

Notice of meeting and agenda

Planning Committee

2.00 pm Wednesday, 23rd February, 2022

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

Contacts

Email: martin.scott@edinburgh.gov.uk

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. Minute

- 4.1 Planning Committee of 1 December 2021 - submitted for approval as a correct record 7 - 12

5. Business Bulletin

- 5.1 Planning Committee Business Bulletin 13 - 28

6. Development Plan

- 6.1 Scottish Government Draft National Planning Framework 4 - City of Edinburgh Response – Report by the Executive Director of Place 29 - 72
- 6.2 Scottish Government Local Development Planning Regulations and Guidance consultation - City of Edinburgh Response – Report by the Executive Director of Place 73 - 84
- 6.3 Scottish Government Open Space Strategies and Play Sufficiency Regulations consultation – City of Edinburgh Response – Report by the Executive Director of Place 85 - 98

7. Planning Policy

- | | | |
|------------|---|-----------|
| 7.1 | Short-term Let Area of Control Designation – Report by the Executive Director of Place | 99 - 208 |
| 7.2 | Annual Review of Guidance – Report by the Executive Director of Place | 209 - 214 |
| 7.3 | Edinburgh Urban Design Panel - Annual Review – Report by the Executive Director of Place | 215 - 234 |
| 7.4 | Non-Statutory Guideline on Developer Contributions and Infrastructure Delivery – approval for preparation and consultation of draft guideline – Report by the Executive Director of Place | 235 - 240 |
| 7.5 | Scoping report considering opportunities to review current planning policies and guidance to assist in meeting the climate change emergency and net-zero carbon targets – Report by the Executive Director of Place | 241 - 264 |

8. Planning Process

- | | | |
|------------|--|-----------|
| 8.1 | Funding Third Sector Delivery Partners: Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust – Report by the Executive Director of Place | 265 - 274 |
| 8.2 | Proposed Approach to Planning Enforcement for Temporary Structures for Hospitality – Report by the Executive Director of Place | 275 - 280 |

9. Planning Performance

- | | | |
|------------|-------|--|
| 9.1 | None. | |
|------------|-------|--|

10. Conservation

- | | | |
|-------------|--|-----------|
| 10.1 | Revised Merchiston and Greenhill Conservation Area Character Appraisal – Report by the Executive Director of Place | 281 - 304 |
| 10.2 | Proposed extension to the Leith Conservation Area – Report by | 305 - 318 |

11. Motions

11.1 None.

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor Denis Dixon, Councillor George Gordon, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Cameron Rose and Councillor Alex Staniforth

Information about the Planning Committee

The Planning Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. This meeting of the Planning Committee is being held remotely by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email martin.scott@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 <https://democracy.edinburgh.gov.uk/>.

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Minutes

Planning Committee

2.00pm, Wednesday 1 December 2021

Present

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

1. Minutes

Decision

To approve the minutes of the Planning Committee of 29 September 2021 as a correct record.

2. Business Bulletin

The Committee's business bulletin for 1 December 2021 was presented.

Decision

- 1) To agree that officers would look at reducing duplication of information within reports.
- 2) To otherwise note the Business Bulletin.

(Reference – business bulletin, submitted)

3. Edinburgh Local Development Plan: Action Programme 2021 - adoption

Committee considered a report advising that on 11 August 2021, Planning Committee decided to continue the report on the Edinburgh Local Development Plan: Action Programme 2021 – adoption to provide further information on T7 project costings and on the status and reasons for the removal of some transport projects and to bring the report back to the December 2021 Planning Committee. This report provided the further information requested.

Motion

- 1) To agree that the Edinburgh Local Development Plan (LDP) Action Programme 2021 detailed at Appendix 1 to the report was to be formally adopted, published and submitted to Scottish Ministers.
- 2) To note the completed actions set out in Section 8 of Appendix 1 to the report and the actions removed from the Action Programme as set out in Appendix 2 to the report.

- moved by Councillor Gardiner, seconded by Councillor Child

Amendment

In recommendations, to add new paragraph at the end as follows:

To note the decision of Transport & Environment Committee on 14 October 2021 to develop a new Active Travel Action Plan (ATAP) with an expected completion date of Summer 2022, and therefore to ask planning officials to liaise closely with council transport colleagues and to bring back a further report to Planning Committee, once the new ATAP had been approved, setting out how the planning system and in particular the LDP action programme, could contribute to the delivery of the new ATAP.

- Moved by Councillor Booth, seconded by Councillor Staniforth

In accordance with Standing Order 22(12), the amendment was accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Gardiner:

Motion

- 1) To agree that the Edinburgh Local Development Plan (LDP) Action Programme 2021 detailed at Appendix 1 to the report was to be formally adopted, published and submitted to Scottish Ministers.
- 2) To note the completed actions set out in Section 8 of Appendix 1 to the report and the actions removed from the Action Programme as set out in Appendix 2 to the report.
- 3) To note the decision of Transport & Environment Committee on 14 October 2021 to develop a new Active Travel Action Plan (ATAP) with an expected completion date of Summer 2022, and therefore to ask planning officials to liaise closely with council transport colleagues and to bring back a further report to Planning Committee, once the new ATAP had been approved, setting out how the planning system and in particular the LDP action programme, could contribute to the delivery of the new ATAP.

(References – Planning Committee, 3 February 2021 (item 5); report by the Executive Director of Place, submitted)

4. Affordable Housing Tenures

The Affordable Housing Policy (AHP) provided an important source of land to support the delivery of the new supply of affordable housing.

Committee considered a report that compared delivery of affordable homes through the AHP to housing need figures (estimated in the last Housing Need and Demand Assessment) and addressed the request for an assessment of all homes delivered by this policy in the last three years.

Motion

- 1) To agree the content of the report discharged the remit of the adjusted motion approved at Planning Committee on 19 May 2021 to report back in two cycles

on assessment of all homes delivered by the Affordable Housing Policy (AHP) in the last three years.

- 2) To note that an assessment of the impact of Low Cost Home Ownership (LCHO) would be carried out. Informal engagement would take place with private developers, Registered Social Landlords and Scottish Government regarding the Golden Share tenure and support for LCHO.
- 3) To refer the report to Housing, Homelessness and Fair Work Committee for information.
 - Moved by Councillor Gardiner, seconded by Councillor Child

Amendment

In the recommendations, delete the existing paragraph 1.1.2 and insert:

To agree that an assessment of the impact of Low Cost Home Ownership (LCHO) and Below Market Rent (Mid Market Rent and Intermediate Rent) would be carried out; informal engagement would take place with private developers, Registered Social Landlords and Scottish Government regarding the Golden Share tenure, support for LCHO and Below Market Rent options, and a further report would be presented to committee in Summer 2022.

- Moved by Councillor Booth, seconded by Councillor Staniforth

In accordance with Standing Order 22(12), the amendment was accepted as an addendum to the motion.

Decision

To approve the following adjusted motion by Councillor Gardiner:

- 1) To agree the content of the report discharged the remit of the adjusted motion approved at Planning Committee on 19 May 2021 to report back in two cycles on assessment of all homes delivered by the Affordable Housing Policy (AHP) in the last three years.
- 2) To agree that an assessment of the impact of Low Cost Home Ownership (LCHO) and Below Market Rent (Mid Market Rent and Intermediate Rent) would be carried out; informal engagement would take place with private developers, Registered Social Landlords and Scottish Government regarding the Golden Share tenure, support for LCHO and Below Market Rent options, and a further report would be presented to committee in Summer 2022.
- 3) To refer the report to Housing, Homelessness and Fair Work Committee for information.

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

5. Housing Land Audit and Completions Programme 2021

Details were provided of a summary of the findings of the 2021 annual Housing Land Audit and Completions Programme.

The Housing Land Audit and Completions Programme (HLACP) was used to assess the supply of land for housing and the delivery of new homes within the City of

Edinburgh Council area. It recorded the amount of land available for house building; identified any constraints affecting development; and assessed the land supply against the housing supply target and housing land requirement set by the Strategic Development Plan (SDP) for South East Scotland.

Decision

- 1) To note the findings of the report including Appendix 1, 'The Housing Land Audit and Completions Programme 2021'.
- 2) To refer the report to the Scottish Government for information.
- 3) To refer the report to the Housing, Homelessness and Fair Work Committee for information.

(References – Planning Committee, 3 February 2021 (item 5); report by the Executive Director of Place, submitted)

6. Planning and Building Standards Charter Update

Details were provided of three customer charters. Previously there was a joint Planning and Building Standards customer charter, which had now been separated to meet a national requirement for a dedicated Building Standards charter. The appended standalone customer charters incorporated amendments to reflect changes to the relevant services. Wherever possible, they had been kept in alignment to ensure consistently high-quality customer experiences.

The appended enforcement charter had also been updated to meet a national requirement for two-yearly review and to support improvements in the enforcement service.

Decision

- 1) To note the appended charters to the report.
- 2) To note that the Planning and Building Standards charters (Appendices 1 and 2 to the report) had been separated to meet national requirements and updated to reflect service changes.
- 3) To note that the Enforcement charter had been updated to reflect legislative change and to provide a clearer explanation of the enforcement process, priorities and outcomes.

(References – Planning Committee, 3 February 2021 (item 12); report by the Executive Director of Place, submitted)

7. Old and New Towns of Edinburgh World Heritage Site Management Plan Review

Committee considered a report that presented the programme for the revision of the current Old and New Towns of Edinburgh World Heritage Site Management Plan with a view to producing a new Plan for 2023.

Decision

- 1) To note the report in the context of the means of protecting the Old and New

Towns of Edinburgh World Heritage Site (ONTE WHS) through the planning system and the review process for the current Management Plan.

- 2) To approve the proposed timescale for producing a new Management Plan for 2023.

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

Declarations of Interest

Councillors Gardiner and Child declared non-financial interests in the above item as Council appointed Directors of the Edinburgh World Heritage Trust.

8. SESplan Budget Closing Accounts and Cessation

Approval was sought for the ratification of the SESplan Joint Committee decisions from its meeting of 4 October 2021, relating to the finalisation of its budget and formal cessation of meetings of the Committee.

The report also updated Committee on the new arrangements for spatial planning in Edinburgh and the South East of Scotland as previously considered by the Committee at its meetings of 2 October 2019 and 26 February 2020.

Decision

- 1) To note that the responsibilities for regional spatial planning had been transferred from the SESplan Joint Committee to the City Region Deal Elected Member Oversight Committee.
- 2) To agree that there be no further meetings of the SESplan Joint Committee and that its Constitution be amended, removing the requirement to meet twice annually.
- 3) To agree the SESplan final accounts and return of the remaining balances to the six SESplan Local Authorities.
- 4) To agree that the remaining SESplan funding balance be used to support regional spatial strategy work by the appointment of a planning officer, on a part time basis for a fixed period, as a strategic planning resource within the City Region Deal Programme Management Office (PMO).
- 5) To note that the SESplan Project Board (officer working group) would be renamed the Strategic Planning Advisory Group, with its Chair becoming a member of the City Region Deal Directors Group.

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

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Business Bulletin

Planning Committee

2.00pm, Wednesday, 23 February 2022

Planning Committee

Convener:	Members:	Contacts:
<p>Councillor Neil Gardiner</p>  <p>Vice-Convener Councillor Maureen Child</p> 	<p>Councillor Chas Booth Councillor Lezley Marion Cameron Councillor Denis Dixon Councillor George Gordon Councillor Max Mitchell Councillor Joanna Mowat Councillor Hal Osler Councillor Cameron Rose Councillor Alex Staniforth</p>	<p>Martin Scott Committee Services martin.scott@edinburgh.gov.uk</p> <p>David Givan Chief Planning Officer david.givan@edinburgh.gov.uk</p>

Planning Time Performance Information – Quarter 3 2021/22 and Ministerial Feedback on 20/21

Time performance statistics for Quarter 3 (Q3) are provided in Appendix 1.

The indicators and method are the same as previously reported in Business Bulletins and they include explanatory notes.

They show an increase in average decision times for local development planning applications and for listed building consents. This is due to the impact of high case volumes earlier in the year and Covid-related impacts on staff in Q3. The figure for local developments is expected to improve once stop-the-clock periods are factored in.

The total applications submitted in Q3 was the same as the previous quarter - 950. The total determined was 870, fewer than in Q2 (975).

Also appended is the Scottish Minister's feedback letter on the Council's Planning Performance Framework for 2020/21 (Appendix 2).

Points to note include:

- The feedback shows improvements across several indicators. The red-amber-green diagrams near the bottom of the letter show the overall positive direction. This is the Council's best feedback since 2013/14.
- The four persistent amber indicators relate to:
 - Decision making times – for major, local and householder development (combined as indicator 1), and for legal agreements (indicator 4).
 - Development Plan Scheme (indicator 8) – due in part to the fact that City Plan was not adopted before the current Local Development Plan turned five years old in November 2021. The feedback includes a remark seeking more clarity on the City Plan project timetable moving forward.

Contact:

Ben Wilson
Team Manager
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- Indicator 6 (Continuous Improvement) is linked to performance in other categories, so will not be green until all other indicators are.
- The sole indicator / sub-indicator which has worsened (major applications times in the table at end of the letter) relates to the five major cases determined in 2020/21 without a processing agreement or agreed extensions of time. Of these, two were 'legacy' cases one of which was particularly old (validated in 2014). Accordingly, the relatively poor average time for major development is a result of the Council's success in clearing stalled cases, success which is acknowledged in the commentary on indicator 14.

It is intended to ask the Scottish Government for advice on what further information is needed for indicator 8 so that this can be provided in the Council's Planning Performance Framework submission for 2021/22.

Building Standards Time Performance Information – Quarter 3 2021/22

The Building Standards service continues to keep performance at levels ahead of partner consortium authorities. Recruitment of surveyors at all grades is nearing a conclusion with the aim of filling vacancies within the service. The use of remote video inspections and alternative evidence is being developed in conjunction with the Scottish Government's Digital Transformation project to improve customer service.

Regular dialogue continues with the Scottish Government's Building Standards Division regarding service performance and predictions for the coming quarters.

In relation to performance, the service continues to keep the overall times to grant a building warrant to a level better than over the last 15 years, at an average of 75 days. The number of days has improved by over 40% in the last three years.

Contact:

Colin Wishart
Operations Manager
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	2021/22		
	Q1	Q2	Q3
Number of first reports	1,350	1,250	1,099
% on target	95%	92%	94%
Number of warrants granted	1,283	1,290	1,171

Princes Street / Waverley Valley Strategy – progress report

The scope of a Strategy for Princes Street and the Waverley Valley was agreed by Planning Committee on [14 October 2020](#).

An important first step of this strategy was the review of existing guidance relating to the area. This was reported to Planning Committee on [3 February 2021](#). It focussed on the City Centre Princes Street Development Framework and the Development Briefs for Princes Street Blocks 1-7a.

Key stakeholder meetings took place during late 2020 and early 2021. The outcome of these meetings and the guidance review helped to develop the content of a draft strategy.

To align with Local Development Plan policy and avoid simultaneous consultations, the preparation of the draft Strategy has been re-scheduled to follow publication of the Proposed City Plan 2030. The Strategy features under Place 1 - Edinburgh City Centre Policy in the Proposed City Plan.

Other recent progress has included:

- Targeted engagement with business representatives for vacant units along some of the Princes Street blocks to ascertain their views, on the impact of the COVID 19 pandemic and opening of Edinburgh St James Quarter. This is underway and is will inform the Strategy; and
- Input to Network Rail’s working group to develop the Waverley Station Masterplan, including specialist advice on design, sustainability and built heritage issues to inform option selection.

Contact:

Lesley Porteous
Senior Planner
Lesley.Porteous@edinburgh.gov.uk

There continues to be development interest in Princes Street with recent conversions of former department stores and changes of use being implemented. Next steps will be to complete a draft Strategy which will set the development principles for Princes Street. This is expected to be brought before Committee in summer and, subject to approval, will be subject of public consultation thereafter.

City Mobility Plan

On [19 February 2021](#), Transport and Environment Committee approved the City Mobility Plan 2021-2030. A ten year plan addressing how people and goods move around, into and out of Edinburgh, the City Mobility Plan (CMP) is the Council's overarching local transport strategy and supersedes the last local transport strategy, Local Transport Strategy 2014-2019.

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 state that in preparing a local development plan the planning authority are to have regard to any local transport strategy relating to the local development plan area.

The CMP was developed in parallel with the emerging City Plan 2030. The CMP also reflects the essence of transport strategy and policies in the adopted Local Development Plan (LDP), which seek to facilitate sustainable travel where travel is necessary.

Direct linkages in the CMP to the adopted and emerging local development plans include:

- **Placemaking** (page 11) - states that the CMP, alongside the adopted LDP and emerging City Plan 2030, aim to create a city where it is not necessary to own a car in order to get around.
- **Policy Measure Movement 14: Walking and Wheeling** (page 31) – requires the enhancement, and where necessary, the expansion of the walking/wheeling network to serve and connect key destinations across the city. The supporting policy justification refers to the adopted LDP and emerging City Plan 2030, which also require new developments to be permeable and connected to wider path networks.
- **Policy Measure Place 2: 20 Minute Neighbourhoods** (page 49) – Supports the 20-minute neighbourhood concept to underpin local communities and reduce the

Contact:

Ruth White
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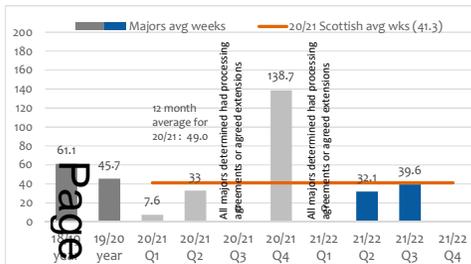
need for longer distance journeys. The supporting policy justification states that dense mixed-use developments are the most sustainable ways to plan for our future and combat climate change and that the adopted LDP and emerging City Plan 2030 contain policies which require sustainable development that is supportive of the 20-minute neighbourhood concept.

The emerging City Plan 2030 contains references to CMP throughout. Policies align with the transport hierarchy as set out in CMP. There is also alignment and support for other key aspects such as sustainable freight.

When a planning application is being considered it is for the decision maker to decide what weight to attach to any material consideration in making their determination. Where officers consider that CMP is a relevant material consideration, this will be set out in planning reports on a case-by-case basis.

Major Developments

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



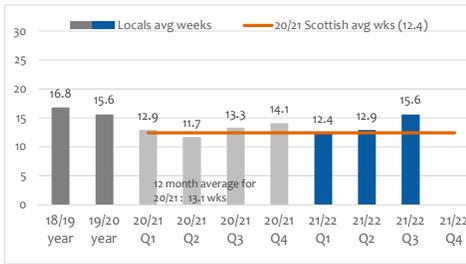
Sub	3	27	3	5	7	8	2	8	5	
Det	25	30	5	5	6	6	6	7	12	
6 month totals:		Sub:8, Det:10		Sub:5, Det:12		Sub:10, Det:13				
12 month totals:		Sub:23, Det:32								
Decided over 16 wks no agreements/extensions										
Appeals against non determination										

Comments:

- Ten out of twelve major application decisions had processing agreements
 - Only one refused at Centrum House Dundas St (demolition and erect mixed/use)
 - Nine approved; inc. new school/nursery, residential, and music venue
- Two without process agreements at Fountainbridge and Gilmerton Road

Local (Non-Householder)

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



Sub *	1061	1082	184	243	285	295	208	183	194	
Det*	1082	1000	187	212	244	294	195	161	168	
6 month totals:		Sub:427, Det:399		Sub: 580, Det: 538		Sub:391, Det:356				
12 month totals:		Sub: 1007, Det: 937								
Decided over 8 wks no agreements/extensions										
Appeals against non determination										

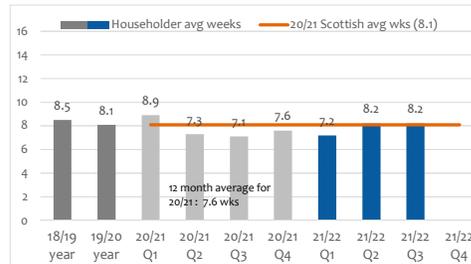
Notes:

- 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 20/21 and 21/22 Q1-2 are from Scottish Government's checked statistics, and factor in stop-the-clock periods.
- Figures for Q3 may not include all stop-the-clock periods.
- Submitted & determined figures show all applications (i.e. with and without processing agreements / agreed extensions)

* Pre-21/22 numbers for Local (Non-householder) cases also include some non-planning application cases. 21/22 figures exclude these to better reflect Scottish Government statistical method.

Householder

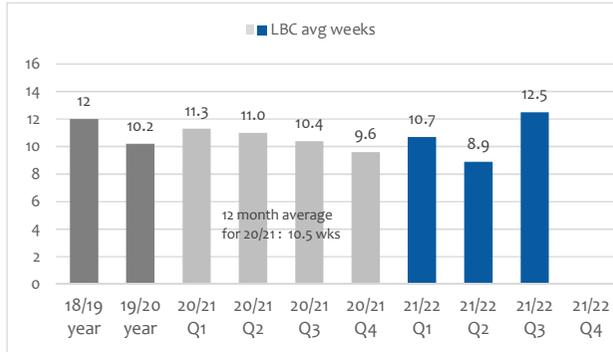
Average Decision Times (weeks)



Sub	1464	1611	344	384	509	526	579	480	462	
Det	1481	1543	362	317	472	499	548	486	444	
6 month totals:		Sub:728, Det:679		Sub:1035, Det:971		Sub:1059, Det:1034				
12 month totals:		Sub: 1763, Det: 1650								
Decided over 8 wks no agreements/extensions										
Appeals against non determination										

Listed Building Consents

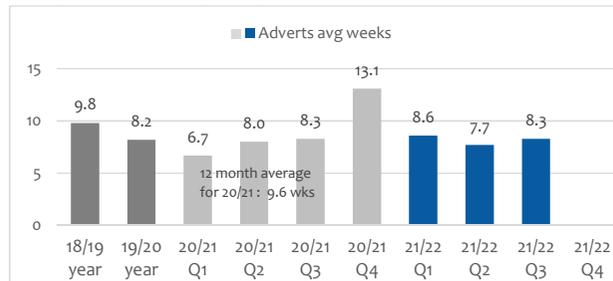
Average Decision Times (weeks)



Sub	1062	1073	169	184	260	295	301	230	243
Det	1082	846	198	121	183	194	285	272	196
6 month totals:		Sub:353, Det:319		Sub:555, Det:377		Sub:531, Det:557			
12 month totals:		Sub: 908, Det: 696							
Decide over 8 wks no agr		115	50	98	67	100	122	97	
Appeals against non det		1	0	0	0	3	0	0	

Advert consents

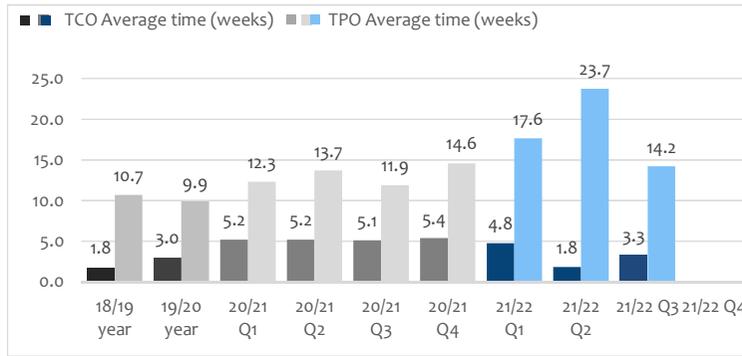
Average Decision Times (weeks)



Sub	212	229	33	50	30	37	39	49	46
Det	325	247	32	39	29	54	42	49	50
6 month totals:		Sub:83, Det:71		Sub:67, Det:83		Sub:88, Det:91			
12 month totals:		Sub: 150, Det: 154							

Treework (TCO - Treework in Conservation Area / TPO - Tree Preservation Order)

Average Decision Times (weeks)



Sub	698	638	200	248	233	221	193	234	219
Det	675	559	115	247	220	161	236	179	284
6 month totals:		Sub:448, Det:362		Sub:454, Det:381		Sub:427, Det:415			
12 month totals:		Sub: 902, Det:743							

TCO - notices of intent to carry out works to trees in a conservation area.

Sub	78	125	23	34	31	32	37	27	28
Det	82	95	19	24	19	24	24	34	26
6 month totals:		Sub:57, Det:43		Sub:63, Det:43		Sub:64, Det:58			
12 month totals:		Sub: 120, Det:86							

TPO - applications for work to trees which are subject to a Tree Preservation Orders.

Legal agreements and Appeals

	At end Q1	At end Q2	At end Q3	At end Q4
Number of applications at legal agreement stage	36	27	22	
Number of applications where more than 6 months since Minded to Grant decision	8	3	5	
Comments: The number of pending legal agreements over 6 months has increased slightly. Actions to reduce times are being implemented.				

Enforcement - short term let cases

	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4
Number submitted	23	52	19	
Number closed	10	20	26	
Number (and %) closed within 6 months (target 80%)	5 (50%)	20 (100%)	21 (81%)	
	6 month %: 83.3%		6 month %:	
12 month %: (20/21 : 61.5%)				
Number of notices served	9	9	4	
Number (and %) closed within 6 months (target 80%)	8 (89.9%)	7 (77.7%)	4 (100%)	
	6 month %: 83.3%		6 month %:	
12 month %:- (20/21 : 100%)				

Enforcement - all other cases

	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4
Number submitted	225	174	147	
Number closed	227	190	198	
Number (and %) closed within 6 months (target 80%)	174 (76.6%)	154 (81%)	155 (78%)	
	6 month %: 328 (73.7%)		6 month %:	
12 month %: (20/21 : 61.5%)				
Number of notices served	3	0	12	
Number (and %) closed within 6 months (target 80%)	1 (33.3%)	n/a	2 (17%)	
	6 month %: (20/21 : n/a)		6 month %: (20/21 : n/a)	
12 month %:- (20/21 : n/a%)				

There has been an increase in the number of short term let enforcement cases closed in a quarter. Decision times for all enforcement cases have remained around target levels, with the exception of timing of non-short term let notices. This is due to the resumption of progressing older cases.



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Andrew Kerr
City of Edinburgh Council

29 November 2021

Dear Andrew Kerr

I am pleased to enclose feedback on your authority's tenth Planning Performance Framework (PPF) Report, for the period April 2020 to March 2021.

This is the first time I have written to you individually in my capacity as Planning Minister since my appointment earlier this year. I am very grateful for the support and welcome I have received and look forward to working with you.

This year has continued to present challenges for people working within planning, in the development sector and across Scotland's communities. We know people are doing the best they can to engage and operate, sometimes in ways and circumstances that may not be ideal, and with many still predominantly working from home. I appreciate that many of you will have had to make difficult choices in what work is prioritised, in much the same way the Government and Planning and Architecture Division has had to. However, we should all be very proud of how planning has responded to the coronavirus pandemic, adjusting as necessary to keep going and supporting recovery. I want to take this opportunity to thank you and your staff for all the work that has been done during the pandemic and to support our ongoing recovery.

When my predecessor wrote to you last year he indicated that the pandemic had required a rethink about the timing and prioritisation of our planning work programme. A number of our workstreams were paused or delayed as a result, including the review of the planning performance and fee regimes, which had been the subject of a detailed consultation that concluded in early 2020. However, in October 2021 we published a revised planning implementation programme (<https://www.gov.scot/publications/transforming-planning-practice-updated-planning->

[reform-implementation-programme/](#)). You will note that we have now recommenced our planning performance and fees review, which reflects the importance Scottish Government attaches to this work. We are currently finalising proposals and intend to lay regulations before the end of the year to introduce increased fees, providing a boost to planning authorities' resources. We also intend to commence the recruitment of the National Planning Improvement Coordinator early in 2022.

Turning to the 2020-21 PPF reporting year, although, as expected, there have been some small changes overall in the markings awarded, the figures indicate that performance has remained relatively stable. This is a testament to the hard work and flexibility of authorities during these very difficult times and I believe that overall good progress continues to be made by Scotland's planning authorities.

If you would like to discuss any of the markings awarded below, please email chief.planner@gov.scot and a member of the team will be happy to discuss these with you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Arthur', written in a cursive style.

Tom Arthur

Minister for Public Finance, Planning and Community Wealth

CC: David Leslie

PERFORMANCE MARKERS REPORT 2020-21

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

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

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

No.	Performance Marker	RAG rating	Comments
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	Amber	<p>Major Applications Your timescales of 49.0 weeks are slower than the previous year and the Scottish average of 41.3 weeks. RAG = Red</p> <p>Local (Non-Householder) Applications Your timescales of 13.1 weeks are faster than the previous year but are slower than the Scottish average of 12.4 weeks. RAG = Amber</p> <p>Householder Applications Your timescales of 7.6 weeks are faster than the previous year and the Scottish average of 8.1 weeks. RAG = Green</p> <p>Overall RAG = Amber</p>
2	<p>Processing agreements:</p> <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Green	<p>You promote the use of processing agreements for major developments. There has been a slight increase in their use during the reporting period. RAG = Green</p> <p>The availability of advice and guidance in the use of processing agreements is advertised on your website. RAG = Green</p> <p>Overall RAG = Green</p>
3	<p>Early collaboration with applicants and consultees</p> <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	Green	<p>Pre-application service was introduced in 2019 and continued over the reporting period in spite of the pandemic. 169 enquiries for a combination of local and major developments were received during the past year. RAG = Green</p> <p>Input at pre-application stage has helped to avoid unnecessary delays and complications at a later stage in the application process. RAG = Green</p> <p>Overall RAG = Green</p>
4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months	Amber	Your average timescales for applications with legal agreements are faster than last year's figures but are slower than the Scottish average. A further 32 applications were determined using processing agreements with only a third of those being determined within agreed timescales.

	after resolution to grant (from last reporting period)		
5	Enforcement charter updated / re-published within last 2 years	Green	Your enforcement charter was 15 months old at the time of reporting.
6	Continuous improvement: <ul style="list-style-type: none"> • progress/improvement in relation to PPF National Headline Indicators; and • progress ambitious and relevant service improvement commitments identified through PPF report 	Amber	Your decision making timescales for non-major applications are faster than last year, but with the exception of householder applications, are slower than the Scottish average. However, the number of legacy cases has reduced substantially. Your enforcement charter and LDP are up to date, but the latter is not scheduled to be replaced within the required timescale. RAG = Amber Your PPF report outlines progress and actions against last year's improvement commitments, and sets out priorities for the 2020-21. RAG = Green Overall RAG = Amber
7	Local development plan less than 5 years since adoption	Green	Your LDP was 4 years and 4 months old at the end of the reporting period.
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> • on course for adoption within 5 years of current plan(s) adoption; and • project planned and expected to be delivered to planned timescale 	Amber	Your LDP is not on course to be replaced within the required 5 year timescale. However, it is noted that this has been impacted by the pandemic and cyber-attack on SPEA RAG = Amber It is not clear from your report how you are project managing the replacement of your LDP to minimise any further delays. RAG = Red Overall RAG = Amber
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	N/A	N/A
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i>	N/A	
11	Regular and proportionate policy advice produced on information required to support applications.	Green	Case studies 4, 7, 8 and 9 provide a range of examples of policy being reviewed, consulted on and updated.
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	Part 1 of your PPF report explains how business models were reviewed and continually updated in response to the particular challenges brought about by the pandemic. Further examples are provided by case studies 3, 8 and 9.
13	Sharing good practice, skills and knowledge between authorities.	Green	Peer review carried out with West Dunbartonshire and Glasgow Councils.

14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old.	Green	You have cleared 65 cases during the reporting year, with 37 cases still awaiting conclusion. This represents a significant reduction in the number of legacy cases, which have almost halved.
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	Green	LDP Policy sets out expectations as to developer contributions. RAG = Green Model s75 legal agreement introduced to provide greater clarity as to expectations. RAG = Green Overall RAG = Green

CITY OF EDINBURGH COUNCIL
Performance against Key Markers

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21
1	Decision making timescales								
2	Processing agreements								
3	Early collaboration								
4	Legal agreements								
5	Enforcement charter								
6	Continuous improvement								
7	Local development plan								
8	Development plan scheme								
9	Elected members engaged early (pre-MIR)	N/A	N/A	N/A	N/A				N/A
10	Stakeholders engaged early (pre-MIR)	N/A	N/A	N/A	N/A				N/A
11	Regular and proportionate advice to support applications								
12	Corporate working across services								
13	Sharing good practice, skills and knowledge								
14	Stalled sites/legacy cases								
15	Developer contributions								

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

	Red	Amber	Green
2013-14	1	5	7
2014-15	2	4	7
2015-16	2	3	8
2016-17	1	3	9
2017-18	3	3	9
2018-19	3	3	9
2019-20	2	4	9
2020-21	0	4	9

Decision Making Timescales (weeks)

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	2020-21 Scottish Average
Major Development	27.9	26.5	33.6	43.0	56.3	61.1	45.7	49.0	41.3
Local (Non-Householder) Development	10.7	11.6	11.6	12.4	14.7	16.8	15.6	13.1	12.4
Householder Development	7.5	7.7	8.0	8.3	8.8	8.5	8.1	7.6	8.1

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Planning Committee

2.00pm, Wednesday, 23 February 2022

Scottish Government draft National Planning Framework 4 – City of Edinburgh Response

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

- 1.1 It is recommended that Committee agrees the proposed response to the draft National Planning Framework 4 as set out in Appendix 1 and that it be submitted to the Scottish Government by 31 March 2022.

