language translations.

This page is intentionally left blank