Paul Lawrence

Executive Director of Place

Contact: Iain McFarlane, City Plan Programme Manager

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

Scottish Government draft National Planning Framework 4 – City of Edinburgh Response

2. Executive Summary

- 2.1 The purpose of this report is to seek approval for a supportive response to the Scottish Government's draft National Planning Framework 4 as an appropriate development strategy and national policy document, subject to the considerations and proposed amendments set out in Appendix 1.

3. Background

- 3.1 The Planning (Scotland) Act 2019 set out that the National Planning Framework (NPF) becomes a statutory part of the development plan which informs and has regard to Regional Spatial Strategies (RSSs) and informs Local Development Plans (LDPs). As part of this, the Act provides that the NPF would set targets for new homes as well as incorporating a revised Scottish Planning Policy (SPP), in addition to setting a national spatial strategy and designating National Developments.
- 3.2 Draft NPF4 was published on 10 November 2021, following an engagement process carried out by the Scottish Government which included collaborative work on interim RSSs, A Call for Ideas, a Position Statement on policy revisions and consultation on proposed default minimum housing land numbers. Planning Committee has approved responses to each of those.

4. Main report

- 4.1 The Scottish Government seeks comment on the draft NPF4.
- 4.2 The draft sets out in its four main sections:
- 4.2.1 A **spatial strategy** for the country and for regional development;
 - 4.2.2 A series of **National Developments** subject to Ministerial rather than Planning Authority decision making, with associated statutory requirements;
 - 4.2.3 A **National Planning Policy Handbook**, replacing the current Scottish Planning Policy (2014), which are intended to replace the need for policy

statements in future LDPs made under the relevant provisions of the 2019 Act (other than for localised issues); and

- 4.2.4 **Delivering Our Spatial Strategy**, setting out how this might be brought about.
- 4.3 There is also a section containing annexes of Outcomes Statement, Housing Numbers and Glossary.
- 4.4 Appendix 1 to this report sets out the proposed response to the draft NPF, following the structure of the Scottish Government's consultation questions and stating where proposed strategy, National Developments and national policies should be amended to enable the NPF to properly influence how development happens and how it can contribute to emission reductions and net zero carbon targets.
- 4.5 The **Spatial Strategy** has been formed giving regard to updating NPF3 and the making of interim RSSs by planning authorities in collaboration with the Scottish Government. The strategy has four main themes of creating better places (sustainable, liveable, productive, distinctive) and a strong focus on the need for planning to address climate change impacts and the nature crisis. It is based on six overarching principles, compact growth, local living, balanced development, conserving and recycling assets, urban and rural synergy and just transition.
- 4.6 The spatial strategy has five areas of action, with Edinburgh part of the Central Urban Transformation area with a range of actions to tackle emissions by decarbonising buildings and transport, making better use of land and promoting a wellbeing economy.
- 4.7 The considerations of the spatial strategy are similar to those of the Proposed City Plan 2030 and if approved in this or a similar form, it will support many aspects of the plan at Examination.
- 4.8 The **National Developments** include some relevant to the country as a whole and some more area or site specific. Notably, the national development status in NPF3 for West Edinburgh, as an area of business led development, is proposed to be removed and there is support in the Central Urban Transformation actions for this area as an extension of the city with a wide range of uses. National Development status designations include urban mass/rapid transport, Central Scotland Green Network, National Walking, Cycling and Wheeling Network, Sustainable Blue and Green Drainage Solutions and Edinburgh Waterfront.
- 4.9 The National Developments, as relevant, are supportive of the objectives of the Proposed City Plan 2030 and the Granton Development Framework.
- 4.10 The **national planning policies** are set out across four main themes of creating better places (sustainable, liveable, productive, distinctive).and encompass the policy areas either required of LDPs by regulation or expected to be found in LDPs in terms of the planning duties of an authority. The policies are intended to deliver the four main themes of the strategy.
- 4.11 The policy approach is largely supportive of the objectives of City Plan 2030. Consideration needs to be given to the objectives, form and wording of these

proposed policies as to how they might be applied in making an LDP and in making decisions on planning applications, through a series of officer workshops.

- 4.12 On **Delivering our Spatial Strategy** the draft recognises the need for an infrastructure first approach and a range of delivery mechanisms to bring about the strategy and policy outcomes and in this supports the approach taken in Proposed City Plan 2030.
- 4.13 The proposed response in Appendix 1 includes commentary on where it is recommended that changes be made to the relevant parts of draft NPF4. Overall, the strategy, national development and policy proposals of the draft are considered to be appropriate to climate change and nature crisis objectives and give support to Proposed City Plan 2030. Amendments, as proposed in Appendix 1, are intended to ensure the final NPF4 is appropriately worded to enable its objectives to be secured in the assessment of proposals and decisions on planning applications. Therefore, it is recommended the draft should be supported subject to the proposed amendments.

5. Next Steps

- 5.1 Subject to approval of the proposed response, this will be submitted to the Scottish Government as the Council's formal response on this consultation. Officers will continue to promote these principles to the Scottish Government, including through any post-consultation process which follows.

6. Financial impact

- 6.1 This report has no direct financial impacts, with the final stages of NPF4 requiring parliamentary approval.

7. Stakeholder/Community Impact

- 7.1 The content of the draft NPF4 has been shaped by consultation and engagement with stakeholders throughout 2020 and 2021 and the Government now seeks comment on it.
- 7.2 The Scottish Government's proposals are clearly set out and communicated, allowing all stakeholders the opportunity to comment further.
- 7.3 There are no direct sustainability impacts arising from this report.
- 7.4 Any required assessment of impacts would be addressed by the Scottish Government or through the LDP process.

8. Background reading/external references

- 8.1 [Scottish Government National Planning Framework 4 Housing Land Figures – City of Edinburgh Response.](#)
- 8.2 [Scottish Government Position Statement on National Planning Framework 4 – City of Edinburgh Response.](#)
- 8.3 [Scottish Government Call for Ideas for National Planning Framework 4 – Interim Regional Spatial Strategy.](#)

9. Appendices

- 9.1 Appendix 1 – Response to Scottish Government draft National Planning Framework 4 .
- 9.2 Appendix 2 – [Draft National Planning Framework 4.](#)

Scottish Government draft National Planning Framework

4 – City of Edinburgh Council Response

Spatial Strategy

We welcome that the spatial strategy is informed by the collaborative work between local authorities and the Scottish Government through the interim Regional Spatial Strategies (iRSS). We consider that the work done by the South East Scotland authorities has generally been taken account of and the emphasis on meeting net carbon zero emissions by 2045. It would be beneficial if the drive to net zero could be expressed as something to be reached as soon as possible within that timescale rather than the 2045 target, given the severity of the climate emergency and its impacts; this would enable those authorities that have committed to reaching net zero earlier, including the City of Edinburgh Council, as a significant contribution to the national target, have support in their objectives and how to reach them.

NB text in italics is from draft National Planning Framework (NPF) 4 for context to assist in Members' consideration of the issues. The full draft NPF4 is available [here](#).

Sustainable places

Our future net zero, nature-positive places will be more resilient to the impacts of climate change and support the recovery and restoration of our natural environment. This will help Scotland's places to thrive within the planet's sustainable limits and will maximise the new economic and wellbeing opportunities from a just transition to a net zero, nature positive economy. The United Nations Intergovernmental Panel on Climate Change has made clear the very real threat and heightened risk the climate emergency poses to the planet; and the health of the planet's ecosystems is declining faster than at any point in human history. Scotland must play its full role in tackling these crises and invest in reducing carbon emissions and restoring the richness and resilience of our natural environment. Our strategy is to transform the way we use our land and buildings so that every decision we make contributes to making Scotland a more sustainable place. In particular, we want to encourage low- and zero-carbon design and energy efficiency, reduce the need to travel unsustainably, and diversify and expand renewable energy generation. We will secure positive effects for biodiversity, creating and strengthening nature networks and investing in nature-based solutions to support nature recovery and create multiple benefits for our natural capital, health, wellbeing, resilience and jobs. And we will encourage sustainable design and use of resources, including circular economy approaches to construction and development.

Q1: Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?

Agree with the aims, however, there is a need to ensure that objectives, and the policies to secure them, do more than 'encourage'. The strategy must require action by all stakeholders to ensure the objectives are met and the language has to be sufficiently strong to do so. In general, many policies are worded in terms of 'should' rather than as a policy requirement 'must'.

Liveable places

Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live. This will ensure that we live in communities that are inclusive, empowered, resilient and safe. It will also help us to be healthy and active, creative and diverse, so that people grow up loved, safe and respected, and realise their full potential. The COVID-19 pandemic has left a social legacy that requires urgent action, and longer term restructuring. Although these are unprecedented challenges, they also create an opportunity to significantly improve our places, address longstanding inequality and eliminate discrimination, helping to transform our country for the better. We will need better places to create the conditions for lifelong health and wellbeing for all, restore biodiversity and strengthen our future resilience. Our strategy is to change the way we live in the future – transformative social and economic change will be needed. We will create places with good-quality homes close to local facilities and services by applying the concept of 20 minute neighbourhoods. We want to make better use of our spaces to support physical activity, relaxation and play, to bring people together and to celebrate our culture, diversity and heritage. We hope to empower more people to shape their places.

Q2: Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier and more vibrant places to live?

The aims are supported, however, it should be made clear in the text that the concept of 20 minute neighbourhoods needs to include references to the practical means of bringing them about, through higher density, mixed use development as the businesses, services, opportunities for active travel and linkage of areas with viable public transport can only flourish where there is sufficient density and mix to support them. It should be clear that new neighbourhoods must be built in this way and that retrofitting to existing areas lacking in facilities and linkages requires consideration of how this can be made viable.

Productive places

Our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing. This will help us to have a globally competitive, entrepreneurial, inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for everyone. A new National Strategy for Economic Transformation will set out how we can work together to recover from the COVID-19 pandemic and build a sustainable economy in the longer term. By helping to deliver this, planning will contribute to our short-term recovery, as well as our long term just transition to a net zero, nature-positive economy. Our strategy is to build a wellbeing economy that benefits everyone, and every place, in Scotland. The transformations needed to tackle the climate and nature crises, together with the impact of the pandemic, means that green investment is a key priority for the coming years. The way we work is changing, and we will need to be flexible to facilitate future business and employment that benefits communities and improves places. We will play to the economic strengths and opportunities of each part of Scotland. We want to encourage development that supports the prosperity of key sectors, builds community wealth and creates fair work and good green jobs where they are most needed. We will need to support, and be supported by, businesses and communities across Scotland.

Q3: Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing?

The approach is supported, it is critical that detailed policy to achieve it is robustly and practically worded to ensure that it is meaningful and can be appropriately measured and applied in the assessment of proposals, rather than being aspirational and difficult to achieve. Again, the language needs to be stronger and reflect requirements rather than aspirations.

Distinctive places

Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient. This will ensure that people value, enjoy, protect and enhance their environment. Scotland has a rich and high quality natural and historic environment. We must also tackle challenges in some parts of the country. This may mean changes at local, regional and national scales, for example where there has been past decline, where the pandemic has exacerbated inequalities, or where there is a need to make more efficient and equitable use of our assets. To respond to the global biodiversity crisis, nature recovery and connected blue and green infrastructure must be at the heart of all our future places. Our strategy is to value, enhance, conserve and celebrate our best places and to build better places for future generations. A stronger commitment to place-making, through a design led approach and a focus on quality, will ensure every new development improves the experience of our places. We will reshape future city and town centres, reuse vacant and derelict land and buildings, enhance our natural and

cultural heritage, and create new rural opportunities. We will restore the richness of Scotland's natural environment, protect and enhance our historic environment, and safeguard our shared heritage for future generations. We will work together to ensure that development onshore aligns with national and regional marine plans so that we can protect and enhance the marine environment and unlock the potential of our coastal assets.

Q4: Do you agree that this approach will deliver our future places which will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

Agree that the commitments set out here will deliver those objectives, subject to suitable worded detailed policies that can be practically applied to the assessment of proposals.

Q5: Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive and distinctive?

The spatial strategy has the potential to improve the quality and sustainability of our places. To do so it is critical that it is backed by policies which have the robustness and practical applicability to ensure that development is carried out in the right places, in the right way and there are not loopholes or caveats that allow for developments which do not meet the standards required.

Overarching Principles

Within the overall strategy, the draft NPF sets out six overarching principles, for: compact growth; local living; balanced development; conserving and recycling assets; urban and rural synergy and just transition.

Q6: Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

Whilst respecting the overall strategy it has to be recognised that there are regional disparities in demand for homes and jobs and that locational considerations need to be carefully considered to respond to as well as to try and manage growth spatially. Particularly in regard to affordable housing and funding for it, there needs to be a strong focus on where there is greatest need as the allocation of funding by area is critical to ensuring that appropriate developments are happening in the key areas such as south east Scotland and Edinburgh where growth, demand and housing prices and rentals are out of balance with earnings and affordable need is acute. It is essential to support key sectors of the economy in the region that housing need is addressed through appropriate levels of funding.

Spatial Strategy Areas for Action

The strategy considers five areas for action, Edinburgh is within the Central Urban Transformation Area – Transforming and pioneering a new era of low carbon urban living. This area broadly covers central Scotland from the Glasgow city region and the Ayrshires in the west to Edinburgh city region in the east, including the Tay cities, the Forth Valley and Loch Lomond and The Trossachs National Park.

The other areas are: North and West Coastal Innovation; Northern Revitalisation; North East Transition and Southern Sustainability.

For Edinburgh, the default minimum housing land figure has been set at 41,300 as submitted in the response to the relevant consultation, approved by Planning Committee on 19 May 2021.

In this area actions will be to:

- pioneer low-carbon, resilient urban living;
- reinvent and future-proof city centres;
- accelerate urban greening;
- rediscover urban coasts and waterfronts;
- reuse land and buildings;
- invest in net zero housing solutions;
- grow a wellbeing economy;
- reimagine development on the urban fringe; and
- improve urban accessibility.

Q7: Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

Agree that the areas are appropriate and in some reflect longer term strategic regional planning areas. The actions are critical factors for all the areas and particularly for South East Scotland where they need to be matched by investment strategies, particularly in sustainable transport, infrastructure and affordable housing.

Q8-13 cover other action areas

No comment is given on these

Central Urban Transformation Area

Edinburgh has similar challenges [to Glasgow] and opportunities for positive change. High interest in investment and associated demand for new homes means that planning will need to help deliver sustainable development that supports the quality of life of existing and future residents. As a capital city with a World Heritage Site at its core, it will be crucial that future development takes into account the capacity of the city itself and its surrounding communities and makes the most of its exceptional heritage assets, places and cultural wealth. The City Centre Transformation Plan supports a move away from a car-based city centre to create a more liveable and attractive place to live, work and visit. The Forth Bridge is also an inscribed UNESCO World Heritage Site, and our rich industrial and cultural heritage remains apparent across the area.

The Central Scotland Green Network will continue to bring together environmental enhancement projects. Initiatives such as the John Muir Pollinator Way demonstrate

how nature networks can help restore and better connect biodiversity and enhance green infrastructure at a landscape scale.

Edinburgh's waterfront regeneration is ongoing with Granton benefiting from an ambitious masterplan, the tram extension to Leith progressing and potential development at Seafield helping to redefine the city's relationship with its coastline, reusing existing assets and helping Edinburgh to become a more liveable city. A master planned approach to regenerating the Edinburgh Waterfront can take into account opportunities for the Port of Leith to service the offshore energy sector.

Edinburgh has committed to building a significant share of future housing development on brownfield sites...

Edinburgh has committed to building affordable homes at scale and will need to work with the region to accommodate wider need and demand in a strategic way. Seven strategic sites, supported through the Edinburgh and South East Scotland City Region Deal, could accommodate up to 45,000 homes and associated economic and employment benefits including: Blindwells, Calderwood, Dunfermline, Edinburgh Waterfront, Shawfair, Tweedbank and Winchburgh. The need for proposals to be supported by low carbon transport solutions, in line with the Infrastructure Investment Plan and National Transport Strategy investment hierarchies and infrastructure first approach, will be critical to their success. The Edinburgh and South East Scotland City Deal identifies infrastructure investment and includes a commitment from partners to put in place a regional developer contributions framework building on work undertaken to look at cross boundary transport challenges. These interventions and commitments, taken with the additional transport investment made through the Deal, will ensure the city region continues to grow and flourish. Regionally significant services including healthcare and social care facilities and investment in the learning estate is also planned to support future growth and sustain the wellbeing of existing, new and expanding communities.

Engineered solutions to adapt our water and drainage infrastructure will be required in some circumstances, but should support more natural benefits as far as possible. There is scope to continue, and extend, the lessons from the Metropolitan Glasgow Strategic Drainage Plan to future proof infrastructure in support of the long term growth and development of Edinburgh. The Lothian Drainage Partnership is taking this forward with projects emerging within Edinburgh and at the ClimatEvolution Zone in East Lothian.

The Edinburgh City region supports investment in significant clusters including the Bioquarter, Mid Fife, Dunfermline, Guardbridge St. Andrews, Galashiels, Cockenzie, Midlothian and the M8 corridor. A strategy for West Edinburgh is emerging which guides a wide range of uses to create a sustainable extension to the city, with added benefit from associated improvements to the quality of place of existing communities. Proposals focus on locating development on and around existing transport corridors and work is ongoing to improve accessibility including the Edinburgh tram extension. Further investment should take into account the impact of new development on potentially compounding existing capacity constraints and congestion, and prioritise sustainable choices.

Whilst predominantly urban, this part of Scotland benefits from a rich and diverse rural area and there are many areas where town meets countryside. These green areas and natural spaces are key assets, sustaining communities that could become better places to live if we can achieve this in a way that is compatible with our wider aims for climate change, nature restoration and 20 minute neighbourhoods.

A focus on community wealth building, together with growing opportunities for longer term remote working, could address the high levels of transport movement by private car and challenges of congestion and air pollution across the area. Local living, including 20 minute neighbourhoods, will help to minimise future commuting and ensure jobs and income can be spread more evenly across the area. Accessibility and transport affordability can support more resilience which benefits communities who are less connected. By putting in place mass transit systems for Edinburgh through plans to extend the tram network, and for Glasgow including the Glasgow Metro and multi-modal connectivity, we have an opportunity to substantially reduce levels of car based commuting, congestion and emissions from transport at scale. Connections to the rest of the UK will be strengthened in the longer term through high speed rail connectivity, with stations expected in Glasgow and Edinburgh.

Q14: Do you agree with this summary of challenges and opportunities for this action area?

The Council generally agrees. For West Edinburgh it would be appropriate to add reference to shorter and longer term timescales, given Proposed City Plan 2030 applies the approach of the Main Issues Report (Choices) preferred strategy of higher density, residential led, mixed use neighbourhoods to its sites.

A strategy for West Edinburgh is emerging which guides a wide range of uses to create a sustainable extension to the city, with added benefit from associated improvements to the quality of place of existing communities.

In line with that emergent strategy, the existing land allocations and adjacent brownfield sites provide opportunities for significant delivery of affordable and market homes as part of a sustainable mixed use neighbourhood based around the existing tram and rail connectivity, providing for homes and employment uses.

Q15: What are your views on these strategic actions for this action area?

The strategic actions are considered appropriate as a development of collaborative work on Regional Spatial Strategies.

Q16-17 are on other action areas

No comment is given on these.

National Developments

Eighteen national developments are proposed to support the delivery of our spatial strategy. These national developments range from single large scale projects or collections and networks of several smaller scale proposals. They are also intended to act as exemplars of the place principle and placemaking approaches.

Some of the proposals are Scotland - wide and some area or site specific. Relevant to Edinburgh are:

- 1. Central Scotland Green Network This national development is one of Europe's largest and most ambitious green infrastructure projects. It will play a key role in tackling the challenges of climate change and biodiversity loss including by building and strengthening nature networks. A greener approach to development will improve placemaking, can contribute to the roll-out of 20 minute neighbourhoods and will benefit biodiversity connectivity. This has particular relevance in the more urban parts of Scotland where there is pressure for development as well as significant areas requiring regeneration to address past decline and disadvantage. Regeneration, repurposing and reuse of vacant and derelict land should be a priority.*
- 2. National Walking, Cycling and Wheeling Network This national development facilitates the shift from vehicles to walking, cycling and wheeling for everyday journeys contributing to reducing greenhouse gas emissions from transport and is highly beneficial for health and wellbeing. The upgrading and provision of additional active travel infrastructure will be fundamental to the development of a sustainable travel network providing access to settlements, key services and amenities, employment and multi-modal hubs. Infrastructure investment should be prioritised for locations where it will achieve our National Transport Strategy 2 priorities and outcomes, to reduce inequalities, take climate action, help deliver a wellbeing economy and to improve health and wellbeing. This will help to deliver great places to live and work.*
- 3. Urban Mass/Rapid Transit Networks This national development supports low-carbon mass/rapid transit projects for Aberdeen, Edinburgh and Glasgow. To reduce transport emissions at scale, we will require low-carbon transport solutions for these three major cities that can support transformational reduction in private car use. Phase 1 of the second Strategic Transport Projects Review (STPR2) recommended the development of the Glasgow 'Metro' and Edinburgh Mass Transit in these cities and their associated regions. In Aberdeen, the North East Bus Alliance has been awarded funding through Transport Scotland's Bus Partnership to develop the Aberdeen Rapid Transit system identified in the Regional Transport Strategy and being considered in the STPR2. This will support placemaking and deliver improved transport equity across the most densely populated parts of Scotland,*

improving access to employment and supporting sustainable investment in the longer term.

4. *Urban Sustainable, Blue and Green Drainage Solutions This national development aims to build on the benefits of the Metropolitan Glasgow Strategic Drainage Partnership, to continue investment and extend the approach to the Edinburgh city region.*
5. *Circular Economy Materials Management Facilities This national development supports the development of facilities required to achieve a circular economy. This sector will provide a range of business, skills and employment opportunities as part of a just transition to a net zero economy.*
6. *Digital Fibre Network This national development supports the continued roll-out of world class broadband across Scotland*
13. *High Speed Rail This national development supports the implementation of increased infrastructure to improve rail capacity and connectivity on the main cross-border routes, the east and west coast mainlines. Rail connectivity that can effectively compete with air and road based transport between the major towns and cities in Scotland, England and onward to Europe is an essential part of reducing transport emissions, making best use of the rail network and providing greater connectivity opportunities. There can be significant emissions savings of approximately 75% to be made when freight is transported by rail instead of road.*
17. *Edinburgh Waterfront This national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh. The waterfront is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. Development will include high quality mixed use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for off-shore energy relating to port uses. Further cruise activity should take into account the need to manage impacts on transport infrastructure. This will help maintain and grow Edinburgh's position as a capital city and commercial centre with a high quality and accessible living environment. Development locations and design will need to address future resilience to the risks from climate change, impact on health inequalities, and the potential to incorporate green and blue infrastructure.*

Q18: What are your overall views on this proposed national spatial strategy?

The proposed national spatial strategy sets out appropriate ambitions and objectives, however, this needs to be reflected in the strength of the policies which are required to deliver the ambitions, strategy and objectives. Further comment is given through the remaining questions. The proposed National Developments reflect a range of national priorities and spatial actions which build on regional cohesion and opportunities for inclusive growth.

Q19: Do you think that any of the classes of development described in the Statements of Need should be changed or additional classes added in order to deliver the national development described?

No.

Q20: Is the level of information in the Statements of Need enough for communities, applicants and planning authorities to clearly decide when a proposal should be handled as a national development?

Yes.

Q21: Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?

No.

National Planning Policy Handbook

The national policies set out in NPF4 draft follow the strategy approaches set out above. They are intended to replace Scottish Planning Policy and as part of the statutory development plan would not need to be repeated in future Local Development Plans (LDPs), though there is scope for further locally based policy which remains compliant with the universal policies.

The four policy strands give a good thread through the plan, with strong link to 'Place' and placemaking, and strong focus on net zero, adaptation and nature positive themes. However, some of the policies within the categories seem better related to others and consideration should be given to this e.g. sustainable transport policy is not in sustainable places.

Sustainable Places

Policy 1: Plan-led approach to sustainable development

All local development plans should manage the use and development of land in the long term public interest.

Q23: Do you agree with this policy approach?

The principle of the plan – led approach is fully supported, though given it is an integral provision of legislation there may not be a need to add this provision to national policy. The policy also reflects the statutory purpose of planning set out in the Planning (Scotland) Act 2019. An alternative approach would be to refer to the plan-led approach, purpose of planning and role of LDPs in the preamble to the following policies. As with most of the policies that follow, to be effective reference to 'should' needs to be reconsidered. In this instance it dilutes the requirement of the Act for planning to manage the development and use of land in the long term public interest. Options would be that LDPs 'are required', or 'must' manage the use and development of land in the long term public interest.

Policy 2: Climate Emergency

Policy 2 has 4 sections which cover aspects of how climate emergency considerations need to be part of the decision making process. Consideration needs to be given to how this policy is structured and made effective. Wording needs to reflect a requirement rather than be 'should'.

Q24: Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

Part a) on giving significant weight to climate emergency for all proposals, this should be the overall policy requirement with parts b) – d) as parts a) to c) of the policy to give it effect.

Part b) that all developments should be designed to minimise emissions over their lifecycle needs to include a measure or reference to a measure for assessing this, including how it interacts with viability of the development. Without clarity on this it could become a point of dispute as to whether or not emissions are minimised and it is not clear if the decarbonisation pathways referred to will provide this or provide to a sufficient standard to meet targets prior to 2045. There is scope to provide for local pathways. Proposed City Plan 2030 sets out Policy ENV7:

For proposals involving the replacement of existing buildings proposals should be accompanied by a carbon assessment setting out the 'whole-life' carbon footprint of the proposed development compared to the option of re-using the existing building to accommodate the proposed use. Where this comparative assessment fails to show an overall lower carbon footprint then it must be set out why the developer considers the proposal justified, for example because the new development provides additional floorspace and/or dwellings compared to the existing building.

Part c) that development proposals which generate significant emissions should not be supported unless they are the minimum level that retains viability and need to demonstrate this is in the long term public interest.

To be workable this needs consideration of how 'significant', 'minimum' and long term interest can be measured and assessed, along with what skills are needed to assess it.

Reference to 'in combination' is repetitive and could be simplified.

The reference to 'scale of contribution' in regard to national and major developments is unhelpful in that this proportionality could be seen as writing into the policy a get out clause. It is not clear if this is what's intended? Whether accidental or intended, any such case should be treated by exception should material considerations justify it rather than be written into policy.

In referencing 'off setting' measures this needs a caveat that mitigation itself may have significant historic or natural environment consequences and impacts. As such although the general principles are supported there must be policies to assess these off-set locations through the planning process to avoid potential significant impacts.

Part d) that development be designed to be adaptable to future climate change impacts, this should refer to resilient adaptable rather than adapted and ready.

Adaptation measures should be designed to avoid significant adverse impacts on the historic environment assets (e.g. archaeology, buildings pre 1919, listed structures) which by their definition are finite and often not suitable for adaptation. Support research in this area to find adaptation solutions which respect the historic environment and meet Climate Change objectives.

Policy 3 Nature Crisis

The policy in 5 parts seeks to enhance biodiversity to redress loss.

Q25: Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

Scotland's landscapes, even the wildest areas have been influenced by humankind since after the last Ice age and contain evidence of our past, the vast majority (95%) of which is undesignated but contribute significantly to our sense of place and well-being. As such although schemes which will enhance and seek to restore natural habits and wildlife are welcomed, badly planned proposals can have a significant impact with loss of potentially nationally important archaeological remains and degradation of historic landscapes. Carefully constructed policies can avoid this and secure the protection and enjoyment of national heritage.

For part a) the principle of it being a matter for LDPs to facilitate enhancement of biodiversity is supported, however, this needs to be a requirement of LDPs and not that they 'should' do this, if the principle is central to the philosophy and strategy of NPF4.

For part b) that proposals should contribute to enhancement, again this is supported but needs to be a requirement, not should. The wording would benefit from reference to protecting as well as enhancing biodiversity. It should also reflect the nature.scot mitigation hierarchy.

In part c) that any potential impacts of proposals should be minimised, this should instead refer to designing around constraints and avoiding adverse impact, the starting point as written seems to be that there will be impacts protect against. Any exceptions can be dealt with by reference to other material considerations rather than being written into policy with an assumption of adverse impacts.

Part d) on supporting Environmental Impact Assessment (EIA) /Major/National/Appropriate Assessment development if biodiversity is conserved or enhanced – the bullet points are the wrong way round so it doesn't flow logically. Assessment should be first. Also, the third bullet point goes against the nature.scot mitigation hierarchy.

For part e) that local applications should only be supported if including appropriate enhancement, this appears to exclude householder developments and not being applied to these would omit a significant level of impact given the scale and sensitivity of many householder application environments as can local development.

For both there needs to be consideration of the value and scale of context and how much it is affected. This needs to go in conjunction with a review of permitted development rights (PDR) to mitigate the impacts of PDR developments. This would benefit from nature.scot guidance and a nature based solutions approach.

Policy 4 Human Rights and Equality

Q26: Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality?

Whilst there is no issue with supporting rights and equalities, there is the consideration of whether these issues are covered by legislation, including the purpose of planning, and whether or not this needs to be expressed in a national policy to have effect. Section 270B of the Act requires planning authorities to perform their functions in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements as defined by Section L2 of Part 2 of schedule 5 of the Scotland Act.

For part a) to be effective there need to be a measure of assessing how planning should respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality.

In part b) the provision that stakeholders should consult and engage collaboratively, meaningfully and proportionately is also covered by requirements of planning law. If the intent is to guide how this is gone about then that needs to be set out in the policy with relevant criteria that can be used for assessment. As worded, it lacks precision and could be used by parties in the process to challenge proposals.

Policy 5 Community Wealth Building

Q27: Do you agree that planning policy should support community wealth building (CWB), and does this policy deliver this?

This seems to be about the non-physical aspects of land use decisions whereas community benefits in Liveable Places is more about physical assets. It needs further distinction and explanation. It could be a strong overarching principle but ere is potential for misunderstanding around what the concept is. Case studies would help with practical interpretation and how it could be delivered.

For part a) that LDPS should address community wealth building, explanation is needed as to how the policy objective might be brought about and how it might be assessed. It also needs cross referred to Productive Places and consideration of what a land use plan can achieve, and be a requirement, not should, if it is to have effect.

In part b) that proposals should contribute to CWB objectives, there needs to be a way of measuring and assessing the effect of proposals on their contribution to CWB objectives for the policy to be effective.

It is noted that the Proposed City Plan 2030 does not include a policy on this, though it's economic policies support social enterprises and other community based approaches. That needs to be considered as City Plan progresses through its stages

Policy 6 Design Quality and Space

Q28: Do you agree that this policy will enable the planning system to promote design, quality and place?

It is unclear if this is to be a universal policy and it needs to be cross referenced with Policy 9 on housing. It also needs clarity as to what policy measures are applied to placemaking and what to individual homes.

For part a) that proposals should be to a high quality and contribute positively, there would be a clearer logic to making this the overarching policy with parts b) to e) then forming the clauses beneath that, giving principles to assess whether a proposal meets the policy requirement through them.

In part b) the key principles of Designing Streets and other national guidance are referred to as and also reference to Planning Authority guidance. This raises a question as to why local guidance is seen as appropriate here, but not in other policy areas e.g. Nature crisis/biodiversity. This needs a consistent approach.

In part c) which needs demonstrating how the 6 qualities of successful places are incorporated, it's welcome this does not have a caveat on householder development, though noted that there is inconsistency between this and the biodiversity provisions.

At part d) poor design which doesn't address the above should not be supported, there needs to be a requirement to achieve the policy objective.

For part e) protecting amenity, this captures the need to consider daylighting impacts of development whereas the similar provision of Policy 9 does not, so consistency should be sought.

LIVEABLE PLACES

Policy 7 Local Living [20 minute neighbourhoods]

Q29: Do you agree that this policy sufficiently addresses the need to support local living?

The policy needs to be stronger emphasis on developments contributing to infrastructure which supports 20 min neighbourhood creation, i.e. active travel/public transport infrastructure, mobility hubs etc – it seems to focus more on the context of development that will be supported if it fits into existing infrastructure/is accessible. Recognition needed that developments must provide this infrastructure if appropriate, where development needs require going beyond existing infrastructure.

In part a) that LDPs should support 20 minute neighbourhoods, this should refer to density and mixed use and to discouraging single use, low density occupancy. There is a need for greater emphasis on designing routes, Active Travel should be

designed in not added on and needs to be a policy priority rather than a consideration.

For part b) that development proposals consistent with the principles of 20 minute neighbourhoods should be supported, this needs to be a requirement rather than 'should' to be effective and again should prioritise the need for actual safety and perception of safety and for alternative routes (permeability). It should refer to needing mixed use development on a human scale but with density. In terms of uses it would be beneficial to set out how we prescribe for and provide for uses. There is a need to have parameters on local/locally accessible and levels of provision and uses are distributed in communities.

Policy 8 Infrastructure first

Q30: Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure first approach to planning?

Structure-wise this would make more sense as Policy 7, swapping places with Local Living.

For part a) that LDPs should be based on the infrastructure first approach, this needs to be a requirement, not should, and the definitions need to be wider to include infrastructure for health, for the bluegreen network and to cross refer to 2019 Act definitions, and needs to be up front and clearer. It also needs to refer to new provision and cumulative impacts so as to capture true infrastructure needs. It also needs to have consideration of and reference to timing of infrastructure to allow for managing public funding and the timing of developer contributions.

Part b) that where proposals create an infrastructure need, they should demonstrate that account is taken of the national investment hierarchy. No guidance is given for how this might be assessed, or whether it takes account of adaptation. Practically, it is not clear how this would consider, for example, a new unit on an existing out of centre shopping development as part of the investment hierarchy. Additionally, it must make reference to sustainable mitigation of any impacts.

In part c) that proposals which contribute to LDP infrastructure should be supported, the use of should is appropriate here, as it would be only one criterion used.

For part d) that proposals should mitigate their impact, this needs to be phrased as a requirement and needs to reference sustainable mitigation measures that are not contrary to other policy requirements.

The policy would also benefit from referencing the contribution that converted buildings can make as well as new build. That would support the adaptation principle and the reuse of existing infrastructure.

Policy 9: Quality homes

Q31: Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

The policy needs to say more on what are the right locations. It needs to be cross referenced with Policy 6 and be clearer between the two what is about placemaking and what is about homes. That raises the question as to whether there should be a separate part on the technical aspects of housing numbers, land supply etc.

For part a) this needs to require LDPs to deliver the housing land requirement, not that they 'should' deliver it.

In part b) that LDPs should provide a deliverable pipeline of sites/land for short/medium and long term, this needs to set out how and with what mechanisms a land supply can be robustly managed in this way. As written, it recognises an issue but doesn't provide a solution. It isn't clear if this would come from a policy provision that land be categorised in certain ways and only phased otherwise if other sites weren't deliverable. As written, it will likely lead to considerable debate over new LDP gateways and examinations. There is also a need to consider how a brownfield first principle fits with a phasing approach if for some off that land supply the likely timescales for starting development are longer than for some greenfield sites, and what mechanisms need to be in place to enforce this if required. It may be that 'should' provide is appropriate if no mechanisms to manage the land supply are appropriate or sufficiently robust.

Part c) that land for the housing land requirement should be allocated in sustainable locations and be consistent with 20 minute neighbourhoods and an infrastructure first approach needs greater definition and clarity if not in this policy then the individual policies on those criteria. There is no mention of any balance of types of locations and no mention of brownfield land so it is unclear how this works with part b)

Part d) needs to require that proposals meet the six qualities of good places and be adaptable to change rather than saying that they 'should'. This policy also needs to be more about layout, spaces and design and require that developments be tenure blind. It needs also to refer to attractive, varied and sustainable design and materials.

Part e) that proposals of more than 50 dwellings (major housing development) should include a statement of community benefit, this needs to refer to 50 homes or more to properly reflect the hierarchy of developments and to require such a statement if it is to be effective. Any such statement realistically needs to relate to either an LDP or a Local Place Plan for legitimacy, needs to be linked to an engagement process, needs to have a measure of proportionality to the scale of the development.

Part f) needs to be carefully worded as proposals for new homes that provide for affordability and choice should be supported mustn't override other policy considerations, and provisions on choice need to be carefully assessed. The policy gives no criteria for assessing this.

In part g) that proposals that provide for Gypsy/Traveller accommodation should be supported, subject to criteria, this needs to be clarified as being subject to meeting other plan policies.

In part h) that affordable housing should be at least 25% of the total number of homes, this needs definition of affordable in the glossary, and definition between 'affordable' and affordability. A significant part of the paragraph seems to be defining ways to avoid providing affordable homes, as with other significant policy provisions, exceptions should be considered on the basis of the relevant material considerations, not written into policy as an exception.

Part i) as to proposals for housing on land not identified in the LDP for housing should not be supported unless certain criteria apply, the criteria are generally supported, however, the policy is too negative for application good brownfield windfall sites. It needs to be worded to support those.

Part j) that householder development supported subject to amenity considerations is appropriate to its subject in principle but seems out of place in this part of the NPF. There is also a consideration as to whether the NPF should be looking at householder development or whether it is more appropriate for this to be left to LDPs. If retained, it needs to consider daylighting impact issues and householder development in the green belt context. It would also need a review of PDR to consider impacts of that on sustainability and climate change.

Policy 10 Sustainable Transport

Q32: Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

The policy needs a better flow and should be cross referred to 20 minute neighbourhoods. It may be better to place it in the sustainable places section rather than this one. The wording should be more positive, about requiring sustainable solutions rather than just reducing unsustainable travel and addressing accessibility and mobility in terms of need to travel and travel distances. Also, it addresses trunk roads first before active travel, rather than being set out in line with the people, wheels/cycle, bus, car hierarchy of the National Transport Strategy

Part a) sets out that LDPs should aim to prioritise locations by sustainable modes, this needs to be more directive, for example, LDPs must prioritise. Exceptions can be addressed by weight of other material considerations and shouldn't be written into policy.

Part b) specifies that LDPs should have a Transport Assessment (TA). It should be worded as must and identify satisfactory ways of meeting the sustainable transport requirements in line with the National Transport Strategy (NTS) 2 hierarchies, again with positive wording. The reference to Development Planning and Management Transport Appraisal Guidance is considered out of date in the context of NTS2.

In part c) the ask of a transport assessment for development proposals which are likely to generate a significant increase in the number of person trips needs to be stronger and clearer as to what might constitute a significant number of trips so as to

minimise debate about the requirement for any particular proposal, there needs to be a method which forms the basis of the assessment and mitigation required. The reference here to the NTS and the National Investment Hierarchy is helpful but overall the language needs to require things to be done rather than 'should' be.

For part d) the above comments apply in respect of travel plans for significant generating uses and these need to be informed by TA/design and access statement as a source of data. Monitoring requirements of travel plans will need to be more precise on measures rather than 'arrangements' and targets should be set by LDPs and local transport strategies, relating to national ones but allowing for local circumstances. Again, Transport Scotland guidance needs to be updated for cross reference.

Part e) refers to the assessing development impacts on the operation and safety of the strategic transport network and need for mitigation. It needs to be clearer as to whether this refers only to Transport Scotland interests and would be more sensibly directed to the local network also, including all modes. Where mitigation is required this needs to be sustainable mitigation.

In part f) the consideration that new trunk road junctions will not normally be supported but can be justified where there are significant prosperity or regeneration benefits seems to be contrary to the spirit of the NPF and NTS transport hierarchy. This needs strengthening and clarity on the scale of justification if it is to be retained; as with other policies, exceptions can be considered in the light of other material considerations rather than specified. It also needs clarity in references to mitigation that this be sustainable.

Part g) states that development proposals should put people and place before unsustainable travel where appropriate. The principle is supported but needs stronger prioritisation for all circumstances rather than making suggestions for managing traffic in some circumstances. It needs to be more specific in requiring actions to be effective, as worded it would not be clear, precise or prescriptive to bring about change towards the policy objectives.

For part h) which sets out that proposals for significant travel generating uses should not be supported at locations which would increase reliance on the private car, where not mitigated by active travel provision, public transport and meeting NTS2 hierarchy. There is much unclear and imprecise in the wording that could not be used to assess proposals objectively. The wording needs clarity and to specify what needs to be done and what specific criteria would be used to assess whether or not that has been achieved.

Part i) seeks that proposals should demonstrate meeting the NTS hierarchy, integrating modes, public transport use and low emission targets. Without wording to require proposals to achieve targets and measures of this the policy it would not be effective.

Part j) in supporting development where it is enabling active travel infrastructure, public transport, and modal hubs if deliverable and effective. This needs more prominence and priority along with reference to the targets are in national policy.

Part k) has a consideration that all new and upgraded transport infrastructure must consider the needs of users of all ages and abilities and refers to relevant equalities legislation. If a legal requirement then the question arises as to whether there is a need for this to be part of policy. If it should be, then the wording should define what priorities need to be met and how this is assessed otherwise the provision to 'consider' means the policy will not be effective.

In part l) on provision of Cycle Parking there is no policy strength in having proposals 'consider' the provision of cycle parking, to be effective it must require a level and type of cycle parking to be able to bring this about.

For part m) development proposals need to be required to comply with or propose low or no parking provision rather than the policy just encouraging it, otherwise the policy objective will not be delivered.

Additionally, this policy needs to provide for infrastructure provision of **electric, hydrogen, and other low or zero-emission vehicle and cycle charging points** that are provided in safe **accessible** and convenient locations. This should be proportionate to reducing levels of private car use rather than promote such use.

On travelling safely in relation to personal safety, rather than road safety per se, this should feature here as well lit, overlooked routes as an essential consideration for sustainable travel modes to be used more widely. There is debate on women's safety in particular so this needs strong consideration.

The proposed policy refers to mode share targets, however Scottish Government does not set mode share targets. City Mobility Plan (CMP) is attempting to do so, but meeting challenges. Is NPF4 suggesting that LDPs need to have mode share targets, and if so, guidance on this would be helpful – not necessarily in NPF4, but as a connected piece of guidance linked to national targets of 20% reduction in car kms. There is only one reference to this target (page 47).

Support could be given for provision for sustainable freight, here potentially in terms of provision for deliveries which can be undertaken sustainably – last mile deliveries, and the policy should specifically mention mobility hubs as a way of mitigating significant travel generating uses (Part J) – this would give a practical steer for delivering this infrastructure as set out in the Council's City Mobility Plan (CMP).

Policy 11 Heat and Cooling

Q33: Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

Part a) sets out that LDPs should take into account the area's Local Heat and Energy Efficiency Strategy (LHEES) and areas of heat network potential and any designated heat network zones (HNZ) when allocating land. This should be a requirement.

Part b) supports development, including retrofitting, connecting to existing heat networks. It needs to say that new developments must not only connect to existing heat networks, but also facilitate the expansion of the network through the new

development to that subsequent development (or existing areas which are currently unserved by the network) can make future connections.

Part c) provides that development proposals in locations where a heat network is planned but not yet in place should only be supported where they are designed to allow for the cost-effective connection at a later date. To be effective it needs to specify a level of requirement rather than refer to what 'may' be required.

Part d) covers that proposals with no demonstrable effective solution to connecting to a heat network should provide an alternative low or zero emissions heating system. When this refers to 'no demonstrable effective solution' is available it should clarify if this means the proposal is not able to meet either criteria b or c above.

Part e) to h) cover a range of scenarios where heat or heat source types might be applicable. Whilst the principles of these are supported they could only be made effective by ensuring the policy text is sufficiently prescriptive to require the relevant actions to be taken by the relevant developer.

Policy 12 Blue and green infrastructure, play and sport

Q34: Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?

Generally, support as the policy should achieve positive outcomes across a range of the benefits that green and blue infrastructure should provide. It might benefit from being split into two so that green and blue infrastructure are covered in one policy and then play/sport facilities/loss of open space are covered in a separate policy. That would keep the policies a more manageable length.

There should also be a mention of how green infrastructure is an important part of creating, enhancing and extending green networks that are important for walking and cycling as they can make the experience more enjoyable/welcoming as well as safer when the infrastructure is designed appropriately.

Part b) whilst it is good for LDPs to include reference to new/enhanced play opportunities, there should probably be an acknowledgement that the primary responsibility for that job will be in the Open Space Strategy (OSS) which will become a statutory document and generally precede an LDP in cycle.

Neither LDPs nor OSSs should be identifying informal and incidental spaces for play as this is impractical; virtually anything could comprise such a space depending on the point of view of the child.

For part c) there is a concern that this allows for eroding the network since 'eroding the overall network' is a very difficult thing to establish for an individual proposal in the context of a network spanning a whole city for example. Most developments will argue their individual proposal would not, in itself, result in harm at the overall network scale. It would benefit from removal of the second part of this this policy paragraph. If any loss of GB infrastructure is considered acceptable then this should

only be allowed if this is wholly off-set by contributions to the network elsewhere in the local area in line with opportunities identified by the planning authority either in its LDP or other documents e.g. Open Space Strategy. Also, if the policy designed to cover when loss of open space can be considered it is certainly weak on that too.

Part d) is supported but needs a reference to Culture and Historic Environment.

Parts e) to g) reference the potential loss of types of open space provision to development and presume against this, and support temporary uses. This is all supported, though the language does need to be more prescriptive to enable effective policies.

In part h) the historic environment should be cross referenced here. There should be some expansion on what multifunctional means here as this isn't fully covered by the six qualities of a successful place. The six outcomes in the draft Open Space Strategy regulations would be a good reference. There should also be a reference to the importance of making sure the location and form of green blue infrastructure should link to and complement the networks and infrastructure in the surrounding area.

Part I) reference to maintenance information being required 'wherever necessary' is a little vague and means there may be quite a lot of onus on Local Planning Authorities to make judgements about that (for developers to argue about it too). Management and maintenance information might not always be needed but is often important even at a small scale. I would suggest making the default that information is provided unless it is actively demonstrated that it is not required due to the nature of the green infrastructure.

Policy 13 Flooding

Q35: Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

Remove the reference to 'encourage' in promoting the use of natural flood risk management. This should be the default first option looked at. At the end of the first paragraph where it refers to the benefits of natural flood risk management then it should cross-refer back to this as mentioned in Policy 12.

Part a) this should refer to precautionary principle rather than 'cautious approach'.

In part b) there should be a reference to the SEPA flood risk guidance and any applicable local guidance to be taken into account of.

Part c). use of terms like small scale and 'significant impact' are imprecise and open to interpretation. This could be considered in terms of the hierarchy of developments. Equally, 'significant effect' on the flood plain is imprecise and could be quantified in terms of a threshold of the volume of water displacement. It should conclude by saying if smaller extensions are to be considered within the scope of this policy then they are to be assessed in line with the rest of the policy principles.

Part d) greater precision of language needs to be used for 'additional measures to make safe' or guidance used to clarify further what is meant.

In part e) in bullet points one and three add 'fully' or 'wholly' successfully mitigated and refer to this mitigation should be in the form of nature based solutions.

For part f) the second bullet point of should say provide drainage *and* attenuation of surface water and remove the reference to adequate as the reference to 'wherever practicable' should be the defining factor for how maximising and defining how much of the site is given over to SUDS. Once again, a reference to local and/or national guidance in relation to surface water flooding and SUDS should be made.

Part g) the reference to 'wholesome' water supply needs clarified.

Part h) is supported.

Policy 14 Health and Wellbeing

Q36: Do you agree that this policy will ensure places support health, wellbeing and safety, and strengthen the resilience of communities?

Whilst generally welcomed and supported, the health and wellbeing policy should not be at the end of liveable places. It needs to be one of the overarching policies and link to the infrastructure first section too. It seems to be rushed, poorly structured and last minute. It should be a universal policy.

Part a) provides that LDPs should aim to create vibrant, healthier and safe places. If health facilities and infrastructure are a key consideration then they should be included in the definition of infrastructure within the section.

For part b) that development proposals should not be supported where significant adverse health impacts are likely to occur this reinforces the need for health and wellbeing to be given much more priority in this section and the whole NPF4. This seems unduly negative, development should be able to support positive health outcomes and development that does not should be treated as an exception on the basis of the relevant material considerations and not be written into policy.

The requirement for a health impact assessment needs to be clarified as to the threshold, should this be EIA, national or major development criteria as without definition this is likely to lead to debate as to whether or not assessment is needed.

In part c) on air quality there needs to be more consideration of the need for air quality assessments and how these are appropriately required and assessed, including for cumulative impacts.

For part d) the issues are similar to those set out for c) above.

Policy 15 Safety Major accident hazard sites

This is not a general policy on safety, it relates to specific land uses and hazards of those uses and should be with business and/or infrastructure policies.

Productive Places

Policy 16 Business and Employment

Q37: Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to achieve a green recovery and build a wellbeing economy?

The policy preamble says a lot about the need to provide for sustainable and inclusive growth but needs definition of many of its terms e.g. greener, wellbeing, fairer, nature positive without a suggestion of the means of assessing these.

In part a) on LDPs setting out how to meet requirements for employment land, infrastructure and investment the above point is relevant, it needs consideration of how these attributes are measured.

Part b) on supporting business and employment on sites allocated for those uses seems unnecessary and the caveats around assessing impacts are in principle the process of determining a planning application, though notably the consideration of net economic benefit comes with no clarity as to how this might be assessed.

In part c) on proposals for home-working, live-work units and microbusiness being supported subject to compatibility with surroundings, this doesn't add to what can be achieved in terms of mixed use under current policy. Equally it could be used as loophole to allow development of employment land for homes by virtue of saying employment can be provided within homes. There is no comment on the difficulty of enforcing such a policy if employment use in a home is not continued.

For part d) on proposals for business, general industrial and storage and distribution uses being supported there is reference to compliance with other plan policies which is not referred to in any other policy.

Part e) on use of planning condition in appropriate circumstances to secure site restoration the wording is general and vague. It is unlikely that it would be enforceable as written or specific enough about which developments that it applies to.

Part f) covers business and employment uses on non-allocated sites and largely restates the principles of assessing such an application adding only that there be a presumption in supporting it subject to assessment of impacts.

Part g) is similar to the above though more specific in terms of which impacts to assess. It does not specifically refer to noise, though the intent may be that this is covered in reference to amenity. The reference to the historic environment is welcomed.

Policy 17 Tourism

Q38: Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our netzero and nature commitments?

Subject to the comments below the policy approach is generally appropriate for land use planning policy, however, there is little to it which would in itself inspire visits. In terms of net zero and nature the comments below apply.

Part a) on LDPs supporting the resilience of the tourism sector, including identifying tourism proposals for tourism development should be expressed as supporting any identified tourism related opportunities, it is more appropriate for a plan to do this than to research opportunities.

Part b) no comment.

Part c) should also refer to built and natural heritage. The reference to new development including measures to alleviate existing pressures goes against a principle of the planning system that new developments should only be required, proportionately, to mitigate their own impacts or the cumulative impacts of new development. This appears contrary to the principles of the relevant circulars and case law on planning conditions and obligations. There also needs to be reference to how factors such as impact on quality of life can be assessed.

Part d) it is not clear what evidence there is to justify a national policy on huts and hutting development whilst other leisure pursuits are only considered collectively.

Part e) is welcomed as support for areas under pressure from the impact of short term lets on the housing supply, on communities and on local amenity.

For part f) on change of use of a tourism related facility, this could be assessed on the basis of material considerations and its unclear why a policy is seen to be required.

In part g) there are number of factors for assessment of proposals, most of which are either standard technical assessments or other plan policies. The policy could be more precise by referencing only factors unique to the development type. Should add new bullet point 'impacts upon Natural and Historic Environment' e.g. high visitor numbers may require new paths/ infrastructure and have negative impacts upon sensitive sites e.g. footfall erosion leading to loss of assets.

Policy 18: Culture and creativity

Q39: Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

Part a) on LDPs supporting the cultural and creative sectors is supports and reflects existing and proposed plan policy of City of Edinburgh Council.

For part b) on the principle of having public art provided in new or changed open spaces is supported, however, there needs to be more clarity in the policy over

requiring it where justified and what level of funding should be sought. It should also refer to interpretation of the historic environment as a form of public art.

Part c) on supporting temporary cultural and creative uses in vacant spaces and property, this can be helpful as a means of maintaining the vitality and viability of areas.

For part d) on criteria for considering proposals which would result in the loss of an arts or cultural venue there is concern as to whether as worded they are sufficiently robust and workable, and whether the criteria need to be strengthened.

Policy 19 Green Energy

Q40: Do you agree that this policy will ensure our places support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045?

This policy doesn't mention energy conservation, which is a significant omission.

Part a) on LDPs seeking to ensure an area's full potential for renewable energy is achieved has no caveat on landscape or other impacts and as worded supports renewable energy developments in all instances. Reference needs to be made to factors which need to be taken in to account in assessing an area's full energy potential in the context of constraints. Also, it isn't clear how that potential can be calculated.

For part b) and support in principle for proposals for all forms of renewable energy and low carbon fuels and their enabling works needs to be clear that it only supports in principle the parts of any proposals which include renewables but only as a part of an overall proposal.

Part c) refers to presumption against wind farms in National Parks and National Scenic areas and this is supported.

In part d) the requirements for environmental and visual impact reports for wind farms are supported. However, it mentions only nationally important sites and non-designated assets make up some 95% of heritage assets and may be of more than local importance in terms of sense of place The wording should change to significant heritage assets not just national ones.

Part e) on the presumption for repowering, extending or expanding existing wind farms subject to assessment of impacts is supported.

Part f) presumes in favour of any proposals for small scale renewable energy generation technology and is too simple as worded. Small scale is not defined and it implies all proposals of this type would be supported without caveat or consideration for other issues which need to be taken into account. This part in particular needs clear linkage to part k) as regards natural and built heritage.

In part g) there is a consideration that areas identified for wind farms should be suitable for use in perpetuity. This needs consideration of existing consents where impact has been assessed as acceptable when temporary and it shouldn't be

assumed that these become permanent sites, rather they should be reassessed if this provision remains in the NPF.

Part h) on decarbonisation strategies for major energy, manufacturing or industrial developments needs to be worded to require them as part of their application. There also needs to be clarity on definition of the term 'appropriately abated.'

Part i) presuming in principle for support negative emissions technologies and carbon capture needs to be clarified with reference to assessment of potential impacts.

In part j) the consideration of criteria for assessing solar arrays is supported.

Part k) includes a range of criteria for assessment of renewable energy developments. These should be cross referenced to the other relevant parts of Policy 19 to ensure they are properly linked and interpreted by developers, decision makers and other stakeholders. They are supported in principle but given the complexity of many of them will require guidance to be published on what should be submitted with proposals and how that information can be effectively assessed. On historic environment assets the wording should refer simply to impacts on historic environment assets and their settings rather than singling out designated assets, as a clearer, inclusive approach.

Policy 20 Zero Waste

Q41: Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?

Policy should make more of the positive carbon capture retaining historic assets can play here e.g. reuse of old buildings, conservation of old field boundaries.

In part a) on LDPs identifying appropriate locations for new infrastructure whilst LDPs might play a role in this it would be better to have a more strategic approach through regional spatial strategy working and the NPF should therefore take that approach.

Part b) will only have effect if the wording requires development proposals to evidence how they minimise waste and emissions, including embodied emissions and has a means of compelling adherence to this. As worded its aspirations are supported but it needs a different approach to make change happen.

For part b) the above comments also apply to the range of actions sought in terms of national and major developments and their operation. There is also the issue of competence of this part of the policy on things which are not necessarily within the established remit of planning, particularly the ongoing and future use of the development in terms of waste efficiency.

As regards part c) similar concerns arise as to how the ongoing operation of a development can be controlled in this way.

In part e) on development of waste infrastructure proposals and assessment of them this should refer to built and natural as well as historic environments in the first bullet point.

Part f) on location of new waste infrastructure on business, industrial or storage and distribution sites this is supported subject to the caveats set out.

Part g) has a presumption against new or extended landfill sites and this is supported.

Part h) on capture and use of gas from landfill or waste water sites should be justified in terms of associated carbon impacts and how they might be mitigated.

Part i) on energy from waste the approach is supported subject to the caveats in and actions required by the policy. This approach should be extended to part h).

Policy 21 Aquaculture

Q42: Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

In respect of the four part policy proposed the only comment is that it should include reference to the need to include assessment and consideration of the Historic Environment, both marine and land based.

Policy 22 Minerals

Q43: Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

The four part policy on minerals, including the presumptions against fossil fuel extraction and unconventional oil and gas is generally supported, however, it would be stronger if the exceptional circumstances qualification in regard to fossil fuel extraction was removed. Any case could be considered as an exception based on other material considerations and it should not be written into policy.

Policy 23 Digital Infrastructure

Q44: Do you agree that this policy ensures all of our places will be digitally connected?

This five part policy is generally supported, however, it should recognise that the specific siting or routing of new infrastructure can have significant localised impacts. Although this policy in particular 23D recognises that setting needs to be considered it does not mention physical impacts. The extension of PDR for taller mobile phone installations has met with considerable opposition and the policy needs to find ways in which to integrate new infrastructure with a placemaking approach to ensure that public space and visual amenity are not diminished by installations. The NPF is an appropriate mechanism to seek better outcomes from the industry as well as improved connectivity.

Distinctive Places

Q45: Do you agree that these policies (24-27) will ensure Scotland's places will support low carbon urban living?

Policy 24 Centres

Part a) sets out that LDPs should support sustainable futures for city, town and local centres and identify a network of centres. This needs to be a requirement of LDPs.

For part b) and support for development proposals that improve the vitality and viability of city, town and local centres this needs to reference character as well as uses or functions and include the value of the historic environment which is at the core of many places.

Policy 25 Retail

In part a) on location of retail development which will generate significant footfall (centre first, edge of centre if supported by the development plan, out of town locations not supported) the wording needs to be clearer in terms of ways of assessing 'significant footfall' and on meaning of 'out of town' in a city/local centre context. Another key issue is that there is no reference to retail impact assessments to gauge the impact of a proposal on a centre, which would take proportionality into account for the relevant area. The wording also needs to have more emphasis on mixed use and the interaction of retail market with other use, and consideration of the potential for effective concentrations and clusters of retail types. The policy would be more meaningful if it can be tailored to locality.

Part b) on assessing the impact of retail development on areas is supported.

In part c) the presumption against clustering of some non-retail uses (hot food takeaways, betting offices, high interest money lending premises) is supported. To be stronger this would benefit from a review of the use classes order on such uses to enable control of changes of use.

For part d) on proposals for neighbourhood shopping the reference to 20 minute neighbourhoods is supported.

Part e) supports ancillary retail use linked to existing uses in island and rural areas, This is supported. It needs to be considered whether similar provisions in urban areas might enable the retrofitting of 20 minute neighbourhoods alongside part d).

Policy 26 Town centre first assessment

In part a) on location of other uses which will generate a significant footfall has a clearer sequential approach with reference to site assessment options and presumption against out of centre locations, and to the scale, proportionality and impact of the proposal. Consideration should be given as to whether it should refer to food and drink uses also. There is a need to clarify how to measure impact and footfall, including whether a proposal will generate more than local reach. It also needs to address where there is scope to develop a historic asset which generates footfall but is in a specific location.

Part b) sets out that a town centre first assessment should identify the potential relationship with the network of centre identified by the development plan, and sets out a range of factors for developers to consider. This part needs to be much more focused, detailed and prescriptive so that developers are required to do an assessment and are clear on the data needed.

In part c) further commentary is given on how town centre first assessment should be used for community, education, health and social care and sport and leisure facilities, relating to 20 minute neighbourhood principles and accessibility. This is supported.

Policy 27 Town Centre Living

Part a) sets out that town centre living be encouraged and supported and that a proportion of the housing land requirement be in city and town centres. This is supported though should acknowledge that in successful centres with high demand and costs this may not always be feasible.

In part b) on new residential proposals in city/town centres should be supported, whilst this is appropriate it needs also to have a strong presumption for providing a mix of use on vacant sites as well as the presumption given in protecting existing building uses.

Part c) supporting conversion or reuse of upper floors as residential is supported and consideration should be given that where there is development of a building this is required unless the upper floors are needed to support the ground floor use.

In part d) support is given for ground floor residential use, subject to amenity and vitality and viability considerations. This should be framed as a presumption against the loss of non-residential ground floor space as loss to residential is usually permanent whilst 20 minute neighbourhood principles will promote a variety of uses.

Part e) states that residential developments in city/town centres should ensure suitable residential amenity can be achieved, this needs to be stronger, that it must be demonstrated it can be achieved. This seems to allude to the agent of change principle (as referred to in Policy 18 Culture and creativity), which should be clearly stated and cross referenced as a protector of amenity. It also needs to be considered in terms of the level of adaptability of the historic built environment.

Policy 28 Historic Assets and Places

Q46: Do you agree that this policy will protect and enhance our historic environment, and support the reuse of redundant or neglected historic buildings?

Overall this needs editing and cross referencing with Natural Heritage policy and the preamble misses the reference point that the historic environment is a finite resource.

Part a) sets out that LDPs and their spatial strategies should identify, protect and enhance locally, regionally, nationally and internationally valued historic assets and

places and this is supported, however, it should also reference the Historic Environment Record that planning authorities have a duty to hold.

Part b) refers to what assessment should be required of proposals with a potentially significant impact on historic assets or places and gives planning authorities some discretion on this. Part b) is key to the successful delivery of Policy 28, yet it lacks detail reflecting and updating on the current Scottish Government PAN 2/2011. It should be considered whether these principles should apply to undesignated historic environment also. The reference to HES's Managing Change Guidance Notes is also at odds with the rest of the draft in terms of Key Agency policy and guidance or Planning authority guidance.

Part c) on the presumption against demolition of listed buildings or other works that adversely affect the special interest of a building or its setting is supported.

Part d) on the basis of assessing proposals for the reuse, alteration or extension of a listed building is supported, though needs to be stronger, must not should.

Part e) that development proposals should preserve or enhance the character and appearance of conservation areas and their settings is supported though needs to be stronger, must not should.

Part f) on demolition of buildings in a conservation area which make a positive contribution to its character not being supported is appropriate, though needs to be stronger, must not should.

In part g) that proposals should ensure that existing natural and built features which contribute to the character of the conservation area and/or its setting are retained especially structures, boundary walls, railings, trees and hedges, is supported but needs to be stronger, must not should.

Part h) the presumption against development that affects scheduled monuments is supported though again needs to be strengthened by replacement of should with must.

For part i) on sites within the Inventory of Gardens and Designed Landscapes the comment on part h) applies.

For part j) on sites within the Inventory of Historic Battlefields the comment on part h) applies.

Part k) applies to the preservation objectives of Historic Marine Protected Areas, the comment on part h) applies and a more precise term that 'not significantly hinder' those objectives is required.

For part l) on development that affects a World Heritage Site or its setting is supported subject to should being replaced by must.

Part m) refers to the Buildings at Risk Register (BARR) and supports proposals that sensitively repair, enhance and bring back into beneficial use historic environment assets identified as being at risk. Some concerns are raised at the focus on BARR as it is very specific in focus on listed buildings and buildings in conservation areas.

As such it is limited in scope and does not cover a whole range of other historic buildings and areas which could benefit from investment, particularly in poorer communities. The Local Authority Historic Environment Record should also be recognised here, or the specific reference to BARR amended or removed.

Part n) refers to cases of enabling development for historic assets or places that would otherwise be unacceptable should only be supported where it can be demonstrated that development will secure the future of a historic place or asset at risk of serious deterioration or loss and what is being proposed is the minimum necessary to secure its restoration, adaptation and long term future. As with other policies the should needs to be changed to must. There are concerns that this part would still result in unacceptable impacts on historic assets and should be dealt with by exception rather than written in to policy as drafted.

Part o) sets out that proposals should avoid adverse impacts on non-designated historic environment assets, areas and their setting. A concern is raised that it is too narrow in definition and scope and by only referencing excavation represents a significant weakening of current planning policies in this area. Consideration needs to be given to replacing it with wording of the Proposed City Plan 2030 for Edinburgh.

Env 17 Development of Sites of Archaeological Significance

Proposals will be supported by this policy on sites of known or suspected archaeological significance if it can be demonstrated that either:

- a. no significant archaeological or historic features are likely to be affected by the development, or*
- b. any significant archaeological or historic features will be preserved in situ and, if necessary, in an appropriate setting with provision for public access and interpretation, or*
- c. the benefits of allowing the proposed development outweigh the importance of preserving the remains in situ. The applicant will then be required to make provision for appropriate archaeological mitigation (for example historic building recording, environmental sampling, excavation, conservation, recording, and analysis, and publication of the results) before development starts, all to be in accordance with a programme of works agreed with the Council which should include provision for public benefit including public engagement.*

Assessment against the above criteria will be based on information derived from either

a Desk-Based Assessment, Historic Building Assessment and, if requested by the Council, an archaeological evaluation and survey, forming part of an Environmental Impact Assessment, Heritage Statement and Historic Impact Assessment, or a Design and Access Statement.

Part p) refers to the need to report archaeological discoveries made in the course of development to the planning authority. The wording needs should to be replaces with must. Greater sense and clarity could be given by rewording it as per the aims of Para 31 of PAN 2/2011 on unexpected discoveries of archaeological remains. The issue of enforcement and resourcing of this needs also to be addressed in any revision of PAN 2/2011.

Policy 29 Urban Edges

Q47: Do you agree that this policy will increase the density of our settlements, restore nature and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

In respect of the policy preamble, this needs to mention should mention historic environment and landscape as key issues.

Part a) advises that LDPs should consider use of green belts where appropriate in some of the most accessible or pressured rural or peri-urban areas. This is to manage significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside with a more restrictive approach to development, to benefit quality of life and environment in our cities and towns, increase urban density and minimise the need to travel using unsustainable modes. This approach to managing the sustainability of development has a different emphasis from existing green belt policy and is supported.

Part b) sets out a general presumption against development but with a list of development types and purposes that might be acceptable depending on a range of criteria including whether non green belt sites are available. Established need is one criterion and this could be used to justify new housing developments so therefore should refer to the need for any such development to be built at a density to support a viable level of sustainable public transport accessibility and local services under 20 minute neighbourhood principles. For reuse and conversion of historic environment assets and buildings there is a concern that the wording is too open and needs to be stricter in terms of appropriate uses and that these not be significant traffic generating uses. The interaction of this policy and its objectives with PDR also needs careful consideration. A further concern is that the wording appears to be open to any type of renewable energy proposal without consideration of impacts and this needs to be clarified. There is no mention of traditional green belt objectives such as managing coalescence and retaining landscape setting of settlements and openness in the green belt. Again, this needs consideration and clarification.

Part c) requires a justification in any of the above cases as to why a green belt location is essential and consideration of assessment of impacts, which is supported subject to the comments on part b).

Policy 30 Vacant and Derelict Land

Q48: Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

Part a) sets out that LDPs should seek to reuse vacant and derelict land and redundant buildings as a priority including in proposals to creatively and sustainably repurpose buildings and structures. This is supported in principle but needs more clarity of definition on the differences between brownfield and derelict land and restored but vacant land to make implementation more practical.

In part b) support in principle is given for proposals for these types of sites, which is appropriate.

Part c) presumes against greenfield development unless allocated through an LDP, or is explicitly supported by development plan policies and there are no suitable brownfield alternatives. This is supported but would benefit from defining how brownfield sites are assessed as suitable.

Part d) requires demonstration of appropriate remediation of contaminated or unstable land, which is supported.

In part e) support is given for reuse of existing buildings with demolition being the least preferred option. Again, this is supported by should be cross referenced with requirements on carbon life cycle assessment. This part of the policy could create incentives which would see the retention and reuse of historic buildings, especially non-designated ones, which help create attractive location and sense of place, which would otherwise be demolished. However often these sites in particular brown field sites are by their very nature often important archaeological sites. Accordingly, the impacts of developing these sites must be assessed at an early stage in the development Plan system so that appropriate selection and or mitigation is put in place. Also, brownfield sites can be of high ecological value, particularly if they meet the classification of Open Mosaic Habitat on Previously Developed Land (OMHPDL) which is a UKBAP classification. The impacts of developing these sites on ecology must be assessed at an early stage and adverse impacts avoided and/or mitigated through site layout and design.

Policy 31 Rural Places

Q49: Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

Part a) sets out that LDPs should set out proposals to support the sustainability and prosperity of rural communities and economies, which is supported.

In part b) support is given for development proposals that support the resettlement of previously inhabited areas, where the proposal is consistent with climate change mitigation targets. This is supported, though would benefit from cross referencing with key sustainability policies to ensure an appropriate form of development and consider 20 minute neighbourhood principles.

Part c) sets out a range of scenarios where rural development should be supported. This is largely supported, however, the first bullet point needs to be reworded to be more precise and to remove the sense that it supports proposals that 'reflect the development pressures...of the area' which could be interpreted as supporting suburbanising development in areas where there is pressure for growth but which may otherwise be unsuitable or could undermine the wider NPF sustainable development objectives. Also, there are concerns at the potential impact on archaeological sites through support of enabling development as stated in the fourth bullet point. It is recommended that clearer wording is undertaken along with updated guidance PAN 2/2011.

In part d) support is given for proposals that contribute to the viability, sustainability and diversity of the local economy, with a range of examples of appropriate development. This is supported, though the historic environment needs to be a factor alongside the natural environment in terms of promoting improvement or conservation and restoration.

For part e) circumstances for appropriate development of new homes in rural areas are listed, with the caveats that this is not applicable in accessible areas or areas of pressure identified in LDPs. This is supported, though greater definition of 'accessible areas' is required, notwithstanding part f). In respect of reuse of historic buildings there needs to be a consideration that this be undertaken sensitively and with appropriate mitigation.

Part f) presumes against proposals in accessible or pressured rural areas where they are consistent with the spatial strategy set out in the local development plan and do not lead to the unsustainable growth in long-distance car based commuting or suburbanisation of the countryside. This is supported, though the wording needs to say must only be supported rather should only be supported.

Part g) supports development in remote rural areas, with a range of qualifying criteria, and this is supported.

Part h) presumes against proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, with a range of criteria as to where this may be appropriate. In the most part these are acceptable, however, the last bullet point on developments 'that can demonstrate that the layout and design of the proposal minimises the amount of good quality land that is required as far as possible' is too vague and open and could be used to justify a significant level of development. This should either be removed or related only to the other bullet points in this part rather than to development generally.

Policy 32 Natural Places

Q50: Do you agree that this policy will protect and restore natural places?

There is nothing in the preamble or policy wording to require restoration or enhancement so as proposed it is significantly lacking and only covers 'protection'. There is also no requirement stated here for development proposals to extend nature

networks and deliver positive effects for biodiversity. These requirements are contained in Policy 3 and so this needs to be very clearly cross referenced.

No, it offers some protection but the requirement to restore/enhance is contained within policy 3 and not here. Also, there are too many caveats for the true protection of natural places and too much dependency on designated sites. Protection for important habitats and features outside of designated sites is required.

This should also take account of ongoing Nature.Scot work:

<https://www.nature.scot/doc/consultation-developing-nature-guidance>

In all parts of this policy there is a need to emphasise the importance of the precautionary principle as it applies to environmental considerations.

The structure and ordering of the policy parts needs to be reviewed. It should also be linked to nature crisis policy and to Biodiversity Actions Plans.

In part a) LDPs should identify and protect locally, regionally, nationally and internationally valued natural assets, landscapes, species and habitats. This is supported, there should however be mention of geodiversity and duty of LDPs to consider this.

Part b) presumes against development proposals that would have an unacceptable impact on the natural environment including biodiversity objectives, and this is supported though the wording need to be stronger by replacing should with must.

Part c) protects European designation sites and requires 'appropriate assessment' and refers to the relevant statutory tests for such developments. This is appropriate and supported.

Part d) protects National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve designations and refers to relevant statutory regimes. This is supported though the wording of 'should only be supported' needs to be stronger i.e. must only be supported.

In part e) similar protection is given to protected species and the relevant legislation and this is supported subject to the caveat given in part d).

Part f) refers that developers should take into account legislation on non-native species and this is supported if the word should is replaced by must.

For part g) where protection is given for a Local Nature Conservation Site or a Local Landscape Area, this would be better done by saying that development proposals will not be supported unless, referring to the acceptable approaches.

Part h) refers to the precautionary principle and as stated earlier this should be emphasised for the whole policy and not left to this part. Also, given that such landscapes are often valued for their historic environment such studies such be linked with the assessment of the Historic Environment.

For part i) the protection offered to wild land is supported.

Policy 33 Soils

Q51: Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

Part a) sets out that LDPs should protect locally, regionally, nationally and internationally valued soils, this is supported in principle and can be achieved by the further parts of the policy subject to appropriate wording to require the outcomes rather than that they 'should' happen and appropriate methods of assessment.

Part b) provides that proposals should only be supported if they are designed in a way that minimises the amount of disturbance to soils on undeveloped land and protects them from damage including erosion or compaction. This needs clarification as to how an assessment of impact could be quantified or measured to be effective.

In part c) as regards development on peatland, carbon rich soils and priority peatland habitat a list of acceptable development types is provided with a presumption against others, along with requirements for assessment of impacts and mitigation. This is supported, though the cultural and historic value of this resource also needs to part of the assessment and mitigation process. Peatland bogs and soils are not only a valuable environment and source of carbon capture, but they are locally and nationally significant archaeological resources, containing not only evidence of past environments but also records of the impact of humans on the local, regional areas. They may also contain within and beneath them important archaeological remains form buried landscapes dating back to early prehistory to human remains, artefacts and settlements. The significance of these impacts and importance of restoring them sensitively was recognised at COP 26.

Policy 34 Trees, Woodland and Forestry

Q52: Do you agree that this policy will expand woodland cover and protect existing woodland?

The policy needs to make reference to trees in urban areas, their role in character, historic environment, climate change mitigation and in green-blue networks and flood risk mitigation. It also needs to make reference to where it requires woodland expansion rather than just supporting it.

Part a) sets out that LDPs should identify and protect existing woodland and potential for its enhancement or expansion, with the spatial strategy linking with the Forestry and Woodland Strategy required under the 2019 Act, this is supported but needs to be a requirement.

In part b) which sets out protection for a range of tree and hedge assets the wording should be amended so that proposals must not be supported where they result in loss or adverse impacts as listed.

Part c) on removal of woodland areas there needs to be greater clarity on the 'additional public benefits' which might justify removal rather than protection but essentially there should be a presumption in favour of retention, and acceptable proposals handled by exception. Compensatory planting should be required not

generally expected. The wording should refer to trees as well as woodland given the role of trees in carbon mitigation.

In part d) on opportunities for new or expanded woodland associated with new development, the wording should refer to this being prioritised rather than considered.

In part e) the support for proposals which bring about enhancement, expansion and improvement of sustainably managed woodland is supported.

Policy 35 Coasts

Q53: Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?

Part a) sets out that LDPs should consider how to adapt coastlines to the impacts of climate change. This should be a requirement where relevant and must do so in the context of regional working where relevant through Regional Spatial Strategies, given that coastal impacts are dynamic and affected by change. It also needs to consider that nature based solutions might conflict with historic environment concerns so needs alignment with these.

In part b) on proposals that require a coastal location being supported in developed coastal areas subject to not requiring coastal protection measures or adding to flood risk, this is supported. This though needs to be clearer as to what requires a coastal location rather than just being a development opportunity in a coastal area and if there is any reason not to support such an opportunity subject to other policy or technical requirements.

Part c) addresses circumstances in which proposals in the undeveloped coast might be supported, The principles of this are supported, however, the language needs to be much more prescriptive to deliver the desired policy outcomes, with use of 'should' replaced by 'must' to be more protective.

Q54: Do you agree with our proposed priorities for the delivery of the spatial strategy?

Q55: Do you have any other comments on the delivery of the spatial strategy?

Delivering our strategy and realising our collective ambitions requires collaborative action from the public and private sectors and wider communities. Actions will range across different scales and include a mix of strategic and project investments. It will be important to focus implementation and monitoring on delivering strategic actions and key developments.

We expect that our approach to delivery will draw on the following key delivery mechanisms:

Aligning Resources

Infrastructure First

Delivery of National Developments

Development Plan Policy and Regional Spatial Strategies

Local Place Plans

Planning obligations

Land assembly

Masterplan Consent Areas

Investing in the planning service

Overall this part as developed has to be realistic about what Planning can deliver within its powers. It would be helpful if the policy direction set out delivery responsibilities – developer/community/Scot Govt/others as well as Local Authority responsibilities.

Outcomes Statement

Q56: Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?

Agree that these will contribute to the outcomes but as already stated it is critical that robust policy measures are written in to the plan in practical form to enable this to come about as fully as possible. The policy measures must be prescriptive, otherwise the outcomes will only be partly met.

Housing Numbers

Q57: Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

This is agreed following the consultation process.

Glossary

Q58: Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary?

See individual policy comments.

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Planning Committee

2.00pm, Wednesday, 23 February 2022

Scottish Government Local Development Planning Regulations and Guidance consultation - City of Edinburgh Response

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

1. Recommendations

- 1.1 It is recommended that Committee agrees the proposed response to the consultation on Local Development Planning Regulations and Guidance as set out in Appendix 1 and that it be submitted to the Scottish Government by 31 March 2022.

Paul Lawrence

Executive Director of Place

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Scottish Government Local Development Planning Regulations and Guidance consultation - City of Edinburgh Response

2. Executive Summary

- 2.1 The purpose of this report is to seek approval for a response to the Scottish Government's consultation on Local Development Planning Regulations and Guidance as set out in Appendix 1.

3. Background

- 3.1 The Planning (Scotland) Act 2019 set out changes to the planning system, including changes to the process for making local development plans. This will require secondary legislation to be passed to bring it into operation and to add further detail to how the process will operate.
- 3.2 The main changes to the local development plan process are to replace the Main Issues Report stage with an Evidence Report and to introduce a 'gate check' stage so that the Evidence Report is assessed by a person appointed by Scottish Ministers before it progresses to the Proposed Plan stage.

4. Main report

- 4.1 Draft regulations and guidance were published on 17 December 2021 and the Scottish Government seeks comment on these. Interim Impact Assessments and a guide to the consultation were published alongside the drafts.
- 4.2 The draft Guidance is comprised of three sections and annexes with examples of good practice.
- 4.2.1 Section 1 sets out the aims and expectations for new style plans. It provides an indication of what they should be like in the future;
- 4.2.2 Section 2 sets out the process of how to achieve a new style plan. It covers the legislative requirements, how these are met and responsibilities;

- 4.2.3 Section 3 sets out detailed thematic guidance on how new style plans are expected to implement the draft National Planning Framework 4 (NPF4) policies for the development and use of land; and
- 4.2.4 The guidance is intended to assist and support planning authorities and others with an interest in Local Development Plans (LDPs), rather than to create additional requirements. Authorities are expected to consider how the guidance can be applied in a proportionate and place-based way and to use their discretion in establishing the components of the advice which are relevant to their plan preparation.
- 4.3 The consultation sets out that a key principle of implementing these changes will be that regulations be kept to the minimum necessary, that a Circular will not be prepared for them and that more detail will be provided in guidance and kept updated.
- 4.4 The principle that new style development plans be implemented more by guidance than by regulation is intended to provide greater flexibility for change in the future. The proposed response from the Council suggests that this must be considered carefully. The development plan process is often subject to challenge and, whilst flexibility can be useful, it is also important that the process is robust. It is likely that the use of changing guidance rather than regulation through secondary legislation would be less robust to challenge. As set out in the proposed response in Appendix 1, there are critical parts of the process where regulation should be used so as to have a robust process as possible.
- 4.5 The consultation also notes that the Scottish Government does not intend to commence Section 20AA of the 2019 Act which introduced the ability to amend LDPs but will consider regulations and guidance once the new development planning system is in place.
- 4.6 The guidance is, in general, clear and helpful in setting out how to make a LDP in the context of NPF4 and, whilst it will need to be revised subject to any changes to draft NPF4, its provisions on what a new style plan should be like, how it should be made, and what it should contain, are largely appropriate where directly related to a primary or secondary legislative provision. Some amendments to wording are proposed in Appendix 1 for further clarification and emphasis. Recommendations on guidance that should instead be covered by regulation is also given.
- 4.7 Matters where the Scottish Government is of the view that guidance rather than regulation be used, but which it is recommended in Appendix 1 should be regulated for include:
 - 4.7.1 Who should be involved in the consultation process on the Evidence Report, over what is prescribed in the 2019 Act;
 - 4.7.2 What should be in the Evidence Report to inform a new LDP, other than as prescribed in the 2019 Act;
 - 4.7.3 Minimum evidence requirements for appointed persons to assess in Evidence Reports; and

- 4.7.4 Who should be consulted on the Proposed Plan stage, other than as set out in the 2019 Act.
- 4.8 Regulation rather than guidance is important for these considerations as any inconsistencies in these parts of the process between LDPs, or perceived omissions where there is not a clear statutory requirement could be used as the basis of legal challenge.
- 4.9 Matters where the Scottish Government does propose to make regulations relate to the detail of carrying forward the processes set out for new style development plans, including transitional arrangements for existing plans in progress. The regulations proposed on these matters are assessed as being appropriate for their purpose as set out in Appendix 1. The draft Regulations also include some minor changes to update on references to other amendments in legislation, regulation and planning documents and these are accepted without comment. Transitional arrangements allow that where a Planning Authority has published a Proposed Plan prior to June 2022, they will be able to proceed to adoption of that plan. The proposed regulations provide for this and would allow Proposed City Plan 2030 to continue to progress under the existing legislation (2006 Act) rather than require a change to working under the provisions of the 2019 Act.
- 4.10 The interim Impact Assessments cover a range of matters. It is recommended that the interim Business and Regulatory Impact Assessment consider the risk to plans of legal challenge should important matters of process as set out above be dealt with by guidance rather than regulation if the recommended changes are not made. No further comments are recommended on the Assessments.
- 4.11 Separate consultations are to take place on providing definitions of Gypsy/Traveller status and on assessment of play opportunities for children.
- 4.12 The proposed response in Appendix 1 includes commentary on where it is recommended that changes be made to guidance and regulations. Overall, the proposals are considered to be appropriate to the new style local development plans and respond appropriately to the 2019 Act other than as noted. Therefore, it is recommended the draft regulations and guidance should be supported subject to the proposed amendments.

5. Next Steps

- 5.1 Subject to approval of the proposed response this will be submitted to the Scottish Government as the Council's formal response on this consultation. Officers will continue to promote these principles to the Government, including through any post-consultation process which follows.

6. Financial impact

- 6.1 This report has no direct financial impacts, being a consultation response on proposed regulations and guidance.

7. Stakeholder/Community Impact

- 7.1 The content of the draft regulations and guidance has been shaped by consultation and engagement with stakeholders in 2021 and the Government now seeks comment on it.
- 7.2 The Scottish Government's proposals are clearly set out and communicated, allowing all stakeholders the opportunity to comment further.
- 7.3 There are no direct sustainability impacts arising from this report.
- 7.4 Any required assessment of impacts would be addressed by the Scottish Government.

8. Background reading/external references

- 8.1 [Planning Act 2019](#)
- 8.2 [Local Development Planning Regulations & Guidance Consultation: Part A Introduction](#)
- 8.3 [Local Development Planning Regulations & Guidance Consultation: Part B Proposals for Development Planning Regulations](#)
- 8.4 [Local Development Planning Regulations & Guidance Consultation: Part C Draft Guidance on Local Development Planning](#)
- 8.5 [Local Development Planning Regulations & Guidance Consultation: Part D Interim Impact Assessments](#)

9. Appendices

- 9.1 Appendix 1 – Response to Scottish Government consultation on Development Planning Regulations and Guidance.

Appendix 1

Scottish Government Local Development Planning Regulations and Guidance consultation - City of Edinburgh Response

Background

The consultation paper on Local Development Planning (LDPs) has the following parts:

- Part A – Introduction;
- Part B - Proposals for Development Planning Regulations;
- Part C - Draft Guidance on Local Development Planning, and
- Part D - Interim Impact Assessments.

The regulations and guidance are part of wider Scottish Government work on planning reform and implementing the Planning (Scotland) Act 2019 (the 2019 Act). Significant changes to development planning were made by the 2019 Act. To guide implementation of these changes, the following documents above have been prepared and the Scottish Government is now inviting views on these proposals.

Collaboration has informed the preparation of this consultation. It follows on from the extensive engagement undertaken prior to the Planning (Scotland) Bill being considered by the Scottish Parliament.

Regulations and guidance

The government advises that regulation is necessary to provide additional detail to the requirements set out in primary legislation and that new regulations will be prepared for the implementation of the new LDP system. The proposals are set out in Part B of the consultation. The Scottish Government is of the view that given the amount of change, there is benefit in regulations being kept to the minimum necessary and that much of the detail of implementation of the 2019 Act should be set out in guidance to provide for maximum flexibility and resilience. That would allow experience from implementing the new system to be incorporated into updated guidance as it emerges.

Question 1: Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?

Yes / No / No View: Yes, on the point of principle but the question should be asked as to whether what is proposed is the minimum necessary.

Please explain why you agree or disagree: There are a number of points proposed to be dealt with by guidance which are more appropriate to be dealt with by regulation, in that they are points which are sensitive to potential legal challenge and therefore should be prescriptive and have the status of regulation. These points are made in further answers.

Interim Impact Assessments

The consultation paper is accompanied by interim impact assessments, the outcomes of which are in Part D of the consultation:

- Business and Regulatory Impact
- Equalities Impact Assessment, combining human rights considerations
- Child Rights and Wellbeing Impact
- Island Communities Impact

Question 2 i): Do you have any views on the content of the interim assessments?

Yes / No: No

Please explain your views: The interim assessments seem adequate.

Question 2 ii): Do you have or can you direct us to any information that would assist in finalising these assessments?

Yes / No: No

Initial Screening Assessments

The consultation paper is accompanied by initial screening assessments regarding the requirements to undertake assessments on the Fairer Scotland Duty and Strategic Environmental Assessment.

Question 3 i): Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents?

Yes / No: No.

Please explain your views: The screening assessments seem adequate.

Question 3 ii): If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

Provisions for Regulations under the Town and Country Planning (Scotland) Act 1997, as amended by the 2019 Act.

Section 15 – Form and content of local development plans (LDPs)

There are no proposals to amend or add to the existing regulations on the form and content of LDPs.

Question 4: Do you agree with the proposals for regulations relating to the form and content of LDPs?

Yes / No / No View: Yes

Please explain why you agree or disagree. These are considered to be satisfactory

Section 16 - Preparation and monitoring of local development plans: general

The proposed amendments relate only to the updating of references to other regulations which have changes and to planning terminology and documents that have been updated.

Question 5: Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

Yes / No / No View: Yes

Please explain why you agree or disagree: The updating proposed is required and the regulations are otherwise satisfactory.

Section 16 - Preparation and monitoring of local development plans: additional information

Views are sought as to whether or not issues which have become more prominent such as climate change, community planning and health and wellbeing should be added to those already subject to regulation.

Question 6: Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

Yes / No / No View: Yes

Please explain your views: Climate change has become an increasingly important factor in terms of planning outcomes and carbon emissions; community planning and health are more overtly planning related than they have been in the past. Whilst the evidence base for change is not a short term one, it can be assessed in plans through a measurement and comparison of emission scenarios, health scenarios and likely impacts on climate/health changes

Section 16B - Evidence report for preparation of local development plan

It is proposed that what is set out in the 2019 Act as to whose views the planning authority should seek to inform the new Evidence Report stage of the LDP be added to by guidance to be flexible, rather than by regulation.

It is also proposed to address what the Evidence Report is to set out in guidance rather than add to through regulation, to maintain flexibility.

This approach is also proposed in respect of any minimum evidence requirements for the report, partly for flexibility going forward and partly to allow for flexibility according to the circumstances of the local authority area.

New regulations are proposed for the procedures for the new gateway check process in terms of: notification of the appointed person to consider it; further representation or information; and expenses of assessment.

Guidance is proposed on the schedule for the format for submitting unresolved representations to Examination

It is proposed to hold a separate consultation on the definition of Gypsies and Travellers.

Question 7: Do you agree with the proposals for regulations relating to the Evidence Report?

Yes / No / No View: No

Please explain why you agree or disagree: The proposal that: whose views to seek in informing Evidence Reports; what it is to set out in them; and what the minimum evidence requirement for them is, should be set by guidance rather than by regulation is not considered appropriate. Each of these is an area where consistency will be essential to ensure that LDPs are as robust as possible against legal challenge. Variance between what is used as the evidence base for an LDP needs to be consistent so the minimum level of prescription through regulation is high. Use of guidance would lead to greater scope for interpretation as to what is needed in which particular case. Whilst the desire for flexibility is understood it is the robustness of the process which underpins the plan led system and guidance would not give this.

Section 16D – Play sufficiency assessment

Requirements relating to the assessment of play opportunities for children. A separate consultation on this is taking place alongside this LDP consultation.

Section 18 – Preparation and publication of proposed local development plan

It is proposed to update regulations in reference to outdated parts of primary legislation and to update references to parts of the LDP process.

As for the evidence report stage of the LDP it is proposed that the stakeholders to be consulted on the proposed plan stage be added to by way of guidance rather than regulation.

It is not proposed to amend the current regulations requiring direct notification of proposed sites and proposals to neighbours on a similar basis to the notification of planning applications.

Question 8: Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

Yes / No / No View: No

Please explain why you agree or disagree: The stakeholders who require to be consulted on the proposed plan should be subject to regulation rather than guidance for the same reasons of consistency and robustness as set out in the response to question 7, to avoid opening up potential for legal challenge.

Section 19 – Examination of proposed Local Development Plan

The proposal here is to update the wording of the regulations to reflect the removal of Strategic Development Plans from the process by the 2019 Act.

Question 9: Do you agree with the proposals for regulations relating to the examination of the LDP?

Yes / No / No View: Yes

Please explain why you agree or disagree: It is an appropriate update and not contentious.

Section 20A – Publication of and publicity for local development plan

It is proposed to update the regulations in respect of the requirements on a recommended modifications statement and a report of modifications be published in the prescribed manner.

The 2019 Act introduces provisions for the amendment of LDPs. The introduction to this consultation (Part A) explains that we will consider this in regulations and guidance once the new development planning system is in place.

Question 10: Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?

Yes / No / No View: No

Please explain your view: The recommended update is appropriate for regulatory purposes and, as it will be some years before the mechanisms for amendment will be required, there is time to consider this aspect more fully.

Section 20B – Development Plan Schemes

The regulations are proposed to be amended to replace out of date references to stages of the LDP process. The Scottish Government wants to see more specific timetabling for when an LDP is expected to be adopted, or the tracking of any changes to the original timescales and for an explanation to be provided for any changes.

Question 11: Do you agree with the proposals for regulations relating to Development Plan Schemes?

Yes / No / No View: Yes

Please explain why you agree or disagree: It is reasonable to require a Development Plan Scheme to be transparent as to any shift in timescales.

Section 21 – Delivery Programmes

It is proposed to replace outdated references to Action Programmes, as they were formerly known, and to remove references to Strategic Development Planning Authorities.

Question 12: Do you agree with the proposals for regulations relating to Delivery Programmes?

Yes / No / No View: Yes

Please explain why you agree or disagree: These are minor updates required by other legislative changes.

Section 23D – Meaning of “key agency”

It is proposed to amend the regulations to update the names of key agencies whose names have changed.

Question 13: Do you agree with the proposals for regulations relating to the meaning of 'key agency'?

Yes / No / No View: Yes

Please explain why you agree or disagree: These are minor factual updates.

Transitional Provisions

Draft guidance sets out that where a planning authority has published its proposed LDP before June 2022, they will be able to proceed to adoption under the existing provisions and procedures in the 1997 Act (introduced by the 2006 Act). Emerging LDPs which have not reached the stage of a published proposed plan before June 2022 will be subject to all the new process introduced by the 2019 Act. It is proposed to give effect to this in separate regulations making saving and transitional provisions.

For LDPs and supplementary guidance that proceed to adoption under the provisions and procedures introduced by the 2006 Act, the existing regulations will need to be continued. It is therefore proposed to enable this through the replacement regulations.

Question 14: Do you agree with the proposals for regulations relating to transitional provisions?

Yes / No / No View: Yes

Please explain why you agree or disagree: The proposal appropriate to previous consultation on transitional arrangements.

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Planning Committee

2.00pm, Wednesday, 23 February 2022

Scottish Government Open Space Strategies and Play Sufficiency Regulations consultation – City of Edinburgh Response

Executive/routine	Executive
Wards	All
Council Commitments	14, 18, 39, 43, 44

1. Recommendations

- 1.1 It is recommended that Committee agrees the response to the Scottish Government’s consultation on its draft regulations on Open Space Strategies and Play Sufficiency Assessments as set out in Appendix 1.

Paul Lawrence

Executive Director of Place

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Response to Scottish Government consultation on its draft Open Space Strategy and Play Sufficiency Assessment regulations

2. Executive Summary

- 2.1 The Scottish Government has recently published draft regulations setting out requirements on what information must be contained Open Space Strategies (OSSs) and Play Sufficiency Assessments (PSAs), the timescales for producing these and what steps Council's must undertake in preparing them. This report and Appendix set out the key parts of the draft regulations, the implications for the Council and the recommended response to the Scottish Government consultation.

3. Background

- 3.1 The Council has produced two OSSs (including its own version of a PSA called the Play Access Standard), with the most recent approved in 2016. The production of these, however, was not a statutory obligation.
- 3.2 The Planning (Scotland) Act 2019 started the process of introducing the statutory requirement for Planning Authorities to produce OSSs and PSAs, including associated open space audits. There is an associated requirement that these should inform how the Council undertakes various duties it has in relation to green infrastructure and play space.
- 3.3 Secondary legislation is now being progressed in the form of draft regulations that sets out details of what information OSSs and PSAs must contain, how they should be prepared and how often they must be refreshed.
- 3.4 The Scottish Government is presently consulting on these regulations and it is considered appropriate that the Council should provide a response given its implications for the Council and Edinburgh's communities.
- 3.5 This report sets out the main issues for arising from the draft regulations and the recommended responses (summarised in paragraphs 4.1 to 4.11), with Appendix 1 setting out the full list of consultation questions and recommended responses.

4. Main report

General Principles and overall support for the draft regulations

- 4.1 The draft regulations are broadly supported. They align with Council and National objectives relating to the climate emergency, biodiversity, creating successful and sustainable places, improving health and wellbeing, advancing equality, and improving access to green infrastructure, open space and green networks. Notwithstanding this, an update to the national Greenspace Quality Guide would assist to allow meaningful measurement of the six outcomes. These outcomes should also explicitly note the importance of creating an attractive environment, in addition to simply referring to a successful and sustainable place. It is also recommended that inclusivity be stated alongside accessibility.

Areas of alignment with the Council's current OSS and PSA

- 4.2 The draft regulations generally give discretion to Local Planning Authorities (LPAs) in how they collate data and set out the detailed content of OSSs and PSAs, as long as they still fulfil high-level requirements. This approach generally achieves a suitable balance of setting out the key objectives for OSS and PSAs, whilst allowing LPAs a reasonable level of flexibility over specifics.
- 4.3 In the case of the Council, this will help maintain continuity with most aspects of its previous OSS and PSA, especially for benchmarking metrics to monitor progress. For example, the Council should be able to continue its scoring system of open space and play facilities as contained in its audits.

Differences between draft regulations and the Council's OSS and PSA

- 4.4 The approach the Council has taken in its previous OSSs and PSAs generally aligns with the provisions of the draft regulations, however there are some differences.
- 4.5 Draft regulations require OSSs to consider green networks in addition to open space. Although the Council's OSS maps the strategic green network, regulations propose mapping this network at the neighbourhood scale and for all green infrastructure, including for example tree-lined streets, to potentially be considered part of this beyond open space and core paths. This is considered a positive step. The Council has already completed work to better understand and improve green networks and there is a desire to continue to develop this at both a strategic and 20 minute neighbourhood level.
- 4.6 It is proposed LPAs must update their OSSs within a period of 10 years of the date of their last published OSS. Presently the Council has worked to a five-year cycle, although it will be slightly longer for the next OSS and PSA to avoid the risk of conflicting with regulations coming into effect during their preparation.
- 4.7 There is no objection to a statutory maximum 10 year period for updating OSSs providing the Council is able to produce a wholly or partly refreshed OSS and PSA on a five year cycle. This would allow OSSs and PSAs to better reflect contemporary circumstances in the state of spaces and account for emerging

greenspace data and proposals. This will enable better delivery of proposals through LDPs and planning applications (on site and through financial contributions).

- 4.8 Scottish Government proposes that draft OSSs and PSAs go through a consultation period of 12 weeks, with this accompanied by an initial period of advertisement in local newspapers. The consultation the Council undertook on its last OSS was over a period of eight weeks and was accompanied by engagement and promotion via stakeholder groups. Despite this difference, there are no objections to the proposed 12 week period as it would provide ample time for representations. They also still allow for additional engagement and promotion of the type the Council would wish to continue and build upon from previous OSSs, such as that done online. This combination of approaches would help with reaching both younger and older age demographics.

Parts of draft regulations which are not supported

- 4.9 The proposed definition of 'green space' (and, by extension, 'open space') omits horticulture and so does not cover allotments or community growing spaces. These features should be included.
- 4.10 It is proposed that OSSs should consider issues of maintenance. However, LPAs often cannot enforce existing or proposed maintenance arrangements. There would consequently be a misleading impression given of local planning authority powers. It may also result in OSSs setting out proposals that cannot be implemented.
- 4.11 The proposed regulations require PSAs to include two forms of playspace: one where the *primary* function is play and one where play is possible but not the *main* purpose. Including this latter category is not supported. There is too much subjectivity about what such spaces should be counted, with the probable outcome that many spaces will be argued as being incorrectly assessed despite best efforts and engagement with children. Moreover, there are a large number of spaces which could fall into this category and each would require bespoke consideration using a significant level of resource that is not currently available.

5. Next Steps

- 5.1 If the draft response is approved, it will be submitted to the Scottish Government's consultation on its draft Open Space Strategies and Play Sufficiency Regulations.
- 5.2 Once the regulations become statute, the Council shall proceed with its OSS and PSA in light of the legislative framework and report to Planning Committee accordingly.

6. Financial impact

- 6.1 There are no direct financial impacts arising from approval of this report.

Indirect financial risks

- 6.2 The proposed regulations being consulted upon would introduce some additional work for the Council that go beyond what it does currently as part of its OSS and PSA,
- 6.3 A clearer picture of resource impact will emerge once the final form of this legislation emerges. Presently, it is hoped that future OSS and PSAs can continue to be resourced within the Planning Service budget.

7. Stakeholder/Community Impact

- 7.1 The Council has not undertaken community consultation in relation to the draft regulations, however the regulations are currently subject of an open public consultation by the Scottish Government.
- 7.2 Community impacts from the draft regulations are considered positive overall and broadly meet Council priorities relating to the Climate Emergency, biodiversity, creating successful and sustainable places, improving health and wellbeing, advancing equality of access to open spaces and green networks. As mentioned in paragraph 4.1, it is recommended that inclusivity is explicitly stated as a priority alongside accessibility.
- 7.3 The agreement of a Council response to this consultation in itself does not directly have any significant equalities, health and safety, governance, compliance or regulatory implications.
- 7.4 The introduction of legislation that is being consulted upon would, however, have implications in some of these respects. It would introduce a new statutory duty upon the Council to timeously produce an OSS and PSA and set out detail as to how these should be undertaken. It is expected the Council should be able to comply with these legal requirements, although there will be additional work and steps that need to be undertaken compared to the Council's approach to previous OSSs and PSAs.
- 7.5 The proposed regulations would have positive impacts in relation to reducing greenhouse gas emissions, adaptation to climate change and sustainable development as it would put into law a duty for Councils to consider these issues when considering preparing its OSS and PSA.

8. Background reading/external references

- 8.1 [Consultation on Open Space Strategies and Play Sufficiency Assessments Regulations](#) – December 2021.
- 8.2 [Planning \(Scotland\) Act 2019](#).
- 8.3 [Open Space 2021: Edinburgh's Open Space Strategy](#) – December 2016.
- 8.4 [Planning Advice Note 65: Planning and Open Space](#) – May 2008.

9. Appendices

- 9.1 Appendix 1 – List of Scottish Government’s consultation questions and recommended Council responses.

Appendix 1: List of Scottish Government's consultation questions and recommended Council responses

Open Space Strategies Regulations

Consultation Question 1

a) *Do you agree with the idea of promoting an outcomes-based approach through the OSS Regulations?*

Yes, although it would be good if there were a way to meaningfully measure success in the delivery of these outcomes. The proposed update to the national Greenspace Quality Guide would represent a good opportunity to do this, however it would be important that any new approach to measurement are backwards compatible with the current system of monitoring.

b) *Do you agree with the suggested outcomes?*

Yes, however, a more explicit reference to creating attractive environments would be welcomed. The closest the present outcomes come to this is a reference to successful places, but it might not be evident to everyone this should include creating *attractive* places. Attractive places are important to encourage use of open spaces and, in turn, help with delivery of many of the other outcomes listed.

Inclusivity should also be stated alongside accessibility in the title of the outcome relating to accessibility. Although the consultation paper does explain that improving inclusivity is part of assessing accessibility (as shown in the table below para. 46), it would help to highlight the importance of inclusivity and for it to be noted in the title of outcome itself.

Consultation Question 2

Do you agree with the proposed definition of:

a) *'open space'*

No. The definition of open space is linked to the definition of greenspace and there are concerns with that definition (see answer to question 2b below).

b) *'green space'*

No. This definition does not include horticulture. Horticultural areas can be an important form of open space in urban areas, including allotments and community growing areas. Horticulture should not be included in the exclusion at the end of the definition set out in the draft regulations.

c) ***'green infrastructure'***

Yes

d) ***'green networks'***

Yes

e) ***'ecosystem services'***

Yes, although it would help to list in guidance some of the main examples of the benefits that can be derived from ecosystem services.

Consultation Question 3

Do you agree with proposed thresholds for open space audits in Draft Regulation 4(2)?

Yes. Guidance however should be make it clear that LPAs have discretion in how they structure their audit in relation to how it groups different sizes and types of spaces. It is inferred from legislation that this is the case, however confirmation would be welcomed.

Consultation Question 4

a) ***Do you agree with suggested information to include about each open space (location, size and type)?***

Yes

b) ***Do you agree with Regulation 4(5) on the other information planning authorities may include in the audit?***

Yes

Consultation Question 5

a) ***Do you agree with suggested approach to require locality level place based information?***

More discretion over the maximum size of population that can be considered to exist in a single neighbourhood would be welcomed, however it is appreciate that the definition of localities comes from existing legislation and so redressing this would

require a breaking from an established definition and may present issues of inconsistency.

b) Do you agree with the three high level aspects that should be covered in these statements 'accessibility', 'quantity' and 'quality'?

Yes

Consultation Question 6

Do you agree with the list of consultees for the open space audit?

Yes

Consultation Question 7

Do you agree that an Open Space Strategy should contain an Assessment of Current and Future Requirements that should:

a) have regard to how open spaces and green networks in their area are contributing to the outcomes?

Overall yes, however there is reference to issues of maintenance. It is proposed that OSSs should consider issues of maintenance. Local planning authorities often cannot enforce existing or proposed maintenance arrangements however. There would consequently be misleading impression given of local planning authority powers. It may also result in OSSs setting out proposals that cannot be implemented.

b) be informed by engagement with the groups set out?

Yes

Consultation Question 8

Do you agree Open Space Strategies should:

a) include a statement setting out how they contribute to the outcomes?

Yes, although it should be made clear that OSSs and PSAs can make reference to other related strategies where these set out further details on how these outcomes are addressed; for example Forestry and Woodland Strategies.

b) identify strategic green networks?

Yes

c) identify how green networks may be enhanced?

Yes

Consultation Question 9

Do you agree with the proposed consultation requirements on draft Open Space Strategies?

Broadly yes, however see response to questions 7b and 19 in relation to the need for more details on the minimum requirements in relation to consultation with the identified key groups.

Consultation Question 10

Do you agree with the proposed publication requirements for the OSS?

Yes

Consultation Question 11

Do you agree the Regulations should set a 10 year minimum review period for updating open space audits and strategies?

The reference to a *minimum* review period in this question and the consultation paper is confusing. It would be clearer if it was stated that 10 years is the *maximum* period of time which can elapse between the production of new OSSs so as to reflect the wording of the draft legislation itself which is appropriate in this regard.

Notwithstanding this, there is no objection to the 10 years period but only on the condition there is the option for interim updates to particular parts of OSSs, PSAs and/or associated audits. This would ensure they remain fit for purpose. In particular this would assist monitoring and evaluation of the standard of open spaces and green networks. It would also allow new greenspace proposals to be added as they emerge and for the status of existing proposals can be updated as they go through the different stages of design and delivery.

Up to date information on proposals is important in ensuring cross-linkages with other strategies such as local development plans, as well as ensuring new developments deliver and contribute to greenspace proposals where appropriate through the development management process. This would support the aspiration in the consultation paper that OSSs and PSAs should link to planning, but would

ensure this happens through the development management process as well as local development plans.

Play Sufficiency Assessments Regulations Consultation

Question 12

Do you agree with the proposed definitions?

"children"

Yes

"localities"

See response to question 5a

"open space"

No. See response to question 2a.

"play opportunities"

Yes, although it could be expanded to be explicit about whether facilities such as Multi Use Games Areas and Skateparks are considered part of this definition or whether they are classed as sports areas. The definition of sports areas does not explicitly say whether it includes these types of facilities either, although it does say sports facilities are generally those which have to be booked which means– in the absence of explicit confirmation – sports facilities does not cover MUGAs and skateparks. To avoid ambiguity however clarification would be helpful.

Question 13

Do you agree planning authorities should map the locations of the two categories of play spaces, and how they are described in Draft Regulations 3(2)(a) and (b)?

Yes for 3(2)(a), but no for 3(2)(b).

It will be difficult for officers as adults to judge what play opportunities a child may find in a public space. It should be left for children to judge themselves which spaces they wish to play in rather than a strategy setting this out for them.

Consultation with a section of group of children also does not solve this problem as once child may find a play opportunity in a space where another child may not.

It is also impracticable to make judgements on the very large number of potential spaces in a local authority area which may fall into the category of 3(2)(a).

Question 14

Do you agree with the proposed requirement to assess play opportunities in respect of their suitability by age groups?

Yes.

Question 15

a) Do you agree to the proposed three aspects of assessment - 'accessibility', 'quantity' and 'quality'?

Yes

b) to provide them in written statements in respect of the totality of the local authority area and at each locality level?

Yes

Question 16

a) Do you agree with the requirement to consult as part of the process of carrying out the play sufficiency assessment?

Yes

b) Do you agree with the proposed list of consultees on play sufficiency assessment?

Yes

Consultation Question 17

Do you agree with the publication requirement for play sufficiency assessments?

Yes

Impact Assessments

Consultation Question 18

Do you have or can you direct us to any additional information that would assist in finalising these assessments (BRIA, EQIA, CRWIA, ICIA)?

Consultation

No

Consultation Question 19

Please give us your views on the content of these assessments and how they have informed the draft provisions, or if you think changes are needed to the Regulations to further respond to the issues.

No

Consultation Question 20

Do you agree with the Fairer Scotland Duty screening and our conclusion that full assessment is not required?

Yes

Consultation Question 21

Do you agree with the Strategic Environmental Assessment pre-screenings, that the Open Space Strategies and Play Sufficiency Assessments Regulations are exempt from the Environmental Assessment (Scotland) Act 2005, as the environmental effects are likely to be minimal?

There should be minimal *negative* impacts.

Consultation Question 22

Any other comments?

No

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Planning Committee

2.00pm, Wednesday, 23 February 2022

Short-term Let Area of Control Designation

Executive/routine Wards Council Commitments	Executive All 11 and 12
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1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 Note that the Council has now concluded the statutory consultation on the designation of a Short-term Let control area;
 - 1.1.2 Note the level of response to, and the key findings of, the consultation as summarised in this report and set out in Appendix 1;
 - 1.1.3 Acknowledge that analysis and consideration of feedback from consultation has informed a review of the proposed designation;
 - 1.1.4 Approves the proposal to designate the entire Council area as a Short-term Let Control area;
 - 1.1.5 Agrees to submit the proposal to Scottish Ministers for approval; and
 - 1.1.6 Subject to approval of recommendation 1.1.5, confirms that should Scottish Ministers approval be given, the designation will be publicised and take effect 28 days from the date of publication of the notice.

Paul Lawrence

Executive Director of Place

Contact: Iain McFarlane, City Plan programme Manager

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

Short-term Let Area of Control Designation

2. Executive Summary

- 2.1 The purpose of this report is to set out responses to the consultation on a proposal to designate the entire Council area as a Short-term Let Area of Control. The area of control is a statutory designation the effect of which will require planning permission for the change of use of dwellings to short-term letting where the property is not a principal home.
- 2.2 The analysis of responses and data indicate that the proposal, as set out in the consultation, meets with the objectives of a control area, provides evidence of the need for the designation and recommends that it be progressed for formal designation.

3. Background

- 3.1 Section 17 of the Planning (Scotland) Act 2019 introduced powers for local authorities to designate Short-term Let Control Areas. The purpose of control areas is to:
 - 3.1.1 Help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood);
 - 3.1.2 Restrict or prevent short-term lets in places or types of building where it is not appropriate; and
 - 3.1.3 Help local authorities ensure that homes are used to best effect in their areas.
- 3.2 Without a control area, in terms of current planning legislation, using a property for short-term lets may constitute a change of use requiring planning permission. Whether planning permission is required will depend on the individual facts of each case. There is currently a lack of clarity for all parties on where planning permission will be required to use a property for short terms lets.
- 3.3 Within a control area, planning permission would always be required for the change of use of an entire dwellinghouse to a short-term let (STL). The automatic requirement for planning permission applies only to letting of a dwelling that is not a principal home, it does not apply to home sharing or home letting.

3.4 [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#), implemented on 1 April 2021, and The Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022, which come into force on 1 March 2022, set out the scope and process for designation and [Scottish Government Circular 1/2021](#) sets out guidance on establishing a control area.

3.5 A planning authority may designate all its area, or any parts of their area as one or more control area. In order to designate a control area, the planning authority is required to prepare a Statement of Reasons for designation and consult prior to submission to Scottish Ministers for approval. A designation may be varied or cancelled in the future, subject to due process.

Short-term lets in Edinburgh

3.6 Edinburgh has a high number of STLs. Prior to 2019, there was a steady increase each year in the number of STLs listed on Airbnb. At March 2019, there were 8,739 entire property STLs listed on Airbnb. The Covid-19 pandemic has had an impact on the number of STLs however the number of STLs remain high and at October 2021 there were 4,077 entire property STLs listed on Airbnb.

3.7 There is long standing concern from the Council and residents of the city about the impact of STLs. It has been the subject of a number of reports to Planning Committee over recent years. Council services have worked together to co-ordinate action on STLs utilising existing legislation.

3.8 Dealing with the planning issues which are raised under existing powers is challenging. Currently planning permission may be required for a change of use from a dwelling to use as a short-term let if a material change of use has taken place. Enforcement action is a common recourse.

3.9 When investigating cases, it must be established whether the use of a residential premises for STLs constitute a material change of use. The question of material is one of fact and degree having regard to a number of factors. Evidence gathering can be a difficult and lengthy process involving a number of visits to properties.

Draft Proposal

3.10 A draft proposal to designate the entire Council area as a Short-term Let Control Area was approved for consultation by Planning Committee on [11 August 2021](#). It was supported by a statement of reasons and evidence report.

3.11 Regulation 4 of [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#) sets out the requirement for planning authorities to give notice of any proposal to designate an area as a Short-term Let Control Area. It requires: publishing notice of the proposal in a newspaper circulating in the area and on the Council website; and sending a notice to each Community Council within whose area it is proposed to designate an area as a Short-term Let Control Area.

4. Main report

Consultation

- 4.1 The consultation ran for a period of nine weeks, from 2 September to 5 November 2021 (the consultation period required by the regulations was 28 days). In fulfilment of the statutory requirements, a notice was published in the Evening News and Community Councils were notified of the proposal, by e-mail, on 3 September 2021. The statement of reasons, map of the proposed area of designation and background report were made available on the Council website.
- 4.2 The consultation was also available on the Council consultation hub. It sought views on the principle of a control area for Edinburgh and the designation of the entire Council area.
- 4.3 The following activities were used to raise awareness and encourage people to have their say during the consultation:
- Press release on start date;
 - Facebook, Twitter and LinkedIn;
 - Articles on the Planning Blog at start of consultation and towards end;
 - E-mail to Planning Blog mailing list; and
 - Notification to key stakeholders by e-mail.
- 4.4 The proposal received national media attention with articles in many newspapers and radio coverage. Social media statistics demonstrate that the consultation reached over 5,600 people.
- 4.5 Three focus groups took place to explore the questions set out in the on-line consultation. These provided a presentation on the proposal, with the opportunity for questions and discussion in break out groups. One session was held for operators and hosts with attendance from the Association of Scotland's Self Caterers, UKSTAA, Edinburgh Tourism Action Group, hosts and booking platforms. A separate session was attended by community groups and residents. A third session was held for visitors. Despite limited attendance at the visitor session, the discussion provided insight from a visitor perspective and along with the other two sessions is reported in the Report of Consultation at Appendix 1.
- 4.6 A summary of views expressed is given below.

Consultation Responses

- 4.7 The questionnaire received 3,108 responses. The vast majority of responses were received from individuals (98%), mainly residents of Edinburgh. 51 organisations responded, including 18 community organisations, seven of which were community councils. A list is contained in Appendix 1.
- 4.8 The consultation responses and a response to them is set out below and a detailed response is provided in Appendix 1

Focus Groups

- 4.9 Focus groups explored the questions set out in the on-line consultation. There were mixed views expressed between the different groups with strength of feeling shown both in support of the designation and from those who did not support it. The discussions were generally reflective of the issues raised in the online consultation. There was real concern from community groups and residents who expressed exasperation with the impacts that they felt were caused by STLs and the need for this to be controlled. There was also concern from operators that the proposal did not take account of the benefits of STLs or the negative impacts a control area could have. There was a general view from operators that the control area would effectively be a ban on STLs.

Support for the designation

- 4.10 The majority of all respondents (88%) supported the principle of the designation of a STL control area and for the entire area to be included (85%).
- 4.11 There were different degrees of support from individuals, community groups and other organisations. The other organisations were mostly representatives of the industry, operators and booking platforms. All community groups were in favour of the designation and for the entire area to be included. There was a high level of support from individuals (89%) both for the principle and for the entire area to be included (84%). This contrasts with just over half of other organisations not in support of designation and 65% opposed to the whole area designation.
- 4.12 A small proportion of respondents (1.5%) were unsure about the designation as they were uncertain that it would address issues; that there may be other means of control; unsure of what the effects might be on property rights; impacts on tourism and that impacts of the Covid pandemic were unknown. 3% were unsure about the inclusion of the entire area for a variety of reasons including the administration of the scheme; need for more detail; and appropriateness including more rural areas.

Analysis of comments

- 4.13 A Report of Consultation, including a summary of comments received and a response, is provided in Appendix 1. It sets out a high level response to the comments rather than responding to individual comments. Many of the issues raised were relevant to the policy which would apply to STLs, issues which can be addressed through other regimes, such as licensing or environmental health, rather than the requirement for planning permission which would be established by the control area.

Key Themes from comments

- 4.14 There were some overarching themes:

Data

- 4.15 Concerns were raised about the accuracy of data mainly related to the use of Airbnb data and that the data overrepresented the scale of STLs.

- 4.16 The proposal provides information on the scale of STLs sourced from Airbnb. This platform for STLs has a large share of the market. It provides publicly available data and has been quoted in Scottish Government research. It is acknowledged that this source is not an official register but, in the absence of this, it provides an indication of the number of STLs potentially available.
- 4.17 The data presented related to only entire properties which would be within the scope of the control area. While it is not possible to identify if a property is a person's main residence and they are letting it out during a period of their absence, which would not be within the scope of control, the overall number of STLs, whether for secondary letting, home-letting or home-sharing are relevant to the overall impact.
- 4.18 In response to comments that other sources of data are available but not considered and that data is out of date, the background report has been updated with the latest available Airbnb data and supplemented with information from Visit Scotland and the valuation roll.
- 4.19 While there is no definitive source of data on the number of STLs operating in Edinburgh, the available data demonstrates the scale of short-term letting. Responses to the consultation also indicate that there are perceived to be high numbers of STLs in Edinburgh.

Lack of Evidence of impact on housing supply.

- 4.20 Views were expressed that there was no evidence that STLs were responsible for issues of housing supply in Edinburgh, that there were other factors which should be addressed such as empty homes and building affordable housing. There were also views expressed of the difficulties which STLs were felt to be having on the availability of homes for residents.
- 4.21 It is difficult to quantify the actual statistical impact of short-term rentals on the traditional rental market within the city. Evidence is set out in the background report from Council commissioned research which assessed the impact that the short-term let sector was having on rents within Edinburgh's traditional private rented sector and the availability of residential property in the city. This high level analysis suggests a rise in rents potentially attributable to short-term rentals and a drop in the availability within the rental sector.
- 4.22 The Background Report has been supplemented with information from the valuation roll and Visit Scotland Quality Assurance Scheme. At September 2021, there were around 540 self-catering properties registered with the Visit Scotland Quality Assurance Scheme. 1,418 self-catering properties were on the valuation roll as at January 2022. The valuation roll figure would appear at first sight to be an under-representation of the full extent of STL in Edinburgh. If STL properties not on the valuation roll are operating commercially, then a change of use in planning terms may have occurred. These properties would be no longer contributing to the housing supply.
- 4.23 Council Tax records identify the number of second homes registered. In 2021 of the 257,671 properties registered, 1,657 were second homes.

- 4.24 There is a disparity between these figures and the Airbnb data due to the voluntary nature of the Visit Scotland Quality Assurance Scheme and that not all STLs will have registered to pay non-domestic rates.
- 4.25 Edinburgh operates as a single housing market. There are high levels of demand and need for affordable housing which have been identified through an analysis of housing need and demand. Most properties operating as STLs were or are residential dwellings and any residential dwelling not being used for that purpose reduces the availability of housing in Edinburgh.

Costs to Council

- 4.26 Concerns were raised that the requirement would be onerous on the planning authority and that resource implications had not been assessed.
- 4.27 Since 2016 there have been 643 planning enforcement cases raised relating to unauthorised use for short-term letting in Edinburgh. In the absence of Short-term Let Control Area, when investigating cases, it must be established whether the use of a residential premises for short term holiday lets is a material change of use.
- 4.28 The question of materiality is one of fact and degree, having regard to a number of factors such as the character of the property, the frequency of arrivals and departures, the number of people occupying the property, and disturbance to neighbouring residential amenity.
- 4.29 Evidence gathering can be a very difficult process. Case officers must consider each of these factors. This can involve a number of visits to check levels of occupation and to collect corroborative evidence to support any claims of noise and nuisance. This is a resource intensive activity. Designation of the control area will require applications for planning permission for which there is a fee set at national level.
- 4.30 While the current fee does not provide full cost recovery, this needs to be balanced with the amount of resource currently expended on investigating and enforcing unauthorised STLs in dwelling houses with no associated fee. As part of national planning reform, the Scottish Government are considering increased planning fees.
- 4.31 Existing legislation requires planning permission where a material change of use take place. Therefore, existing STLs should already have planning permission if required and only a minority of properties would require a planning application that did not do so before. The increase in applications should therefore not be substantial. It is likely however that there are STLs operating without the required planning permission so some increase in retrospective applications should be expected.
- 4.32 Where a use has been operating for a period of at least ten years, the use is lawful in planning terms. It is likely that there will be a number of STLs who are in this category. A certificate of lawfulness will provide confirmation if permission is required or not and there is a fee for this equivalent to a planning application.

Existing systems in place to regulate STLs

- 4.33 There were views that there is current legislation which provides adequate regulation. Existing regulation is through planning law, anti-social behaviour legislation and environmental protection. Council services have been working together for a number of years to co-ordinate action on STLs by utilising this existing legislation. However, the issues remain and it is clear that the Council lacks specific regulatory powers which allow it to effectively respond to all the issues currently faced by the city.
- 4.34 There are codes of practice in place from industry bodies, however these relate to the operation of the property rather than its existence in a particular location or property and do not address any cumulative impacts which can be considered by planning control.
- 4.35 A licensing scheme, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021 has now been approved requiring that, from July 2024, all STLs obtain a licence. The licensing scheme is complimentary to the control area and does not provide any regulation over the number of STLs or allow consideration of planning matters.
- 4.36 There were suggestions for alternative schemes. These related to issues which are outwith the scope of planning. No other regulations control the multiple issues which can be controlled through the planning system.

Timing

- 4.37 Comments were made that the proposal is premature and that the Scottish Government has yet to prepare and consult on the detail of the control area scheme and that there is no detail on the factors that will affect granting/refusing planning permission, or costs for operators. Some respondents thought that there was a need to await establishment of the proposed licensing scheme in 2024 to determine the true scale of STLs. Also, that the impact of the Covid-19 pandemic on the numbers had not been considered or was not known.
- 4.38 The control area regulations came into force on 1 April 2021. Guidance on their establishment was issued by the Scottish Government in June 2021, and this informed the proposal. Planning policies are set out in the Edinburgh Local Development Plan, November 2016 and further guidance in Guidance for Businesses, November 2021, both were referenced in the consultation documentation. The cost of planning applications and certificates of lawfulness are set out in the Council's Scale of Fees.
- 4.39 While an official source of data on the number and location of STLs will be helpful, the designation is not based on areas of high or low concentration and does not depend on numeric accuracy. In addition, the number of STLs is not the only reason for designation. Even a single dwelling being used for this purpose, if it is in the wrong location or circumstances could be problematic.
- 4.40 The Covid-19 pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is hard to speculate

about the medium and long-term impacts of the pandemic on the STL market, and on the behaviour of investors, landlords and consumers.

- 4.41 A study, Review of Housing Need and Demand in Edinburgh, commissioned by the Council in 2020, considered evidence on housing need and demand in the context of the Covid-19 pandemic. There was some evidence of an immediate shift of STLs to residential private-lets during lock-down, but consultation suggests that the high demand for United Kingdom (UK) staycations means that demand for STLs has been broadly maintained. For the longer term, the market fundamentals for the Edinburgh market are projected to remain strong, with unlikely downward pressure of prices. It concludes that the private rented sector has been in a considerable state of flux but is now rebalancing and transient households are returning to the City. There is currently more flexibility in supply augmented to some extent by previous STLs moving to residential stock but warns that this should not be over-estimated as UK staycations are in high demand.
- 4.42 Licensing of all types of STLs will be required from April 2024. This will require the licensing authority to consider if the use of the premises for short-term letting would constitute a breach of planning control, in which case it may refuse to consider the application. Introducing the control area in advance of this licensing requirement will provide clarity for operators and prospective operators of the need for planning permission and provide a straightforward means of checking compliance with planning requirements by the licensing authority

Retrospective measure and cost to operator

- 4.43 Views were expressed that designation would introduce a retrospective requirement for planning permission, that existing operators should be exempt from this, and that the additional requirement was onerous and unnecessary. Concerns were expressed about the cost of the requirement for planning permission, and by some that there should be no fee involved. There was a related concern that that proposal does not distinguish between operators of individual properties and larger operators.
- 4.44 The legislation is retrospective in that it requires permission to be sought for dwellings currently being used for STLs. Existing planning legislation allows that where a use can be demonstrated to have been operating for at least 10 years with no enforcement action that the use is lawful in planning terms. STLs currently operating should already have planning permission if required and would therefore be able to continue to operate and meet with the proposed licensing condition for planning permission without any addition planning fees. Only a minority of properties would require a planning application that did not do so before. For many properties, the planning costs are not therefore a direct consequence of the designation but of complying with the existing requirement that where the use is determined to be material, planning permission is required.
- 4.45 The regulations have been set nationally and there is no scope to treat business operators differently. The impacts of designation, on both businesses and individual operators, was considered in a business and regulatory impact assessment,

prepared by the Scottish Government, of the regulations prior to introduction of the legislation.

Discriminatory against one type of visitor accommodation

- 4.46 The proposal was considered by some to discriminate one type of visitor accommodation over another by applying control to STLs but not other types of visitor or student accommodation and that it would favour large businesses at the expense of individuals. There were also views expressed that as STLs are commercial business then the same requirements should apply to them as other visitor accommodation.
- 4.47 The development or change of use to other types of visitor accommodation, with the exception of some bed and breakfasts, currently requires planning permission where development or change of use occur. A requirement for planning permission would bring STLs in line with this requirement.

Perceived as a ban on STLs

- 4.48 There was a view from some respondents that the requirement for planning permission would effectively be a ban on short-term letting and reduce the number of STLs to the city's detriment.
- 4.49 The effect of the control area is to require planning permission. The automatic requirement for planning permission applies only to letting of a dwelling that is not a principal home, it does not apply to home sharing or home letting.
- 4.50 The control area does not set the policy which will be applied to STLs. Current planning policy is set out in the Edinburgh Local Development Plan (LDP) Policy Hou 7 – Inappropriate Uses in Residential Areas. This policy prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents. Planning applications for secondary letting will be determined against this policy and other material considerations. Current non-statutory guidance, Guidance for Businesses, November 2021 states that planning permission will not normally be granted for flatted properties, where the potential adverse impact on residential amenity is greatest and will generally only be acceptable where there is a private access from the street.
- 4.51 The designation of a Short-term Let Control Area, therefore does not mean a blanket ban on such uses: each case will have to be assessed on its own merits. The planning application process involves notification of neighbours and provides an opportunity for public comments.
- 4.52 Current planning policy allows consideration of the appropriateness of short-term letting within a residential context. Where this is appropriate, it allows for STLs. In 2021 there were 25 applications for planning permission for STLs determined. 15 of these were granted. These are detailed in the Background Report.
- 4.53 A new local development plan is being prepared. The Proposed City Plan 2030 was approved in September 2021. This sets out intended policy for the city and includes a policy which presumes against a loss of housing, including through change of use. Representations to this plan are currently being considered, prior to

it being finalised and subject to examination, and there is potential for policy to be changed prior to any adoption of the plan.

- 4.54 There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let may be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission, this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation.

Area of Designation

- 4.55 Concerns were expressed that designating the entire Council area was not addressing the issue, often seen to be due to bad operators, and there was a need to balance the benefits of STLs with specific geographic areas of concern. Some respondents considered there was a disproportionate impact on areas towards the outskirts of the Council area.
- 4.56 Enforcement over the entire city was a concern and some considered it would be better to limit scope to what is manageable. Concern was also expressed that it may push STLs into adjoining council areas resulting in more travel.
- 4.57 Conversely there was support for the entire area, mostly referenced back to the reasons set out in the statement of reasons, that:
- Dwellings are being used short-term lets throughout the council area.
 - Housing need is city wide.
 - Concerns of Edinburgh residents are city wide.
 - Provides clarity on the need for planning permission anywhere in Edinburgh.
 - It would allow consideration of STLs against planning policies and other material considerations.
 - It would allow the opportunity for the public to comment through the planning application process on STLs across the city.
 - Designating part or parts of the area could result in pushing STLs and their impacts into areas around control areas.
- 4.58 The Background report, at Appendix 3, demonstrates that there are issues across the area. While the concentration of properties in certain areas may bring particular issues relating to housing supply, noise and community cohesion, designating particular areas of control risks would underestimate the impact a single property may have on neighbours and in the longer term risk moving STLs into adjoining areas.
- 4.59 Alternative views were expressed on the parts of the area to which a designation should apply. There were views that areas of concern should be addressed on individual merits and based on facts. Some respondents felt there would be fewer issues if STLs were dispersed beyond the city centre, however, there were also views that predominantly residential areas should be protected by a control area and the city centre, business and tourist areas should not be included.

- 4.60 Some specific suggestions included designating areas outside of one mile of major landmarks as areas of control to steer tourists and STLs toward areas best suited to support them, from a services and infrastructure perspective and that areas of control should be limited to Central Edinburgh postcodes and UNESCO defined areas.
- 4.61 There were some views that the type of property and letting policies were more important than the area of designation. There were specific suggestions that STLs should be banned on mixed stairwells; that detached houses and non-flatted properties should be exempt from control; and that properties with private entrances should be allowed to operate as STLs with no restrictions; and that control should only apply to STLs lets with a duration of less than one month.
- 4.62 Defining specific areas of control in a compact city risks pushing the issue into areas around the boundary. Criteria for the selection of boundaries would be difficult and could change over time. Regulations allow for geographic areas to be designated and do not allow for this to apply only to property types and the regulations apply to all secondary letting regardless of duration of let. Current planning guidance sets out advice on types of properties and these matters could potentially be addressed through Guidance should designation proceed.

The Designation

- 4.63 It is for the planning authority to determine if a control area is required. Some considerations are provided in Circular 1/2021 and example indicators such as multiple key boxes; signs of services struggling; lack of housing; high levels of complaints are suggested. A relevant consideration is whether there have been reasoned requests from community councils, residents and other local groups and planning authorities should have regard to such representations.
- 4.64 The statement of reasons was contained within the Planning Committee report of 11 August 2021 and is attached as Appendix 2. Along with the updated background report, at Appendix 3, this provides evidence which demonstrates the need to designate the entire Council area as a Short-term Let Control Area.

Conclusion

- 4.65 The statutory requirements for designation have been met. The proposed designation meets with the objectives of a control area and the statement of reasons and supporting background report demonstrate the need for the designation.
- 4.66 Issues raised in consultation and updated data do not indicate a need to alter the proposal from that previously considered at Planning Committee on 11 August 2021.
- 4.67 The level of support for the designation and concerns of residents is a relevant consideration set out in circular 1/2021. In combination with the reasons set out in the Statement of Reasons, and supported by the Background Report, designation is justified.

5. Next Steps

- 5.1 Should Committee decide to proceed with the designation as set out, Ministerial approval will be required.
- 5.2 Regulations require that a Statement of Reasons is submitted to Scottish Ministers along with a map of the area of designation. A Statement of Reasons is attached at Appendix 2, which would form the submission along with the Background Report.
- 5.3 If the designation is approved by Scottish Ministers, the Council can proceed to formal designation. The designation will be publicised and take effect 28 days from the date of publication of the notice.

6. Financial impact

- 6.1 Designation of the control area will require applications for planning permission for which there is a fee set at national level. While the current fee does not provide full cost recovery this needs to be balanced with the amount of resource currently expended on investigating and enforcing unauthorised short-term lets in dwelling houses with no associated fee.

7. Stakeholder/Community Impact

- 7.1 A review of stakeholder and community involvement is outlined in section 4 and a report of consultation is provided at Appendix 2.
- 7.2 A summary of an Integrated Impact Assessment was presented to Committee in August 2021. This has been updated as part of the consultation process. It concludes that overall the proposal will support equality, health and well-being and human rights and have positive socio-economic impacts.
- 7.3 There are no direct sustainability impacts arising from this report.

8. Background reading/external references

- 8.1 [The Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#)
- 8.2 [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2021](#)
- 8.3 [Planning Circular 1/2021 Establishing a Short-term Let Control Area](#)
- 8.4 [Scottish Government Impact of Short-term Letting on Communities](#)
- 8.5 [Guidance for Businesses, February 2019](#)
- 8.6 [Edinburgh Local Development Plan 2016](#)
- 8.7 [City Plan 2030](#)
- 8.8 [Report to Planning Committee, 11 August 2021, Short-term let Area of Control](#)

- 8.9 [Report to Planning Committee, 2 September 2020, Short-term Letting in Edinburgh](#)
- 8.10 [Report to Corporate Policy and Strategy Committee, 14 May 2019, Short-term Letting in Edinburgh Update](#)
- 8.11 [Report to Corporate Policy and Strategy Committee, 7 August 2018, Short-term letting in Edinburgh](#)

9. Appendices

- 9.1 Appendix 1 – Proposal for designation of Short-term Let Control Area for Edinburgh Report of Consultation.
- 9.2 Appendix 2 – Short-term let Control Area for Edinburgh Statement of Reasons.
- 9.3 Appendix 3 – Designation of Short-term Let Control Area for Edinburgh Statement of Reasons Background Report.

Appendix 1

Proposal for designation of Short-Term let Control Area for Edinburgh Report of Consultation

December 2021

Planning | Sustainable Development | Place Directorate | The City of Edinburgh
Council

Contents

		Page
Part 1	Report	1
Part 2	Full summary	6
Part 3	Focus Group Summary	32
Part 4	Notified organisations	41
Part 5	Respondent Organisations	42

PART 1

Report

1. Introduction

- 1.1 Section 26B of the Town and Country Planning (Scotland) Act 1997 allows planning authorities to designate all or parts of their area as a short-term let control area.
- 1.2 The Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 requires that a statement of reasons for designation is prepared and that a period of at least 28 days is provided for comments to be made. Scottish Government Circular 1/2021 states that planning authorities should have regard to representations received.
- 1.3 A draft proposal to designate the entire Council area as a Short-Term Let Control Area was approved by Planning Committee on 11 August 2021.
- 1.4 This document sets out how the proposal was consulted upon and explains how the final proposal has had regard to the points raised in the consultation.

2. Consultation

- 2.1 The consultation ran for a period of 9 weeks from 2 September to 5 November 2021. Three focus groups with hosts/operators/community groups were held during this period and an online survey made available on the Council Consultation hub.

3 Publicity

- 3.1 In fulfilment of the statutory requirements, a notice was published in the Evening News and Community Councils notified of the proposal, by e-mail, on 3 September 2021. The statement of reasons, map of the proposed area of designation and background report were made available on the Council website along with FAQs.
- 3.2 The following activities were carried out to raise awareness and encourage people to have their say during the consultation:
 - Press release issued on start date.
 - Publicity to raise awareness of consultation on Facebook, Twitter and LinkedIn.
 - Articles on the Planning Blog- at start of consultation and towards end.
 - Notification to key stakeholders by e-mail – detailed in Part 4
 - Surrounding local authorities;
 - Councillors;
 - MSPs; and
 - Other organisations including Visit Scotland, ASSC, Airbnb.

4 Respondents

4.1 3,108 responses were received. 98% of responses were received from individuals. 18 community organisations, including seven community councils responded. Part 5 contains a list of organisations who responded.



Figure 1 Breakdown of responses

Respondent type



Figure 2 Respondent by type

5 Responses

5.1 The survey posed two questions:

1. Do you support the designation of a Short-term Let Control Area for Edinburgh?

2. Do you agree with the proposal to designate the entire Council area as a Short-term Let Area of Control?

5.2 The majority of those responding (88%) supported the designation and for the entire area to be included (85%).

5.3 All community organisations who responded were in favour of the designation. Just over half (52%) of other organisations who responded (list provided at Part 5) did not support a designation. 89% of individuals responding were in support of the designation.

5.4 All community organisations were also in favour of the entire council area being designated. 65% of other organisations opposed the whole area designation.

5.5 1.5% were unsure about a designation but a higher percentage were unsure on the designation of the entire area 3%.

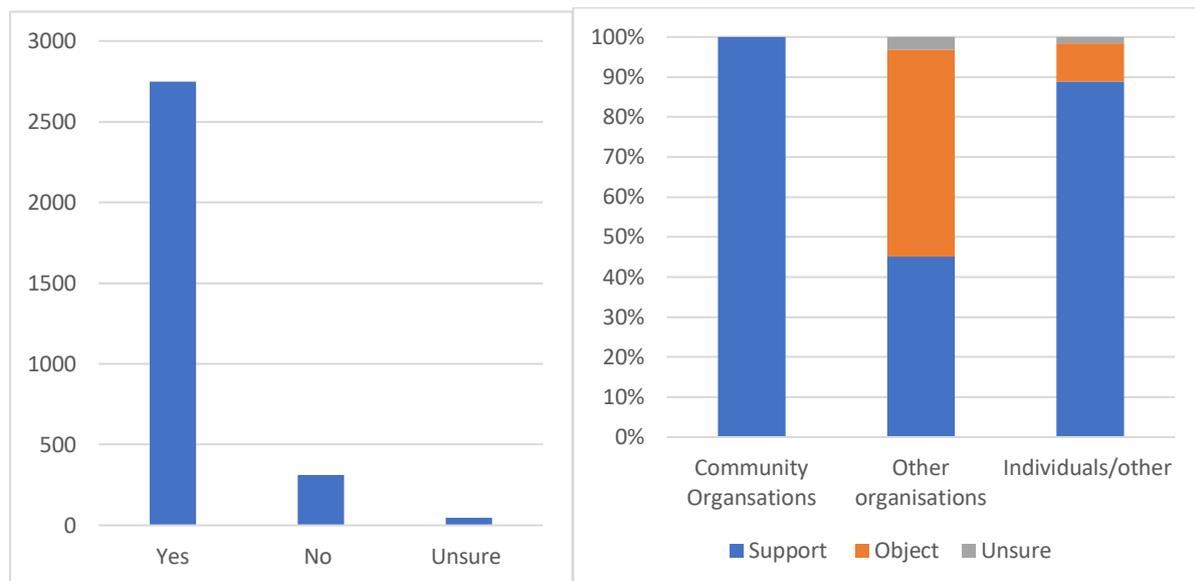


Figure 3: Do you support the designation of a Short-Term Let Control Area for Edinburgh?

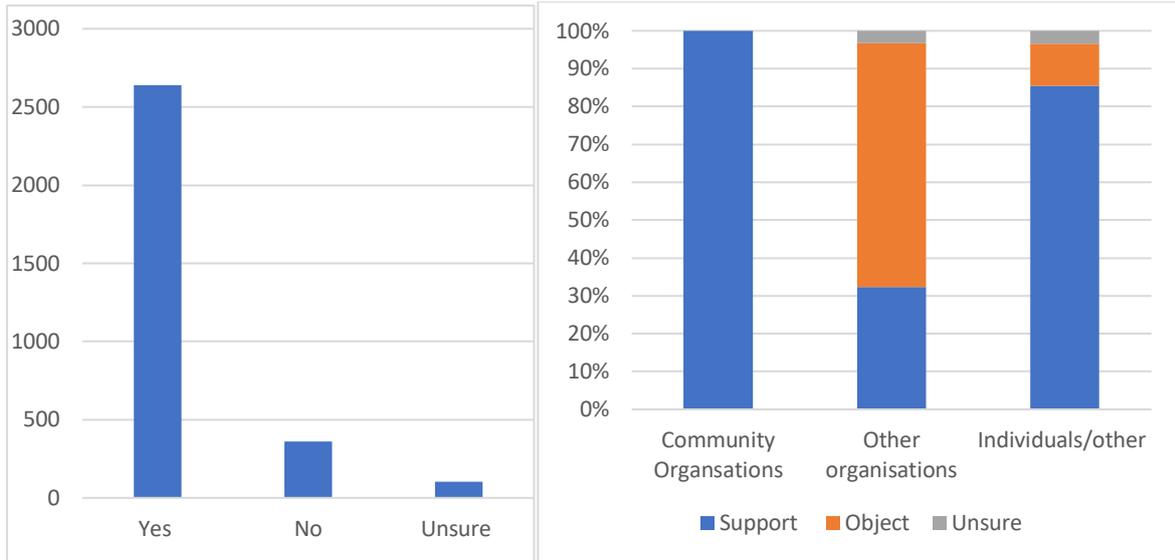


Figure 4: Do you agree with the proposal to designate the entire Council area as a Short-Term Let Area of Control?

6 **Summary of comments**

6.1 There were a number of representations expressing similar views both in support and objection to the proposal. A brief overview of representations grouped by theme is set out below. A more detailed summary is provided in Part 2.

6.2 **Reasons for support- principle**

Would address:

- Lack of supply of housing
- Loss of resident population
- Impact on area
- Disruption to well-being
- Property maintenance
- Inequality
- Sustainability
- Bring STLs in line with other tourism businesses
- Sufficient alternative accommodation
- More efficient for the planning system
- Not far enough

6.3 **Reasons for objecting-principle**

- Unreliable data
- Not the only factor in shortage of housing and would not result in an increase in available housing
- Harmful to economy and tourism
- STL accommodation needed to meet the needs of visitors, and in particular families, professionals and other needing to let on a short term basis
- Discriminates against one type of visitor accommodation
- No distinction between type of operators and would have negative impact on individual operators resulting in loss of income.
- Not the right time as uncertain what impact of Covid pandemic will be and the licensing scheme proposed for STLs has not yet been established.
- Would place a burden on planning authority.
- Unnecessary as other regimes are in place
- Proposal unclear

6.4 **Reasons for support-entire area**

- Issue city wide
- Avoids transferring to other areas
- Easier to administer and enforce
- Difficult to define boundary
- Equality across area
- Needed to take account of change over time

6.5 Reasons for objecting – entire area

- Unreliable data and evidence
- Impact on economy
- Cost to Council
- Impact of visitors no different to residents
- Impact on housing market -extent and causes of housing shortage not justified
- No distinction between operators
- Negative impact on existing operators
- Discriminates as it will impact on individuals rather than businesses and removes property rights
- Excessive to include the whole area and it should be targeted to areas where there are issues but also views that it should be for areas that are currently more residential
- Would effectively be a ban on STLs
- Need for STL accommodation
- Other legislation could provide regulation
- Timing inappropriate due to Brexit, Covid impact on economy and the need to support local business
- Costly for planning authority
- Enforcement would be difficult
- Benefits to communities of good operators not considered.
- Misleading as implications not fully set out

PART 2 Full Summary

7 Introduction

- 7.1 Tables 1-4 below provide a summary of the comments received grouped by theme. A high level response to the comments is provided rather than responding to individual comments.
- 7.2 Many comments received were not related to the designation's requirement to apply for planning permission, but to the impact that may result if planning permission were not to be given and issues relating to licensing.
- 7.3 There were some overarching themes which are addressed in section 8 to 10 below. The tables 1-4 identify where the overarching response addresses the comments made in relation to that theme and provide further responses to the remaining summarised points specific to that theme.

8 Overarching themes

Effect of the control area

- 8.1 The effect of the control area is to require planning permission. The automatic requirement for planning permission applies only to letting of a dwelling that is not a principle home. It does not apply to home sharing or home letting.
- 8.2 The control area does not set the policy which will be applied to STLs. Current planning policy is set out in the Edinburgh Local Development Plan (LDP) Policy Hou 7 – Inappropriate Uses in Residential Areas. This policy prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents. Planning applications for secondary letting will be determined against this policy and other material considerations.
- 8.3 The designation of a short-term let control area, therefore does not mean a blanket ban on such uses: each case will have to be assessed on its own merits. The planning application process involves notification of neighbours and provides an opportunity for public comments.
- 8.4 Current planning policy allows consideration of the appropriateness of short-term letting within a residential context. Where this is appropriate it allows for STLs. In 2021 there were 25 applications for planning permission for STLs determined. 15 of these were granted. These are detailed in the Background Report.

9 Extent of short term letting in Edinburgh

- 9.1 The proposal provides information on the scale of STLs sourced from Airbnb. This platform for STLs has a large share of the market. It provides publicly available data and has been quoted in Scottish Government research. It is acknowledged that this source is not an official register but in the absence of this it provides an indication of the number of STLs potentially available.
- 9.2 The data presented relate to only entire properties which would be within the scope of the control area. While it is not possible to identify if a property is a

person's main residence and they are letting it out during a period of their absence, which would not be within the scope of control, the overall number of STLs, whether for secondary letting, home-letting or home-sharing are relevant to the overall impact.

- 9.3 The background report has been updated with the latest available Airbnb data and supplemented with information from Visit Scotland and the valuation roll. The valuation roll provides the number of self-catering properties registered for non-domestic rates. Visit Scotland's data provides the number of self-catering properties registered for their quality assurance scheme. Neither of these sources can provide a comprehensive picture of the scale of STLs as Visit Scotland's Quality Assurance Scheme is voluntary and not all STLs will have registered to pay non-domestic rates.
- 9.4 While there is no definitive source of data on the number of STLs operating in Edinburgh, the available data demonstrates the scale of short-term letting. Responses to the consultation also indicate that there are perceived to be high numbers of STLs in Edinburgh.
- 9.5 Prior to 2019 there was a steady increase each year in the number of STLs listed on Airbnb. At March 2019 there were 8,739 entire property STLs listed on Airbnb. The Covid-19 pandemic has had an impact on the number of STLs that have been advertised on the Airbnb platform since March 2020 however the number of STLs remain high and at October 2021 there were 4,077 entire property STLs listed on Airbnb.

10 **Timing of the designation**

- 10.1 The control area regulations came into force on 1 April 2021. Guidance on their establishment was issued by the Scottish Government in June 2021, and this informed the proposal. Planning policies are set out in the Edinburgh Local Development Plan, November 2016 and further guidance in Guidance for Businesses, November 2021, both were referenced in the consultation documentation. The cost of planning applications and certificates of lawfulness are set out in the Council's Scale of Fees.
- 10.2 While an official source of data on the number and location of STLs will be helpful the designation is not based on areas of high or low concentration and does not depend on numeric accuracy. In addition, the number of STLs is not the only reason for designation. Even a single dwelling being used for this purpose, if it is in the wrong location or circumstances could be problematic.
- 10.3 The Covid pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is not known what the longer term impact will be, however indications of high demand for UK staycations means that pressure for STLs may continue and data indicates that a significant number of dwellings remain in use for STLs. Introducing a control area during this period of slowdown will reduce the initial volume of retrospective and new STL applications requiring assessment.

10.4 Licensing of all types of short-term let will be required from April 2024. This will require the licensing authority to consider if the use of the premises for short-term letting would constitute a breach of planning control, in which case it may refuse to consider the application. Introducing the control area in advance of this licensing requirement will provide clarity for operators and prospective operators of the need for planning permission and provide a straightforward means of checking compliance with planning requirements by the licensing authority.

11 Summary Tables

Table 1

Reasons for support- principle

Lack of supply of housing
<ul style="list-style-type: none"> • Will protect students, and young people, from being exploited by volatile housing markets and demand. • With the reduced number of students looking for accommodation in 2020, a number of landlords turned their properties into short-term lets in order to secure their financial income amidst the uncertainty of the pandemic. • STL control zone would help carry out the original intent of the national rental reforms. • High volume of short-term lets has depleted housing stock available for students and inflated rental prices and has the potential to make Edinburgh a less attractive city to study in. • Important to limit the number of short-term lets in new residential buildings as well as existing dwellings. • May deter the use of short-term lets as an investment opportunity to people with sometimes no connection to Edinburgh. • Impacts on the number of properties available for longer let. • Will return more housing stock from short-term to long-term use and ease pressures on rental prices. • Will reduce the commercial aspect of the value of housing stock, perhaps giving home-buyers more hope of affording property in a cooler market. • Too many homes being built on green belt land rather than tackling the over provision of short term accommodation. • Only once Edinburgh's housing needs have been met should additional housing be used to cater for tourists. • Housing stock is a common good and should generally be used for the benefit of residents. • Housing developments are built for people to live in - the original idea of Airbnb was that hosts would act as traditional B&B hosts. • Even in more peripheral areas there have been growing numbers of short term lets, evident by the key safes mounted next to front doors. • The problem is diluted when the statistics are for the whole council area.

<p>Loss of resident population</p> <ul style="list-style-type: none"> • The World Heritage designation celebrates Edinburgh as a living city - that means a local resident population is important. • Point of attraction of Edinburgh to tourists is the existence of real little communities within the city. • STLs have fragmented communities, driving residents from historic parts of the city. • Balance needs to be adjusted so that a greater degree of control is exercised over short-term lets in the interests of residents. • Lockdown showed that the Old Town has been hollowed out with the flats being mostly holiday lets, viable retail has not survived apart from those serving the tourist trade. • Would allow council to manage areas with high levels of tourism • With fewer residents, there are fewer voters on the electoral register, impacting on local democracy.
<p>Impact on area</p> <ul style="list-style-type: none"> • Edinburgh no longer feels like a place people live. • Can feel as if you are in a hotel, rather than a community. • Tourist ghetto with no population stability. • Number of short-term lets has changed the character of some areas, particularly the Old Town whereas Edinburgh should and could be model of sustainable urban living. • Too many people. • Unsightly key locks. • Historically the Old Town was a high-density area with population supporting local shops and businesses and this has been lost to a transient population. • Communities are being lost, local retail shops are increasingly becoming cafes and tourist shops. • Destructive to communities both in tenements and localities. • It could be observed that during the peak of the pandemic lockdown last year almost no people were present on the streets of the Old Town. • Certain parts of Edinburgh can no longer be regarded as residential areas due to the growth of tourism, traffic noise, lack of parking etc . • Communities are being lost, local retail shops are increasingly becoming cafes and tourist shops.
<p>Would bring STLs on to same footing as other tourism business</p> <ul style="list-style-type: none"> • Current regulations permit very generous use of limited local housing as essentially hotels / businesses, with none of the regulatory requirements, business rate collection, or benefits to the local authority. • Commercial operations and should be subject to planning control. • Very large difference between long-term and short-term renting. Short-term renting is essentially a change of use – properties built as homes - a short-term let is not a home. Hence it should come under some planning control. • Short-term lets are commercial businesses and should be controlled like other businesses. • Good idea in some circumstances when it becomes a business with whole blocks being let out continually and the actual owners does not use it themselves.
<p>Disruption to well being</p> <ul style="list-style-type: none"> • Lonely and isolating living in a block where everyone else is a visitor. • Mental health benefits of feeling part of a community and neighbourhoods are better maintained and cleaner, and anti-social behaviour is reduced, where residents are engaged and feel a part of something bigger. • Neighbours provide a valuable support network. • Noise, safety, parking, rubbish.

Property Maintenance

- Mix of long & short-term rental owners leaves a legacy of poor tenement maintenance & repair.
- Effects of the increase in STLs can be seen in deteriorating fabric of tenements with so many absent owners, noise nuisance to neighbours, and decreased security in tenement stairs. City centre seen as less desirable, because of the growing number of STLs,
- Reduced number of owner-occupiers in tenements can result in essential common maintenance and repair work being neglected and postponed thus compromising the conservation of historic environment.

Alternatives to STLs

- Multiple hotel developments in the city and hosts who let a room in their property add to this supply. Regulating the entire property lets should not prevent visitors from coming to the city.
- Tourist population should be naturally regulated by the number of available hotel and B&B spaces.
- Demand should be met via development of the dedicated aparthotel sector rather than the removal of residential properties from the long term rental / home ownership market.
- Better to promote the trend for affordable hotel accommodation to provide safe accommodation.
- Homeowners letting out rooms and entire properties if they reside in the property the majority of the time will allow for an increase in short term lets for the festival periods.
- STLs take business away from established guest houses and hotels with inferior facilities risking reputational damage.
- Places pressure and unfair competition on existing hotel accommodation and similar other businesses, particularly as there is no regulation of short term lets.
- Declining use of office accommodation means that there are other ways to think about catering for visitors' accommodation needs.
- Hotel businesses employ large numbers of people within the city and the uncontrolled growth of the short term let accommodation has affected that employment rate, to the disbenefit of the local economy.

Planning System

- Would take a lot of pressure off the planning system, give accountability to neighbours, and place the onus and expense on those profiting from the short-term letting market.
- Allow assessment in terms of safeguarding amenity for residents.
- Allow an open and transparent process.
- Owners should be consulted on what is effectively a change of use from residential and if the property is suitable without detriment to others affected.
- Will ensure that the right mix of accommodation will be provided in the right locations, to the appropriate level of standard for visitors and the local community.
- Would still allow STLs to go ahead for those that want to run them as a business opportunity, under a suitable level of scrutiny and with permission only given once the cumulative effect has been considered. At the same time, the proposed system would still allow residents who may want to take advantage of occasional house swaps or periodic rentals (which have far less impact on the character of the area) to do this.
- Would ensure that the primary purpose (providing housing) is met.
- Welcome controls to ensure that short term lets are only allowed to operate if they are located in suitable properties which do not negatively impact the quality of life, health and wellbeing of residents.
- Should make it possible to limit the number of STLs in any given area or street, and take into consideration the historic and aesthetic qualities of the area; Edinburgh will not benefit from further tourist development which focuses purely on quantity, and control of STLs will be a helpful step towards improving quality for visitors and residents alike.
- Needs to be coupled with resources for handling planning applications.
- Cost must be covered in its entirety by a charge on the applicant. STL's are commercial businesses, they should pay an appropriate fee.
- For better management and action when issues arise.
- Number of STLs applying for planning permission gives rise to a significant concern of intentional avoidance and noncompliance.
- A Pareto principle should apply: 80 - 20. If the resident to non-resident to ratio falls below 80:20 then the tourists start to dominate the area, destroying the culture for both the tourists and the residents.
- Correct that the requirement for planning permission applies only to secondary lets, which are the aspect of short term letting that attracts the most issues.

Not far enough

- Proposed measures do not go far enough - good quality, affordable housing is as much a civil right as is access to education services and public healthcare.
- If a STLCA is not introduced, then this will continue to cause disharmony in the city and force residents further away from the city centre.

Inequality
<ul style="list-style-type: none"> • Current lack of control benefits those who are better off. • The affordability is disproportionately unfair on poor or first time buyers. • Unfair that the residents who live in the poorer, more crowded/ communal areas of Edinburgh, suffer the greatest disruption and negative impact. • Could help the poorest residents' access homes and generate more revenue from the taxes paid by residents, and less cost to the council in needed accommodation. • Will provide relief and satisfaction for residents in poorer tenement areas and may increase their perception of being able to have an influence on what happens in their residential area through the planning system. • Current situation is widening inequality. • Second-home ownership alongside the scarcity of affordable housing, heightens inequalities within the city and exclude many residents from the hope of owning a home. • Impact on availability of ground floor (wheelchair accessible) flats. • Housing has become a commodity, and people are getting rich while others cannot find a suitable home to buy and are being priced out resulting in movement out of the city and commuting. They end up living further and further from the city and adding to pollution by their forced commutes. • Appropriate for local authorities to have the power to enforce 'change of use' planning permission on professional operators.
Sustainability
<ul style="list-style-type: none"> • Untenable in terms of environmental sustainability.
Other comments
<ul style="list-style-type: none"> • In support, but the 10 year exemption should be removed. • Current policy and guidance are confusing and there is uncertainty about how the forthcoming proposals would work in practice. • Has consideration been given to this "grandfather" status changing on change of ownership, i.e. planning permission gained through long-term use lapses on sale to a third party. • 10 year exemption needs careful parameters, evidence and definition if it is to work in the positive way intended. • Causes loss of revenue for government and council through tax evasion (under declaring income) and loss of (differential for) non-domestic rates. • Concerns about the word 'primary' when it comes to the stipulation around "primary or only residence". • Planning approvals should take into consideration the history of each property operating as an accommodation provider. For many this is a main source of income.
Lack of existing regulation
<ul style="list-style-type: none"> • Would provide a means of mitigating the impact on housing and disruption which is not currently available.

Table 2

Reasons for objecting-principle

Table 2.1 Data

Summary of comments
<ul style="list-style-type: none">• No empirical data.• Proposal is driven by opinion.• Evidence of issues is not provided to allow proportionate measures to be put in place.• Utilises pre-pandemic figures and unreliable scraped data leading to misleading conclusion about the size and scope of the market.• Concerned impact of the coronavirus pandemic has not been given any consideration. No evidence to show that levels will revert to those in 2019.• Need to justify rationale for use of Airbnb data which cannot be taken as reliable and 'cross-listing' creates the mistaken perception that there are more properties available for short-term let than there actually are.• Omits Visit Scotland data on self-catering accommodation.• Data does not acknowledge the diverse range of accommodation on the Airbnb platform• Types of STL are not defined, nor how long they have operated should clarify the number that started in the past 10 years.• On paper it could appear to be an overconcentration which might not be the reality.• Despite the speculation about numbers. The council has its own register of professional self-catering operators these businesses have NDR numbers.• Need to know the number of active STL's, no. of second homes, no. of empty private homes, no of empty public sector homes, number of gap sites being given over to hotel and student accommodation development, no. of registered complaints from neighbours.• STL enforcement cases are a small proportion of total enforcement cases in Edinburgh.• Need to compare enforcement cases in council or affordable housing areas with those operating as STLs to establish the true impact
Response
<p>See point 9 and 10 above</p> <p>Council Tax records identify the number of second homes registered. In 2021 of the 257,671 properties registered, 1,657 were second homes.</p> <p>Information on enforcement cases are set out in the Background Report. This shows that in 2020, 19% of all enforcement cases were related to STLS.</p>

Table 2.2 Impact on Housing Market

Summary of comments
<ul style="list-style-type: none">• Does not provide empirical and robust data to show a link between short-term letting and the housing market in Edinburgh.• Housing shortage or antisocial aspects are not simply down to holiday let's.• Need to explain relevance of 90 days on which some data is provided.• Listings of STLs do not necessarily equate to the number of houses that would be available on the long-term housing market.

- Data relied upon to demonstrate the impact of short-term lets on housing availability has been misrepresented.
- No data is provided on the effects of house and rent prices.
- Amount of student accommodation contributes to housing shortage.
- Uses holiday lets as a scapegoat - empty 2nd properties from the wealthier residents and non-residents, purchasing of properties as an investment from non UK residents, a lack of affordable housing built by the councils.
- Could have a downward ripple effect in the housing market.
- Housing crisis in the capital must be looked at from a full government and local government perspective with building and providing affordable housing.
- Fails to provide a proper examination of the various housing challenges in Edinburgh.
- Should explore other avenues to tackle housing supply issues and not use STLs as a means to solve housing challenge. Should focus on building more affordable homes and tackling empty properties
- Reason for the shortage of housing is more to do with a lack of funding in social housing
- When housing demand and the level of empty housing is set against the number of self-catering units, it suggests self-catering activity is not of a scale sufficient to affect housing supply issues in Scotland.
- Will not resolve Edinburgh's housing issues and should explore options which will not undermine the city's economic reputation and ongoing recovery.
- Even without STL properties the property prices in Edinburgh City Centre are outwith most ordinary people's budget
- People have not been priced out of the Old Town but choose to live elsewhere because they don't like the environment.
- Many landlords only operate holiday lets during the Edinburgh Festival or other seasons to fill a void.
- If properties are removed from the STL platform they will sit empty and homeowners spare rooms will stay empty.
- Airbnb flats are often hard to sell to primary occupants because they aren't well suited as long term homes.
- No guarantee that the owner will either sell the property or make it available on the long-term rental market; they could use their property as a second home.
- Will reduce the supply of housing for rent and increase prices, as well as lowering the quality.
- Will not necessarily provide the type of rental housing that will meet the needs of all renters, guests who stay for a short time are able to accept some noise and disturbance as a trade-off for a convenient central location.
- If tourists move out, students will move in.
- Edinburgh is an international hub which can only work if there is a flexible housing policy.
- Interference with the market increases homelessness.
- Concentration of STL's will be regulated by market dynamics once an equilibrium is reached between supply and demand.
- Areas of Control designation can be a negotiating point for future developments. New buildings can be exempt from area for 10 years. Low-income units within developments can be encouraged.

Response

See point 10 above.

There are strategies in place to tackle other issues including empty homes and provision of affordable homes.

The loss of housing to short term-let use results in a city wide problem of reduced housing availability and issues of affordability.

The number of days an entire property is available to let indicates how often the property is used as a permanent residence and whether it can still be considered part of the housing supply. Properties available for more than 90 days in a year may be considered to have been removed from the housing supply. The data has been filtered to identify those entire property lets which would be affected by the control area and identifies those available for 90 days or more. Of the 4,086 entire property listings 2,436 of these were available for more than 90 days.

In 2018 the Council commissioned Rettie & Co to conduct research (Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018) which assessed the impact that the short-term let sector was having on rents within Edinburgh’s traditional private rented sector and the availability of residential property in the city. It estimated that there had been a loss of around 10% of private rented homes to short-term lets in recent years. The rapid growth in short term lets has had an impact on both supply and rent levels. Between 2014 and 2017 the city saw 2,700 more properties per year listed as available on Airbnb, while private rented sector stock fell 560 per annum.

STLs impact on affordability of property for residential rent. Research indicated a displacement of demand, with rents rising significantly above average (between 20-27% over the period 2014-17) in areas bordering a high concentration of short term lets. Private rents had increased by more than 30% over the previous five years. Research indicates rising rents occurred in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents increased around 20-27% over the period 2014-2017.

It is recognised that STLs are not the sole cause of a shortage of housing. There are strategies in place to tackle other issues including empty homes.

The most likely effect of control would be to return properties to their residential use.

Table 2.3 Impact on Economy and tourism

Summary of comments
<ul style="list-style-type: none"> • Ignores the economic contribution estimated as providing a £70m annual boost to the city. • Less prosperous areas could benefit from the economic boost that comes with short-term lets which could help with regeneration. • Would limit tourist spending to hotel locations in city centre contributing to the dereliction of non-central neighbourhoods. • Having the possibility for visitors to spend time outside the city centre will mean that certain non-central areas of Edinburgh will be revitalised, that business will thrive again, that people will buy locally, from what is close to their flats, as short-term rentals often come with the host's recommendations of local shops and eateries • Short-term let enables fair market competition and reducing the cost of staying in Edinburgh and helps local businesses. • Introducing barriers discourages utilisation of empty units in the city and reduce tax receipts for the government. • The short-term property rental market is simply 'market forces' at work. Where there is 'market failure' there is a logical evidential basis for state intervention. • Should be market driven. • Planning controls to constrain economical viable opportunities does not work. There is a need for a mechanism where Edinburgh STL operators are collaborating with the council. • Inward thinking and discourages non-Scottish investment. • Investors will look for other cities to invest.

- Favours purpose built accommodation by international investors, which shall see revenue from tourism being distributed outside of Edinburgh/Scotland and the UK rather than supporting Edinburgh's wider community.
- Will curtail the lively hoods of many businesses.
- Provides business for local companies- cleaning, laundry, management, maintenance etc.
- Will then impact on other jobs in the hospitality sector.
- Wider knock-on effect which this is causing, is the reduction in the number of visitors who would only come to Edinburgh if there's a suitable offering of self-catering accommodation, and those families for whom booking a number of hotels rooms is just not practical or something they'd even consider.
- Does not acknowledge that STLs add to the diversity of tourist accommodation that a modern, vibrant and competitive tourist economy requires.
- Covid lockdown demonstrated the impact on local businesses, along with the many hospitality and tourist venues, are hit with reduced numbers of visitors.
- Contributes to the tourism industry in Edinburgh and benefits many local shops, cafes, bars and restaurants.
- Guests in STL shop locally, unlike hotels who buy from large companies, and increase the cash turnover of small independent stores. Small out of the way stores become noticed by tourists accommodated in more back water locations around the city.
- Edinburgh and its appeal for business and visitors would be diminished if there is reduced self-catering offering.
- Restricting short term lets might damage the festival and tourism economy.
- Will reduce the number of visitors who would only come to Edinburgh if there's a suitable offering of self-catering accommodation, and families for whom booking a number of hotels rooms is not practical.
- Visitors income will be lost to other parts of the UK.
- Dependent on STL for accommodating the volume of tourists. Without STLs there will be an acute shortage leading to exorbitant accommodation prices and in turn loss of tourism and economic contribution to Edinburgh's and Scotland's income from tourism.
- Will restrict availability of self-catering accommodation and push prices up
- Hotel prices will increase due to reduced supply, and tourists will stay less number of nights and spend less, and quality of hotels will decrease.
- Retaining STLs alongside the provision of new homes in central sites and a far smaller number of new hotels is necessary for Edinburgh's lively tourist scene and the integrity of its heritage assets whilst meeting the accommodation aspirations of residents.
- The way people chose to travel is changing need to offer solutions that the tourist want as well as the locals. Should evolve with the moving market and find a better solution than a blanket ban.
- Holiday lets are mostly in tourist and business areas, so permitting the tourists and business travellers to stay there is logical.
- Depends on the level of control as a blanket ban will disadvantage the tourist industry particularly families who wish to visit Edinburgh.
- Need to promote the provision of more hotel rooms.
- It is also important to consider the interplay between different policies, namely on the Council's wider objectives around tourism.
- Entire city designation will impact on tourism capacity.
- Longer-term threat to Edinburgh's reputation as a visitor destination and potential site of major events.

Response

See point 8 and 10 above

The contribution of STLs is acknowledged in the background report and the potential impacts on the economy and protected groups have been considered within the IIA process. The requirement for planning permission would be unlikely to have a negative impact.

There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let can be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation

Table 2.4 Discriminates against one type of visitor accommodation

Summary of comments
<ul style="list-style-type: none"> • Protectionism for the hotel industry by banning small business to help profits of big businesses. • Purely a punitive measure against STL landlords allowing CEC to avoid a general tourist tax • Should consider all types of visitor accommodation including use of student residences as holiday accommodation. • Conflict of interest as Council has a vested interest in hotel development. • Council operates short term lets so unfair if individuals cannot. • Anti-competitive as the hotel and aparthotel sector will benefit. • Unfair that owners of a single property in the city, whether or not it is a second home, should be treated in the same way as owners of multiple properties conducting a commercial short term letting business. • Everyone should have an equal right to opportunity in the city and have a choice of how to use their property. • Applying for planning permission will be a disproportionate burden and cause significant financial hardship. • Unclear whether the likely breach of EU competition law has been considered and whether this is affected by retained EU law or whether it presents an unfriendly face to EU relations in the future. • Will impact on individuals not professional investors and will increase monopoly power of hotels chains and those with big portfolios of short-term lets who can pay for planning permission. • Will leave a gap for big business to buy up city. • Discriminates against one form of tourist accommodation. Should not favour one type of accommodation over another. • Anomaly with guest houses and B&Bs, where visitor movements are similar, as many were previously residential properties within tenemental properties • Would have a disproportionate impact of suburban short term let owners. • No differentiation between legitimate small businesses, such as self-catering, and casual amateur hosts, who utilise online marketing platforms but are not subject to the same levels of existing regulation as professionals. • Would impact on flexibility for operators to be able to return to their property. • Not financially viable to convert to long-term rental.
Response
<p>See point 8 above</p> <p>The control area does not prevent individuals from using their properties for secondary letting. Secondary letting is a commercial activity and in the same way that a change of use would be required for any other commercial use of a residential property the control area would require that this was</p>

sought for secondary letting. It does not in itself prevent the use of an individual's property for commercial purposes.

Other forms of visitor accommodation are subject to planning regulation and where development or change of use occur these require planning permission. The Control Area ensures that like purpose built visitor accommodation, secondary letting requires planning permission helping ensure that the right types of visitor accommodation can be provided in the right places.

Planning permission will be required for change of use to secondary letting regardless of the owner/operator, including the Council. Decisions on planning applications will be made in accordance with the development plan unless there are material considerations indicating otherwise. The planning application process is defined in legislation and guidance and is subject to due process.

The control area only determines the need for planning permission and cannot control one type of operators. The requirements of the control area would be equal across the Council area.

Table 2.5 Need for STLs

Summary of comments
<ul style="list-style-type: none">• Need for professionals etc. who want to have their own flat for a few weeks. There is no other system in place that offers that: long-term leases are not relevant to these people, whilst hotels are too expensive and seldom offer amenities like a kitchen, a living room etc.• Vital for students looking temporary accommodation, visiting researchers to Uni's, etc.• On the outskirts there isn't lots of choice hotel wise for visiting parents and short term lets allow visitors.• People are transient and require mobility to do their work (which moves around - not like in the past).• Will make it more complicated for people to access a STL, especially for people who need to let immediately and for a shorter period.• Hotels and B&Bs only have so much capacity and cannot cope with pre-Covid tourist demand.• Student accommodation is not an appropriate quality of accommodation for visitors to an important cultural capital.• Would be insufficient capacity in other visitor accommodation to house visitors during key events in the city's cultural calendar.• Do not agree that the provision of hotels and hostels in Edinburgh is adequate for all visitor types.• Disapprove of potentially being penalised for providing help in a gap in the travel accommodation market• STLs add to the diverse range of accommodation that a modern, vibrant and competitive tourist economy requires and responds to consumer trends towards more authentic local experiences.• Purpose built accommodation does not provide economical lodging for families.• Visitors stay in self-catering accommodation for a number of reasons and STLs cannot be easily replaced or catered for through large hotel groups or student accommodation.• STLs fill a gap in the rental market for purposes such as providing accommodation while improving own home.• Benefit to families and multi-generational visitors by having a stair-free property with free parking in an area outside of the congested city centre.• There is not the density of hotels in some areas to support the loss of STLs.• Need to be able to accommodate in an emergency• Hotels do not provide the accommodation needed for families.

- Offer a different experience from staying in a hotel or a guest house and adds to the variety of accommodation visitors can choose from.
- Any future major global event would be impossible to host in Edinburgh due to the limited visitor capacity, diminishing Edinburgh as a global city.
- Need is demonstrated by demand.
- Needed to provide a choice of affordable, flexible accommodation.
- Building new hotels is a resource intensive solution to scaling up accommodation supply
- and we believe that destinations should be exploring ways to use existing resources more effectively and supporting the sharing economy.
- Way people chose to travel is changing. Need to offer solutions that tourist want as well as residents with balance between hotel and STLs
- Need to assess bed capacity, in the right types of accommodation, in the right parts of the city to be able to attract and accommodate visitors
- Property let to students during term time should be able to be used for short-term letting during pressure points such as the Edinburgh Festivals. To require planning permission would not be proportionate.

Response

See point 8 above

The control area is not a ban on secondary letting. It enables a planning assessment to be made on whether planning permission should be granted to an STL its specific circumstances. Where planning permission is granted for an STL, the STL will then be able to let as the operator sees fit.

Purpose built tourist accommodation in the form of hotels, hostels, apart hotels, guest houses and bed and breakfasts is readily available throughout the city. Along with student halls, which provide visitor accommodation at key times of the year, this accommodation meets the vast majority of tourism needs while balancing impacts on neighbourhoods.

There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let can be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation

Table 2.6 Impact on operators

Summary of comments

- Should be trying to control large companies with multiple let's
- Should not punish all STLs for the behaviours of a small minority.
- Policy will favour the wealthy and penalise those that are simply trying to get some additional income.
- Over-simplistic and fails to distinguish the "party flat" situation from responsibly-managed holiday lets and mid-term rentals e.g. to visiting professionals.
- More targeted approach is required and an allowance of 1 additional property per person would allow those who need the security of keeping their own property, without requiring change of use or long term lets.
- Negative impact on professional operators who have benefited local communities and the economy.
- Should be supporting small businesses for a sustainable recovery from Covid-19.

- Would only prevent many householders from taking part in this lifeline of an industry.
- People should have the right to use their property as they desire.
- Intrusion on privacy.
- If planning permission is refused will impact people’s livelihoods or the value of the property and this will be borne by individuals.
- Will entail a negative impact for operators, potential visitors and the local economy that tourism supports.
- Converting to long term rental is not financially viable and will restrict ability to move back at short notice
- People are depending on the income from lets as a business or retirement plan.
- Burden disproportionate and if planning permission is refused will cause financial hardship.
- Will create a “first mover” advantage if there is a limit on the number of STLs in an area.
- No assurances are being provided to professional, registered self-catering businesses that they will be allowed to continue to trade.
- Having to apply for planning permission and possible rejection is unfair.
- Those already with existing second properties should be granted permission.
- To apply SLC as blanket legislation and particularly to apply it retrospectively is undemocratic.
- Costs to operators not clear
- Should be clear guidance on what an approved short term let would have to pay in terms of council tax, business rates or other charges.
- STL operators actively take onboard common activities such as stair cleaning, common repairs and council related issues for the benefit of all residents and tenement residents support the STL operators’ involvement.
- Many STL properties provide services for visitors, in a well accepted way and well integrated within local communities.

Response

See point 8 above

The control area only determines the need for planning permission and cannot control one type of owner or operator. It does not prevent individuals from using their properties for secondary letting. Secondary letting is a commercial activity and in the same way that planning permission for a change of use would be required for any other commercial use of a residential property the control area would require that this was sought for secondary letting. It does not in itself prevent the use of an individual’s property for commercial purposes.

The regulations have been set nationally and there is no scope to treat business operators differently. The impacts of designation, on both businesses and individual operators, was considered in a business and regulatory impact assessment, prepared by the Scottish Government, of the regulations prior to introduction of the legislation. The potential impacts on the economy and protected groups have been considered within the IIA process.

The Planning Act requires that where a material change of use has occurred that planning permission should be sought regardless of any control area designation. Currently, in the majority of cases the use of a dwelling for second letting would constitute a change of use requiring planning permission. The procedure to establish if the use is not material and therefore the use for secondary letting is lawful would be to apply for a certificate of lawfulness. The fee for this and planning permission are the same and set out in the Council’s Scale of Fees.

Decisions on planning applications will be made in accordance with the development plan unless there are material considerations indicating otherwise. The planning application process is defined in legislation and guidance and is subject to due process.

The legislation is retrospective in that it requires permission to be sought for dwellings currently being used for STL. Existing planning legislation allows that where a use can be demonstrated to have been operating for at least 10 years with no enforcement action that the use is lawful in planning terms. STLs currently operating should already have planning permission if required and would therefore be able to continue to operate and meet with the proposed licensing condition for planning permission without any additional planning fees. Only a minority of properties would require a planning application that did not do so before. For many properties, the planning costs are not therefore a direct consequence of the designation but of complying with the existing requirement that where the use is determined to be material planning permission is required.

The policy which would be applied is set out in the LDP. This is subject to a separate statutory process and impacts of policy applicable to planning applications for the use of a dwelling for secondary letting are considered as part of that process.

Table 2.7 Does not differentiate between impacts of residents and visitors.

Summary of comments
<ul style="list-style-type: none"> • No proof of disproportionate impact from STLs compared with any other type of residence (e.g. affordable housing areas). • There are more problems of anti-social behaviour from permanent residents than from tourists. Short stay occupation involves people living in the property, just for shorter periods. However, that does not necessarily mean the nature/impacts of the occupation are different. • Students can cause far more issues than visitors. • Nuisance comes from long term lets and students as well and more difficult to manage • Do not agree that STLs produce more waste, noise and keep anti-social hours and cause disruption. • Should publish data showing disruption to local communities and to neighbours
Response
<p>The background report provides information from Scottish Government Research which identifies that entire property STLs let full-time in common stairs often results in daily disruption and stress caused by constant 'visitor use', rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community, were constantly changing strangers.</p> <p>Since 2016 there have been 643 planning enforcement cases raised relating to unauthorised use for short-term letting in Edinburgh. Data has been provided on the number of enforcement cases in Edinburgh in the Background Report.</p>

Table 2.8 Not correct time

Summary of comments
<ul style="list-style-type: none">• Premature, given that Scottish Government has yet to prepare and consult on the detail of the Control Area scheme.• There is no detail yet on the factors that will affect granting/refusing planning permission, or costs.• Not required as many people who previously made their properties available for short-term lets have withdrawn their properties as an effect of Covid• Should be supporting small businesses and encouraging them following the impacts of Covid pandemic.• Should introduce the ASSC registration scheme before making any decisions to assess if there is a genuine issue in Edinburgh or not.• Not the time to increase workload for very little benefit.• Community is under extreme financial pressure.• Effect of Brexit not known.
Response
<p>See point 9 and 10 above.</p> <p>The control area regulations came into force on 1 April 2021. Guidance on their establishment was issued by the Scottish Government in June 2021, and this informed the proposal. Planning policies are set out in the Edinburgh Local Development Plan, November 2016 and further guidance in Guidance for Businesses, November 2021, both were referenced in the consultation documentation. The cost of planning applications and certificates of lawfulness are set out in the Council’s Scale of Fees.</p> <p>While an official source of data on the number and location of STLs will be helpful the designation is not based on areas of high or low concentration and does not depend on numeric accuracy. In addition, the number of STLs is not the only reason for designation. Even a single dwelling being used for this purpose, if it is in the wrong location or circumstances could be problematic. The requirement for planning permission would allow the circumstances at the time to be taken into account.</p> <p>The Covid pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is not known what the longer term impact will be, however indications of high demand for UK staycations means that pressure for STLs may continue and data indicates that a significant number of dwellings remain in use for STLs. Introducing a control area during this period of slowdown will reduce the initial volume of retrospective and new STL applications requiring assessment.</p> <p>Legislation, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021, approved by Parliament on 19 January 2022 requires that from July 2024 all short-term lets obtain a license. This will require the licensing authority to consider if the use of the premises for short-term letting would constitute a breach of planning control, in which case it may refuse to consider the application. Introducing the control area in advance of this licensing requirement will provide clarity for operators and prospective operators of the need for planning permission and provide a straightforward means of checking compliance with planning requirements by the licensing authority</p> <p>Once implemented the need for the Control Area can be monitored and where necessary it can be varied or cancelled in the future</p>

Table 2.9 Burden on Council and Costs

Summary of comments
<ul style="list-style-type: none">• Additional burdens being placed on planning teams to manage the requirements of the Control Area.• Any expansion of council responsibility will only further reduce your ability- already limited - to administer council duties.• The proposals will pose significant resourcing implications for City of Edinburgh Council which have not been properly assessed.• No consideration of capacity to process the influx of planning applications created compared to a more limited Control Area focused on areas where control can be justified.• Dependent on efficiency of scheme as there will be a very large number of applications which could become counterproductive.• How will it be policed?• Administrative headache of regulating short term lets, all for a short blip of the desired economic impact. Should create long term changes in market conditions by going further upstream to property developers and hotel building permits.• Need to set out how much the Control Area policy will cost local taxpayers.• Should be no fee to register as a short-term let, because this cannot be allowed to turn into a revenue raising exercise for the council.• Cost and benefits not quantified.• Will increase administrative cost for the council with reduced taxed receipts.• Cost of enforcing will be excessive and not in proportion for the benefit gained.• Waste of public money when there is not an issue.
Response
<p>Designation of the control area will require applications for planning permission or Certificates of Lawfulness. There is an associated fee. While the fee does not provide full cost recovery this needs to be balanced with the amount of resource currently expended on investigating and enforcing short -term lets in dwelling houses with no associated fee.</p> <p>Taxation is out with the scope of the control area and planning legislation.</p> <p>Designation of the control area will require applications for planning permission for which there is a fee set at national level. While at present the fee does not provide full cost recovery this needs to be balanced with the amount of resource currently expended on investigating and enforcing unauthorised short -term lets in dwelling houses with no associated fee. As part of national planning reform, the Scottish Government are considering increased planning fees.</p> <p>Existing legislation requires planning permission where a material change of use take place. Therefore, existing STLs should already have planning permission if required and only a minority of properties would require a planning application that did not do so before. The increase in applications should therefore not be substantial. Where a use has been operating for a period of at least ten years the use is lawful in planning terms. It is likely that there will be a number of STLs who are in this category. A certificate of lawfulness will provide confirmation if permission is required or not and there is a fee for this equivalent to a planning application.</p>

Table 2.10 Other regimes

Summary of comments
<ul style="list-style-type: none">• Introduces more bureaucracy.• Should be registered and conform to safety standards but not areas and determining how/where they operate.• Preference for the number of STLs to be controlled, with a proper registration scheme that ensures standards are kept high.• Should look at other schemes first such as the 90 night cap on holiday let's that's has been introduced in London.• Should introduce the ASSC registration scheme before making any decisions to assess if there is a genuine issue in Edinburgh or not.• There are alternative measures that could be used.• For small operators who already abide by existing regulations and have previously registered as self-catering units with the Council, this additional requirement is onerous and unnecessary.• Instead of requiring advance approval which is expensive and time consuming, you should instead just require a notification that a property is being used for short term let• Should regulate the property developers.• Should address the issues if it is party flats in Old Town, then create more significant penalties for both hosts and guests that target the actual problem. This would be the least risky regulatory action for the highest reward to actual residents.• Controls could be similar to those controls on houses of multiple occupancy.• As an alternative could have a dedicated team to deal with issues.• Problem would probably largely disappear without further regulation if operators paid business rates and didn't receive small business relief.• Introduction of a city tourist tax to subsidise the infrastructural changes needed would be a great thing• Could work if it was a simple process of applying for a licence and it was taken into account the number of years the property has been operating.• Agree in principal but better to have annual licence fee and be administered by the landlord register with different fees for different circumstances.• Present laws in place provide adequate regulation. Need to demonstrate existing legislation is not fit for purpose.• Do not oppose but worry that the council has seized on this idea of a need for new powers, rather than trying to fix the underlying issues using powers that already exist.• Should use licensing powers proposed by the Scottish Government which allow for full cost recovery.• Issue of over provision could be easily solved using a register or licencing scheme using the councils existing register as the basis of fact.• Policies can be decided by self-regulation.• Misuse of regulatory powers• Planning control is abusing its powers to close holiday lets.• Change of use is not an appropriate method of control. Will create a barrier for properties to be returned to long term rental or ownership. Housing market needs flexibility which can only come from consistency of regulation across all types of tenure in order to respond to accommodation shortages and demand.• Change of use creates an additional complication for mortgages and insurance policies - this will result in properties lying empty while owners go through multiple administrative processes.• Suggested planning controls are too harsh.• Should take a balanced and consistent approach between tax and short-term rental regulations.

- The licensing regime has the benefit of allowing the Council to recover its full costs whereas the planning regime does not. Question the immediate need for Control Area regulations before the licensing regime is in place.
- Registration process should be rolled out to allow enough time for proper data to be collected.
- Logical to introduce the proposed registration scheme before making any decisions about planning control zones as more information on where the problems are, and the type of letting activity will be available.

Response

See point 8 above

Existing regulation of STLs is through planning law, anti-social behaviour legislation and environmental protection. Council services have been working together in Edinburgh for a number of years to co-ordinate action on STLs utilising this existing legislation. However, the issues remain and it is clear that the Council lacks specific regulatory powers which allow it to effectively respond to all the issues currently faced by the city.

Where STLs are operating for more than 140 days they are liable for business rates. This provides a data source of those businesses that are paying the applicable rate, however, does not allow consideration of planning issues or provide any assessment of impacts.

Current planning controls for dwellings used as HMOS and STLs are the same-where there is considered to be a material change of use planning permission is required.

There are codes of practice in place, from industry bodies, however these relate to the operation of the property rather than its existence in a particular location or property and any cumulative impacts which can be considered by planning control.

A licensing scheme for STLs has been approved requiring that, from April 2024, all STLs obtain a licence. The licensing scheme is complimentary to the control area and does not provide any regulation over the number of STLs or allow consideration of planning matters.

There were suggestions for alternative schemes. These related to issues which are outwith the scope of planning. No other regulations control the multiple issues which can be controlled through the planning system.

The objective of a control area is to help manage high concentrations of secondary letting, restrict STLs in inappropriate places or buildings and ensure homes are used to best effect. Other regimes in place or proposed do not meet with these objectives.

Table 2.11 Perceived as ban on short-term letting

Summary of comments

- Fails to provide assurance to operators in Edinburgh that the city-wide Control Area would not amount to a de-facto ban on short-term lets.
- Effectively a ban on short-term letting in Edinburgh.
- Document summaries omit position on a blanket ban on tenemental properties.
- Some legislation is required but blanket rules unfairly penalise those with registered well managed properties.

<ul style="list-style-type: none"> • Should not target tenements and treat operators fairly and consistently. • A ban due to the type of property you own is unreasonable and a disproportionate restriction on property rights that could be challenged for incompatibility with the European Convention on Human Rights. • Experience in other countries show that any system that requires planning permission is inefficient and, essentially, constitutes a de facto ban on short-term rental activity in a given area. • Should be no presumption against permission, each case should be looked at on its own merits. • Planning permission should be granted where there have been no complaints by residents. • Positive impact on the local area should be considered in all applications. • Should be allowances for a percentage of a stair to be a STL. • Must be a difference between the types of lets and every case should be looked at separately. • Properties with private entrances should be allowed to be Airbnb with no restrictions e.g. Mews Houses or Basement flats. • Second homes should be treated differently.
Response
See point 8 above

Table 2.12 Clarity of proposal

Summary of comments
<ul style="list-style-type: none"> • Criteria is unclear, there is no time limit on what is short term and what is not. • Guidance doesn't discriminate between Airbnb style let's of a few nights and longer term lets where people reside / work. • The introduction of a different designation makes it more complicated for residents. • A move to close down short term holiday lets by the back door • Will lead to the vast majority of flats not being granted permission to let out on a short-term basis. • Detached houses and non-flatted properties should be exempted. • There should be no limit on the number of days per year that someone can rent out their primary residence if they are not living in it. • Suggest that any changes only apply to short term lets with a duration of less than one month.
Response
<p>The definition of a short-term let is set out in regulations (regulation 2 of the Control Area Regulations). It applies where accommodation is provided for one or more nights. The control area distinguishes between the type of lets and does not apply to residential tenancies.</p> <p>The consultation on the designation of a control area for Edinburgh set out the planning policy which applies to STLs and potential future change to this.</p> <p>There is currently a requirement for planning permission to be sought for STLs where a material change of use is considered to have taken place. The control area would clarify the need for planning permission.</p> <p>Issues of short term lets are not confined to flatted properties and planning control would allow consideration of individual circumstances.</p>

Table 3

Reasons for support-entire area

Issue is city wide
<ul style="list-style-type: none"> • National problem and should be treated accordingly.
<ul style="list-style-type: none"> • City-wide pressure in every ward as described in statement of reasons.
<ul style="list-style-type: none"> • Change cannot happen unless it is introduced unilaterally around the entire council area.
<ul style="list-style-type: none"> • Market will not improve if the entire council area isn't included and will just make previously affordable, or starter home neighbourhoods unaffordable.
<ul style="list-style-type: none"> • Short term lets area already a feature of more outlying communities and social housing communities so the control area needs to be comprehensive, otherwise the problem will just migrate to those areas outwith the control zone.
<ul style="list-style-type: none"> • The issue affects the whole city either directly or indirectly. Residents being pushed out of central areas due to housing supply issues (related to short-term lets) has knock on supply/demand issues for surrounding areas, even if those areas do not have a concentration of short term lets themselves
<ul style="list-style-type: none"> • Need to take a city wide view to properly balance housing need versus tourism.
<ul style="list-style-type: none"> • City and residents have some input into the direction the city is taking--some power over the kind of place they want it to be.
<ul style="list-style-type: none"> • To designate part of the Council area would essentially create two cities as it would silo tourists and residents. Residents never getting to be in the "fun" parts of the city, the tourists never being able to access the "authentic" parts.
<ul style="list-style-type: none"> • To avoid distortion of the market
<ul style="list-style-type: none"> • Potentially disagree with the need for this in the western area of the council, beyond the bypass, variations in the rules across the council will potentially lead to confusion and the fact that cases will be decided individually means lets in this area will be possible.
<ul style="list-style-type: none"> • See the introduction of STL Control areas as necessary in our area due to the nature of the housing stock which is mostly tenements. Tenements are communal spaces and local residents need to be consulted on what direct neighbours are doing with shared property.
<ul style="list-style-type: none"> • Do not feel one area has more reason to be residential than another.
Avoids transferring issue to other areas.
<ul style="list-style-type: none"> • Designating smaller areas will just move the problem elsewhere, a Lothian wide policy would be best.
<ul style="list-style-type: none"> • If only part of the city that was designated, then the other areas would soon find that they too would be hit with increased numbers of short term lets
<ul style="list-style-type: none"> • May be fairer to include the whole area.
<ul style="list-style-type: none"> • Public transport is good in Edinburgh, so limiting the area of control just pushes the problem around rather than solving it
<ul style="list-style-type: none"> • Edinburgh isn't big enough to justify considering separate areas
<ul style="list-style-type: none"> • City boundary is inclusive and reflective. Edinburgh is one city and the area of control should reflect that.
<ul style="list-style-type: none"> • Edinburgh is a cohesive city and all areas have the right to the same regulations and protection. Not being city wide could see some areas becoming STL ghettos.
<ul style="list-style-type: none"> • Right that it includes low density suburbs where larger houses provide larger family housing rather than for large group short term let visitors.
<ul style="list-style-type: none"> • There's no point in pushing the problem outside the core "tourist hot spots", no one benefits from that. So if there is to be a control area it should cover a wide area.
Easier to administer and enforce
<ul style="list-style-type: none"> • A broad designated area is easier to manage.

<ul style="list-style-type: none"> • Cheaper administration
<ul style="list-style-type: none"> • Consistency of regulation is vital for efficiency, administration and parity across the city area.
<ul style="list-style-type: none"> • Easier to enforce and communicate.
<ul style="list-style-type: none"> • Partial designation could be confusing and easy to legitimately not realise you were the right or wrong side.
<ul style="list-style-type: none"> • Areas change so it makes sense to cover the entire area and individual parameters set for each area to be reviewed annually to deal with any issues that are beginning to be seen in that area.
<ul style="list-style-type: none"> • Would be very difficult to set boundaries otherwise.
<ul style="list-style-type: none"> • Avoids complicated discussions to agree on boundaries.
<ul style="list-style-type: none"> • Clearer and simpler, rather than trying to determine a boundary with perhaps poor / incomplete data.
<ul style="list-style-type: none"> • Need to cover the whole area, otherwise how would you decide which areas are covered and which are not? How would you make sure it's fair?
Equality across area
<ul style="list-style-type: none"> • All communities within the council area are important.
<ul style="list-style-type: none"> • All areas of the city should be treated via the same process and policy.
<ul style="list-style-type: none"> • Fair for all
<ul style="list-style-type: none"> • Makes sense to have a uniform policy across the whole city, otherwise unintended consequences – that may have a greater impact on the most vulnerable – may arise.
<ul style="list-style-type: none"> • Partial restrictions could benefit more prosperous while less well-off areas would be left with less protection exacerbating gentrification.
<ul style="list-style-type: none"> • Being too selective in where is and is not controlled, will create inequalities all around the council area.
Needed to take account of change over time
<ul style="list-style-type: none"> • Variations in nature & scale of the problem in different localities, which will change over time. This should be assessed on a case-by-case basis as part of the planning application process.
<ul style="list-style-type: none"> • The future growth of Airbnb is difficult to predict, and housing needs of individual wards should also be considered within the wider city context.
<ul style="list-style-type: none"> • The council must have the flexibility to manage the numbers of short term lets across a wide area - so that the system can be flexible and react to future circumstances. If only some areas are controlled, then the problem will move the nearest uncontrolled area. City wide is the best way to look at the problem.
Other points
<ul style="list-style-type: none"> • It is recognised that tourism is needed and striking the right balance should be at the core of any strategy.
<ul style="list-style-type: none"> • Removes accommodation from students. Staying in Short-Term Lets, hotels and hostels for a long period of time will have a much higher cost than that of a rented property, adding financial stress and uncertainty to the issues being faced by students:
<ul style="list-style-type: none"> • It is recognised that tourism is needed and striking the right balance should be at the core of any strategy.
<ul style="list-style-type: none"> • STL applications should be separately identified and direct neighbours of properties informed alongside community councils.

Table 4

Reasons for Objection to Entire Area

Summary of comments
Entire Area
<ul style="list-style-type: none">• Designation is for part or parts of council. Cannot be the entire area.• Need to find balance.• Disproportionate to include whole area.• Huge area and many areas have different issues. Not a one size fits all situation.• Imposing a control area across the entire city is not attempting to manage distribution of short-term lets within the area.• Edinburgh is a complex city with a mixed use that fuels it vibrant residential and commercial popularity and seasonal demands that cannot be accounted for by a blanket control area.• Whole of Edinburgh will be wiped off anyone's list looking to buy a property when circumstances mean they possibly can't live in it.• Focus of a Control area should be where the biggest problem is.• Only require control in certain areas where there is likely to be a very large number of lets adversely affecting the area. There is no reason to do this in residential areas where it is much more likely that there are a low percentage of short term lets.• Disproportionate as STLs scarce beyond the city centre and city centre perceived issues are not duplicated towards the outskirts.• Only an issue in some areas and unintended consequences as a city wide ban may outweigh good consequences.• Areas of significant concern should be considered on individual merits with data and facts.• Moderate STL usage creates local commercial demand for amenities that benefit residents but that residents alone could not sustain.• May push the issue into the neighbouring Council areas• Will remove the vast majority of STLs, rather than address the worst operators and ensuring more moderate numbers in the most overused areas of the city where locals can no longer live affordably or comfortably.• City wide control could not be meaningfully enforced, defeating the object: better to limit scope to what is manageable.• Short term lets are required to be close to the where people need to be for work, business or pleasure. If you move the transient working people out of the local council area then it adds additional problem of transport, affects local businesses and services and simply moves the problem to the next council area.• Allowing short term lets in the less densely populated areas may work and provide somewhere for visitors to stay within a reasonable distance of the city centre. However, concerned at how this may inflate the property markets in these areas.• Should be zones within the Area of Control and for each zone, an assessment made of accommodation with the control area regulating properties in short supply.• Should be decided by residents for their area.• Not sure whether the whole council are needs to be controlled in this way, but it may be easier to manage and more straightforward.• Concerned that additional paperwork may be being asked for areas where there is no problem.• Resources should be focused on limiting STLs in the city centre more.• Best to designate a priority area that the council can be managed effectively.• Is there a need to place possible restrictions on some areas / vs easier to manage across the full Council.

- Will push the issue onto nearby areas such as Musselburgh and it have a disproportionate impact of suburban short term let owners.
- No evidence that short-term letting of properties does have a widespread impact across every city ward.
- More useful to identify key areas where there is most community detriment.
- Too large, and it needs to be phased over some years - or it will be managed poorly.
- Should consider a more flexible approach reducing the scope of the area and allowing Edinburgh residents to host on an occasional basis.
- Proposals lack a firm, reliable and robust evidence base to justify the entire local authority area being captured by a Control Area.

Suggested Areas

City centre control free

- Narrower area could be a useful tool in achieving city's development objectives. Designating areas outside of 1 mile of major landmarks as areas of control would steer tourists and STLS toward areas best suited to support them, from a services and infrastructure perspective. Outside areas of control, where areas are more chiefly residential and community impact is more of a concern, the Area of Control enforcement can act of a dampener - reducing fluctuations in housing stock and all other concerns. And areas of Control designation can be a negotiating point for future developments.
- Some areas should be protected where house prices are lower but where house prices are high where it is desirable for tourists and less so for residents should be more freely available.
- Protect areas where the balance is overwhelmingly residential and leaving the central zone control free
- Should be permitted in tourist and business areas

City Centre Control Area

- Areas of Edinburgh with a low demand for short-term lets need not be included. May be fewer issues if STLS were dispersed beyond the city centre.
- Should be limited to only the old and new town UNESCO defined areas.
- Central Edinburgh post codes only
- Wide interpretation of city centre required to include more than the New Town and Old Town.
- The real constraints are areas that are within a 20-30 minute walk radius from the city centre.
- May be justification in the City Centre and Leith Walk,
- Support in city centre, unsure if needed outside that area
- Need control within the city itself but less convinced of the need for controls in rural West Edinburgh.
- Support controls on the area inside the bypass.

Other suggestions

- Policies for letting are far more significant factors to control than the area to which they are applied.
- The area should be smaller and more specific to areas or building types.
- Issue would be largely resolved if STLS were banned on any mixed use stairwell. STLS manageable if the whole stair is used for the same purpose and the block is professionally managed.
- Could be based on areas where there are high levels of short-term lets
- Percentage of short-term lets in the area.

Response

Designation of the entire area provides a clear position across the city for owners, operators, residents and the Council that planning permission is required to use a residential property for secondary letting. This makes planning enforcement simpler and avoids the current situation whereby resources are expended on establishing if consent is required with no associated fee.

Issues are not only related to the existence of high numbers of STLS within an area. Many issues are common to places where although there may be a small number of STLS there may be negative impacts and, in some cases, more detrimental than in an area where there may be high concentrations.

While the concentration of properties in certain areas may bring particular issues relating to housing supply, noise and community cohesion designating particular areas of control risks would underestimate the impact a single property may have on neighbours and in the longer term risk moving STLS into adjoining areas.

The proposal is proportionate to the level of concern and the widespread nature of STLs in Edinburgh and the compact nature of the city. Designating the whole area allows each case to be considered on an individual basis with regard to the particular circumstances and allows participation in the planning process for all of Edinburgh.

Legislation allows for the designation of the entire area or part or parts of the area. Defining specific areas of control in a compact city risks pushing the issue into areas around the boundary. Neighbouring planning authorities have powers to designate a control area should they wish.

Criteria for the selection of boundaries would be difficult and could change over time.

Regulations allow for geographic areas to be designated. They do not allow for this to apply only to specific property types within these areas and the regulations apply to all secondary letting regardless of duration of let. Current planning guidance sets out advice on types of properties and these matters could potentially be addressed through future planning policy and/or guidance should designation proceed.

PART 3

Short-term Let Control Area Focus Group Summary

I/ Community Groups, 1 November 2021

A session was held for one hour 30 minutes on Teams

- Two breakout groups with facilitators
- Presentation on the proposal
- Discussion in Groups and plenary session

Participants

City of Edinburgh Council Planning Service

David Givan

Lindsay Robertson

Naomi Sandilands

Lynne McMenemy

Lesley Porteous

Alex Laidler

Erin Gallacher

Community Representatives

Cockburn Association

Cramond and Barton Community Council

Leith Community Council

Grassmarket Resident's Association

Old Town Association

Tollcross Community Council

Portobello Amenity Society

Place Edinburgh

New Town and Broughton Community Council

Southside Community Council

West End Community Council

Themes

Support for the proposal.

- Should be encouraging city centre living as sustainable and reducing carbon. This is clear argument for control.

Information

- Difficult to obtain information on what the situation is on short term lets in Portobello.
- Need to be smarter on data.
- Need effective guidance on what is a commercial operation.

Geography

- Propose the identification of Designated Areas in the city where 'short term let' uses could be allowed well away from other residents (e.g. undeveloped swathes of land at Granton and Muirhouse.)
- Agree strongly that the policy should cover the entire city.

Property Types

- Not just an issue for tenements with a shared front door. It is also problematic for main door properties as these often have front gardens which are less likely to be maintained if rented out on short term lets.
- Absentee landlords can be problematic to maintenance and repair.

Equality

There are two issues relating to equality: - poverty and disabled people.

1. Poverty. Short term lets are pushing people out of residential properties because they cannot afford the prices asked, thus widening the poverty gap.
2. Disabled. Accessible housing is in very short supply and needs to be maximised. Short-term lets are not just a problem for residents sharing a main door. Where there is a direct single access to a property can also be a problem as this is more suited to accessible housing.

Link with other regulation

- Significant problem in the city. Need to consider how proposal fits with other regulatory changes for property owners in the city (tightening up of legislation on common repairs schemes)

Enforcement

- Enforcement critical.
- Who will enforce the policy and does CEC have the resources?
- People may try to use loophole by claiming they are letting out a room when they are actually letting out entire properties. CEC need to think of ways of stopping this happening.

- There is a lack of knowledge how to report an alleged breach of control relating to short term lets.
- There is also a security issue where someone has owned a key to a property and knows where you as a complainer lives.
- Is there a need for control area if there is enforcement?

Existing STLs

- Concerned that owners operating short term lets since before 2014 would not need to apply for planning permission as this would be regarded as established use. Understands this is an issue for Scottish Government and wants them to do something about it.

Communication

- When a decision has been made on short term lets it would be good to communicate this to the general population. Important that all residents are aware of what is happening and when.

Outcome of planning applications

- Concerned that short term lets used to be refused by CEC and rejected on appeal. However latterly they are being allowed on appeal by DPEA.

Impact on character of areas

- Example of Cramond village providing a microcosm of what is happening across the city. There are 20 residential properties.
 - 7 -Short term lets
 - 2 privately owned
 - 2 long term lets
 - 1 about to be sold.
 - 2 -Council tenancies. Is particularly concerned that when the existing tenancies conclude CEC will sell to highest bidder and they will become short term lets. CEC must lead by example.
 - Only 6 properties in the village are currently owner occupied. Concerned that the trend is for increasing short-term lets and the character of the area is destroyed.
- In areas such as Fountainbridge where there is a high transient population small shops have gone.
- Impacts on sustainability of communities.
- Emphasis on how short-term lets impact on micro community of tenement and disruption of unknown people.
- Has been a rapid change in some areas.
- Can be isolating when there are few permanent residents around.
- People need neighbours.
- Not knowing your neighbours is the opposite of what tenements are about.

Impact on and cost of services

- May be scope for introducing a higher level of taxation for people who own properties but don't live in them.
- Despite the number of short-term lets in the city increasing there hasn't been an increase in money coming into the city to be spent on improved services.
- Cost of planning application should cover costs of process.

II/ Organisations and Hosts, 14 October 2021

A session was held for one hour 30 minutes via Teams online meeting

- Two breakout groups with facilitators
- Presentation on the proposal
- Discussion in Groups and plenary session

Participants

City of Edinburgh Council Planning Service

David Givan

Lindsay Robertson

Naomi Sandilands

Lynne McMenemy

Keith Miller

Alex Laidler

Erin Gallacher

Organisations and Hosts

Visit Scotland

Association of Scotland's Self Caterers

VRBO

UKSTAA

ALTIDO

Edinburgh Tourism Action Group

Sykes Cottages

8 Hosts

Themes

Data

- Statement of reasons does not justify the case for a control area.
- Data/evidence is not there to show the adverse impacts that are being claimed.
- CEC doesn't have data on how long STLs are being let out for over the course of a year.
- Data out of date as it does not take account properties which may have ceased and returned to housing as a result of the pandemic. Should await concrete data before deciding to have planning policies on over saturation.

- Data would best be obtained by the licensing scheme. Should await this.
- Evidence on low level of anti-social behaviour complaints has been ignored.
- No empirical evidence of anti-social behaviour. Do students not cause far more disruption to residents?
- Blanket approach being taken seems like the easy approach rather than more specific actions as this would have required nuanced analysis which hasn't been collated.
- Scottish Government will need evidence to justify change. Possible class action brought based on case being as it stands. Highland Council are introducing registration scheme first to be able to get data and then see what should be done after data gathered.
- Proposal is not data led. Data is either patchy and anecdotal on number of operators and properties involved.
- Should consider international experience.
- Intervention should be as targeted as possible. Some areas have a very low amount of STLs, so not much justification.

Effect on housing availability

- Will punish families needing mid-term interim accommodation.
- City centre lacks amenities for living and so is not so good for family long term living.
- Lots of homes that will be caught by this are second homes which are at least actively used however if they can't be used as STLs then they will lie empty as second homes since many of the owners won't sell them but will want to keep them. These properties would be unused for long periods of time which would benefit no one. Presently being able to use flat as STL helps owners ease burden of second home whilst also helping provide tourism accommodation.
- 20,000/30,000 shortage of homes however there are only 7,000 STLs so really STLs are a scapegoat for a much bigger problem for housing shortage. Return of STLs to dwellings would not automatically help with social housing problem.
- Will displace some occupiers into housing sector that will further demand on existing supply. (i.e. housing *demand* will increase but *supply* will not increase by the same amount since many will remain as largely unused second homes)

Importance to the economy

- Doesn't take into account the benefits to Edinburgh's tourist led economy.
- Sends message Edinburgh is closed for this type of business, when it is important for the economy.
- Takes money from small local businesses and gives it to large international hotel operators, not always in the UK
- Will be taking away supply and reducing tourism spend.
- STLs have a role in helping the economy post pandemic
- Able to entice people to spend in the local community.
- Hosts are an asset and ambassadors for the city
- Many of the STL owners are local and are on hand to help clients.
- No consideration to the positive benefits to the city from STLs.
 - STLs offer experience of true Edinburgh neighbourhood that often hotels and student accommodation don't provide.
 - Business is not just tourists, it is also conference, business and local people.

Impacts on hosts and other businesses

- STL provides landlords with more certainty in terms of income stream through advance booking than through short-term tenancies where tenants only have to give 28 days' notice.
- STLs provide a livelihood for people. Impact is on small and individual business with one unit where it might be their only source of income. Could have huge impact on individual families where the STL business is the main income stream. Effectively making people unemployed.
- Strong feeling that there will be a significant impact on livelihoods of STL businesses that are often local and family based but still employ many individuals.
- Businesses are local and legitimate but are punished far more than bigger business with no commitment to Edinburgh. STLs give income to local businesses and families and instead would give it to international businesses. In turn this takes money out of the local, circular economy.
- Businesses being adversely affected are often women led which means this action will disproportionately affects women led businesses.
- Effect on commercial sectors e.g. Universities and visiting academics has not been considered. The return of STLs to long term rents would be hugely adverse since many of those visiting academics and others cannot move into longer term rentals due to excessive deposits (6 months etc) and not being able to get rental agents to respond to them quickly enough to get them into accommodation as quickly as needed.

Capacity of visitor accommodation

- Will mean Edinburgh will have no/few STLs removing choice for users.
- STLs good for Edinburgh's flexible festival led tourist season. Hotels would be less able to accommodate this.
- Is there sufficient hotel capacity?
- Need to meet demand or tourists will go elsewhere

- Hotels are already experiencing record bookings, not enough space for them to take up the resulting slack.
- Clearly evidence shows STL are serving a real need and demand since they are clearly desirable to visitors and often booked up.

Behaviour

- General view seems to be all operators are bad. Assumed everyone is letting out multibed flats for large groups however many are not like this. Some are small one beds just for couples. Disappointing that CEC and others do not appreciate smaller STL businesses are often more considerate.
- Much easier to control behaviour of STL visitors compared to longer term tenants.
- Often STL owners actually do more maintaining of shared assets such as stairs and gardens compared to other neighbouring dwellings (given desire to give visitors a good experience and attract future visits).

Other means of regulation

- Registration would be better. This could then show what policy actions should be on more precise and proportionate basis.
- Planning and licensing schemes are going to be very significant and do not appear to have thought about combined impact of those schemes.

Other comments

- Lack of trust that control will be operated fairly by Council.
- Consider this a defacto/ blanket ban. Does the Council actually intend to grant any permissions? Feels like Council wants to stop STLs.
- HMO licensing scheme is an example of system where there is not a presumption of guilt prior to removing license but instead complaints are investigated on a case by case basis to see if individually licenses should be revoked.

III/ Visitors, 29 October 2021

- A session was held for one hour 15 minutes on Teams
- Presentation on the proposal
- Discussion in Group

Participants

Lindsay Robertson, City of Edinburgh Council Planning Service

Alex Laidler, City of Edinburgh Council Planning Service

Erin Gallagher, City of Edinburgh Council Planning Service

Leone Gordon, residential landlord

Suzanne McIntosh, planning consultant

Carla Van de Puttelaar, visitor

Key Points

- Different people experience STLs in different ways. Older people may for example feel more affected by different people coming and going from the building.
- STLs are many people's livelihoods.
- Not all STL hosts are bad, there is distinction to be made.
- No different to having large numbers of students in an area/building.
- Can bring benefits in terms of new or better services
- STLs can be lucrative and limiting them would impact on economy.
- Safety is a concern
- Shared access is a concern
- Answer to meeting housing need is not to take STLs away.
- Scale of housing need such that returning STLs would have little impact.
- Not a land use issue- should be left to licensing.
- Planning already under extreme pressure – why add to this?
- Could control in same way as for off licenses and look at number in the area.
- People are moving out of Edinburgh due to the ability to work from home and are selling up.
- Would not be able to cope for special events if there were no STLs e.g. Festival, COP26
- Offer a unique experience for visitors – not all STLs have the look of a commercial property and offer a more homely/real experience.
- Provide good option for families.
- In current pandemic people prefer to stay in a self-contained unit.
- Hosts can add a personal touch and develop business relationships with guests and assist them.
- Offer good option for people who visit Edinburgh for short periods on a regular basis. They feel like it is a home from home.

- Can provide a base for people which hotels cannot. Can invite people to the property.
- Many student flats are let out in summer – could remove ability to do this.

PART 4

Organisations Directly notified by e-mail

Airbnb
Association of Scotland's Self Caterers
Association of Serviced Apartment Providers
Chamber of Commerce
Chartered Institute of Housing Scotland
Citizens Advice Edinburgh
Cockburn Association
Culture Edinburgh
Duddingston Village Conservation Society
EARN
Edinburgh Festival Fringe Society
Edinburgh Hotels Association
Edinburgh Old Town Association
Edinburgh Tenants Federation
Edinburgh Uni Students Association
Edinburgh University
ETAG
EWH
Festivals Edinburgh
Grassmarket Resident Association
Historic Building Trust
Historic Environment Scotland
Living Streets
Old Town Residents association
PLACE
Portobello Amenity Society
RICS
RTPI
Scottish Association of Landlords
Scottish Bed and Breakfast Association
Scottish Chambers of Commerce
Scottish Civic Trust
Scottish Enterprise
Scottish Federation of Small Businesses
Scottish Property Federation
SFHA
The Architectural Heritage Society of Scotland
The Scottish Tourism Alliance
UK Hospitality
UK Short term accommodation association (STAA)
Visit Scotland

PART 5

Respondent Organisations

Community Organisations

The following respondents identified themselves as community groups.

BQPA
Cramond and Barnton CC
Cyrenians
Drummond Civic Association
Edinburgh Tenants Federation
Edinburgh University Students' Association
Gorgie Dalry Community Council
Grange/Prestonfield Community Council
Grassmarket Community Project
Grassmarket Residents Association
Leith Harbour and Newhaven Community Council
Leith Links Community Council
New Town & Broughton Community Council
PLACE
Southside Community Council
The Cockburn Association
Tollcross Community Council

Other organisations

Airbnb
Amazing Apartments Limited
Association of Scotland's Self-Caterers
Destination Edinburgh Limited
Destiny Scotland
Destiny Scotland Ltd
Dickins Edinburgh Ltd
Edinburgh World Heritage
Edlets.com
European News at MeWe dot com
Grid Iron Theatre Company
Harpers Concierge Services Limited
Homeless Network Scotland
LinnMac Property Ltd
Manse Estates Ltd
McNeil Trust Limited
Mr Laidlaw
Pass the Keys Ltd
Property shapers ltd

Reserve Travel Ltd
Rettie & Co.
Rettie Short Lets Ltd
Splendid Hospitality Group Ltd
The Adore Group
The Bonham Hotel Edinburgh
The Edinburgh Apartment
The Royal Scots Club
University of Edinburgh
VMF Properties LTD

Short-term let Control Area for Edinburgh

Statement of Reasons

City of Edinburgh Council

February 2022

Contents

1.	Introduction	1
2.	Background	1
3.	Short-term Let Control Area for Edinburgh	2
4.	Reasons for designation	3
5.	Area of Designation – Map	8

Introduction

- 1.1 This statement and accompanying map are provided in accordance with regulation 8 (2) of the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 (the 2021 STL Regulations) and the Town and Country Planning (Short-term Let Control Areas) (Scotland) Amendment Regulations 2022. It is supported by a Background Report which provides the evidence base for the reasons stated below and a Report of Consultation.

Background

- 2.1 Section 26B of The Town and Country Planning (Scotland) Act 1997 (the 1997 Act) gives powers to planning authorities to designate all or parts of its area as a Short-term Let Control Area. Within 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 requiring planning permission.
- 2.2 Section 26B (3) of the 1997 Act excludes:
- Private residential tenancies under section 1 of the Private Housing (Tenancies) Scotland Act 2016; and
 - Tenancies of a dwellinghouse or part of it where all or part of the dwellinghouse is the only principal home of the landlord or occupier.
- 2.3 In terms of Regulation 2 of the 2021 STL Regulations a short-term let is provided where all of the following criteria are met:
- a) Sleeping accommodation is provided to one or more persons for one or more nights for commercial consideration,
 - b) No person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided,
 - c) The accommodation is not provided for the principal purpose of facilitating the provision of work or services to the person by whom the accommodation is being provided or to another member of that person's household,
 - d) The accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee's duties, and

- e) The accommodation is not excluded accommodation set out in paragraph 1 of the Schedule to the 2021 Short-Term Let (STL) Regulations:
- (i) a hotel;
 - (ii) a boarding house;
 - (iii) a guest house;
 - (iv) a hostel;
 - (v) residential accommodation where care is provided to people in need;
 - (vi) a hospital or nursing home;
 - (vii) a residential school, college or training centre;
 - (viii) secure residential accommodation;
 - (ix) a refuge;
 - (x) student accommodation;
 - (xi) an aparthotel.

2.4 The 2021 STL Regulations sets out the process for designation and Scottish Government Circular 1/2021 sets out guidance on the implementation of the legislation.

Short-term Let Control Area for Edinburgh

3.1 The entire administrative area of the City of Edinburgh Council (the Council) is proposed as a STL control area to meet the following objectives:

- To manage the number and location of short-term lettings operating in dwellings to help address availability of residential housing and impacts on the character of neighbourhoods; and
- To prevent short-term lets in places and buildings where it is not appropriate; and
- To ensure that homes are used to best effect.

3.2 The proposed designation responds to longstanding concern about the number and impact of short-term letting in Edinburgh. Issues and concerns have been raised at the Council's Planning Committee and various other Committees over the past few years.

- 3.3 Another relevant consideration is whether there have been reasoned requests from community councils, residents' associations and other local groups. Planning authorities should have regard to such representation.
- 3.4 A draft proposal to designate the entire Council area as a Short-term Let Area of Control was considered by the Council's Planning Committee on 11 August 2021 and approved for consultation. The supporting Background Report indicates multiple impacts of short-term letting across the area. This identified:
- Significant number of STLs
 - Issues for residents/communities
 - Impacts on housing supply
 - Impacts on neighbours and individual buildings
- 3.5 Consultation was carried out in accordance with regulation 4 of the 2021 STL Regulations. The Consultation remained open for a period of 9 weeks and the following information was made available free of charge on the Council's website and City Chambers:
- Statement of reasons
 - Map of proposed area of designation
- 3.6 The draft proposal received national media attention. Over 3,000 responses were received. A report of consultation is provided at Appendix 1.
- 3.7 Responses received, indicate strong support for designation. The majority of all respondents (88%) supported the principle of the designation of a STL control area and for the entire area to be included (85%). 51 organisations responded, including 18 community organisations, 7 of which were community councils. All community groups were in favour of the designation and for the entire area to be included. As set out in Circular 1/2021 this is a relevant consideration.

Reasons for designation

4.1 To help manage high concentrations of secondary letting which affects the availability of residential housing and the character of neighbourhoods

- Edinburgh has a high number of short-term lets. Prior to 2019 there was a steady increase each year in the number of STLs listed on Airbnb. At March 2019 there were 8,739 entire property STLs listed on Airbnb. The Covid-19 pandemic has had an impact on the number of STLs that have been advertised on the Airbnb platform since March 2020 however the number of STLs remain high and at October 2021 there were 4,077 entire property STLs listed on Airbnb. It is not known what the longer term impact of this will be for the number of STLs in Edinburgh however indications are that while there may have been a shift of short-term lets to residential private-lets during lock-down, that the high demand for UK staycations means that pressure for STLs may continue. A study commissioned by CEC in 2020 considered evidence on housing need and demand in the context of the Covid-19 pandemic. This found that the impact of Covid-19 has seen a current surge in the housing market through pent-up demand and that there are indications of some of this demand leaving the city centre urban core, and even moving out of Edinburgh altogether to seek more affordable space. There was some evidence of an immediate shift of short-term lets to residential private-lets during lock-down, but consultation suggests that the high demand for UK staycations means that demand for City Centre STLs has been broadly maintained.
- In many areas the concentration of STLs compared with dwellings is high. Prior to the Covid-19 pandemic around 11% of dwellings in Edinburgh, and 18% of dwellings in the city centre ward were listed as STLs.
- It is not only concentration which causes issues. The loss of housing to short term-let use results in a city wide problem of reduced housing availability and issues of affordability. It is difficult to track how much housing has been transferred to short-term letting. In 2018 the Council commissioned Rettie & Co to conduct research (Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018) which assessed the impact that the short-term let sector was having on rents within Edinburgh's traditional private rented sector and the availability of residential property in the city. It estimated that there had been a loss of around 10% of private rented homes to short-term lets in recent years. The

rapid growth in short term lets has had an impact on both supply and rent levels. Between 2014 and 2017 the city saw 2,700 more properties per year listed as available on Airbnb, while private rented sector stock fell 560 per annum.

- STLs impact on affordability of property for residential rent. Research indicated a displacement of demand, with rents rising significantly above average (between 20-27% over the period 2014-17) in areas bordering a high concentration of short term lets. Private rents had increased by more than 30% over the previous five years. Research indicates rising rents occurred in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents increased around 20-27% over the period 2014-2017.
- There is concern from residents of the city about the impact of STLs on communities and neighbourhoods. Research carried out on behalf of the Scottish Government - Research into the impact of short-term lets on communities across Scotland, 2019 assessed the impact of short-term lets in Scotland, with a focus on communities, particularly on neighbourhoods and housing. Negative congestion effects from STLs were identified in Edinburgh. They were also seen to be changing the nature of the communities in terms of traffic congestion, people congestion, litter, waste, noise, lack of amenities for locals including local shops, and higher demand for and impact on local public services.
- Responses to the consultation on the draft proposal for designation identified many negative impacts on individuals and communities from the presence of short-term lets. This included reduction in availability of residential accommodation; loss of resident population leading to fragmentation of communities; disruption to well-being and isolation caused by lack of resident neighbours to provide a support network; and impact on surrounding area.
- Key safe boxes are commonly used to provide access to STL visitors. The presence of multiple key boxes on some buildings in Edinburgh can create an impression that an area is for visitors rather than residents. The key safe boxes can be unsightly and detrimental to the many conservation areas, listed buildings and the World Heritage status of Edinburgh.

4.2 To restrict short-term lets in places or types of building where it is not appropriate

- Short-term let properties can have significant adverse impacts on quality of life and well-being of neighbouring residents. There is noise and disruption, often at anti-social hours as short-term let occupiers come and go from properties and from their occupation of them. This problem is particularly acute in Edinburgh's traditional tenements, but also other types of high density properties with shared space and common stairs/closes. A single short-term let property in a tenement stair can have a disruptive effect.
- The transfer of noise into neighbouring properties is an issue, especially in tenement flats but can also lead to complaints from residents in detached or semi-detached accommodation. Through data collected from the Council's complaints system, it is clear that short-term lets can cause difficulties in nearly every type of property.
- It is appropriate to create a STL control area across the city requiring planning permission for STLs to ensure that they are only allowed in appropriate locations and circumstances.

4.3 To help ensure that homes are used to best effect.

- The level of need and demand for housing in Edinburgh is high. The latest Housing Need and Demand Assessment (HNDA2) states that there is demand for at least 38,000 to 46,000 additional homes in Edinburgh over ten years, over 60% of these need to be affordable. The increased number of short-term lets reduces the supply of available homes.
- Properties being utilised for STLs are generally in accessible areas and supported by services. There is a need to ensure that such locations can be maximised for their potential to provide residential properties to meet the needs of Edinburgh. Existing housing units are best placed and designed to provide for residential use and most suited to meeting the needs of residents.
- Purpose built visitor accommodation in the form of hotels, hostels, apart hotels, guest houses and bed and breakfasts is readily available throughout the city. Along with student halls, which provide visitor accommodation at key times of the year, this accommodation is better suited to meeting the vast majority of tourism needs in Edinburgh while balancing its impacts on neighbourhoods.

4.4 It is proposed that the designation covers the entire Council Area for the following reasons:

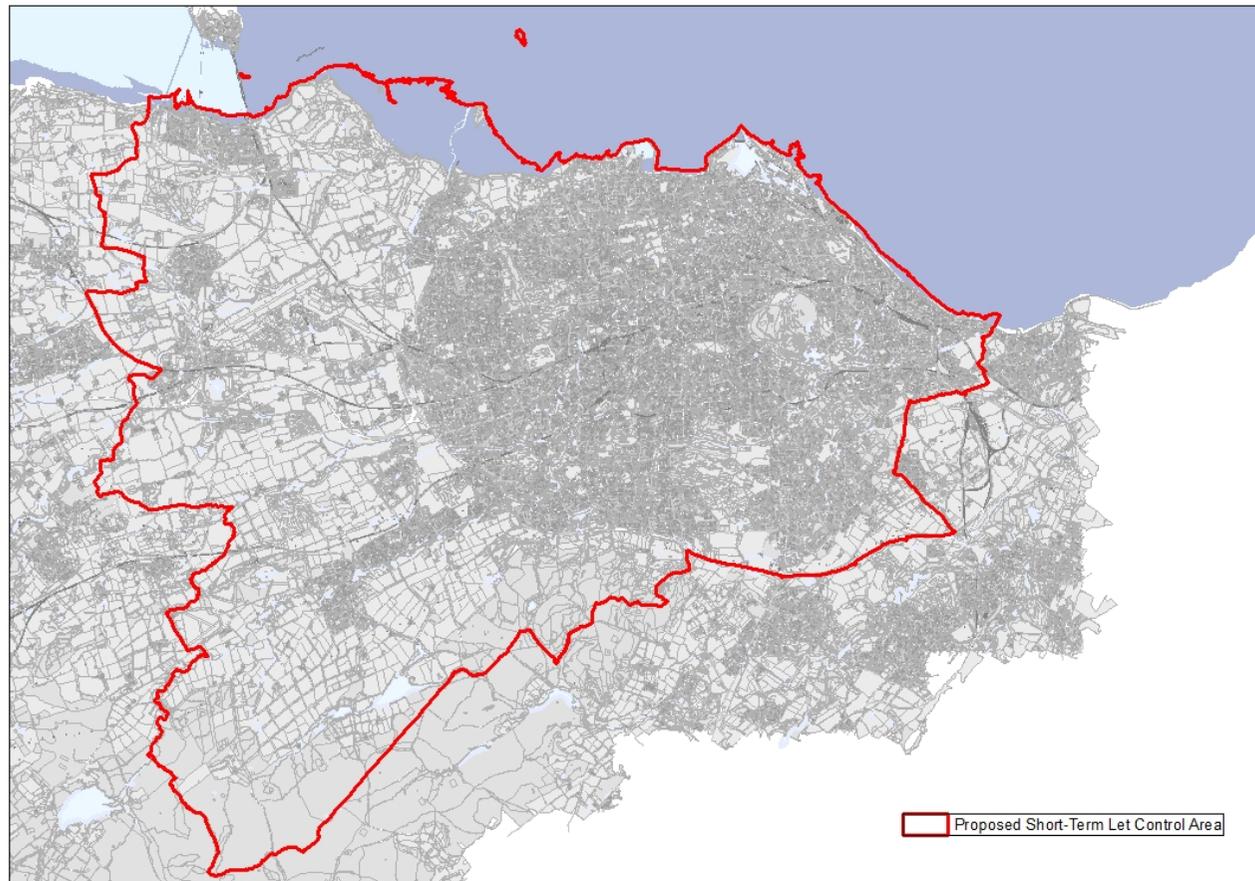
- Housing need is city wide and the Council area operates as a single housing market.
- Concerns of Edinburgh residents on STLs are city wide.
- Dwellings are being used short-term lets throughout the council area. There is a concentration within the City Centre and Leith wards, however two thirds of the total number of STLs are distributed across the rest of the Council area, with STLs being evident in all Council wards.
- Designating part or parts of the area could result in pushing STLs and their impacts into areas around control areas.
- Designating all of the council area allows planning control over all changes of use to STLs across the Council's geographic area.

A City wide Control Area would:

- Provide clarity on the need for planning permission for the change of use of an entire dwelling house to an STL within Edinburgh.
- Allow consideration of STLs against planning policies and other material considerations.
- Allow the opportunity for the public to comment through the planning application process on STLs across the city.

Area of designation

Page 170



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Designation of Short-Term Let Control Area for Edinburgh

Statement of Reasons Background Report

City of Edinburgh Council

February 2022

Contents

1. Purpose	1
2. Short-term letting in Edinburgh	1
3. Existing Controls	12
4. The Housing Market	16
5. Impacts on communities and residents	22
6. Visitor Accommodation	25

Appendix 1 – Appeals

1. Purpose

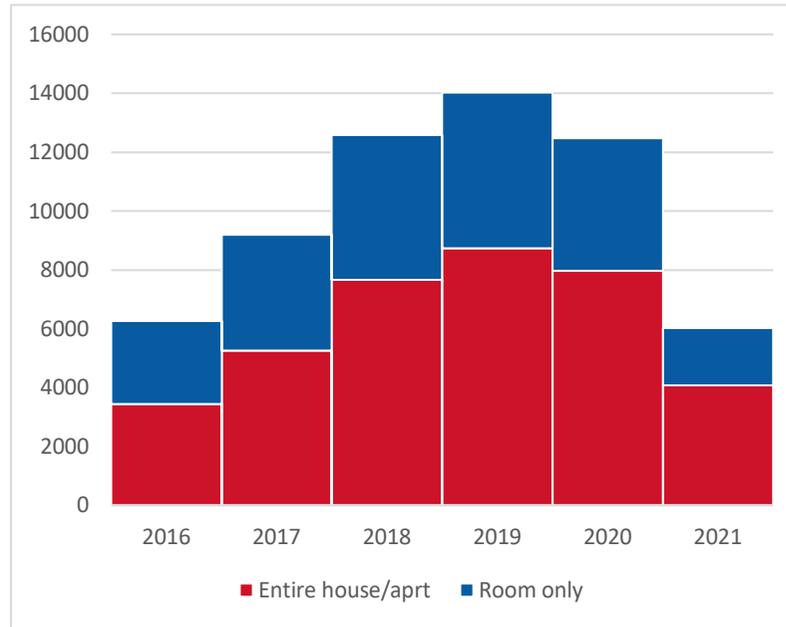
- 1.1 This report provides background information to support the Statement of Reasons for designation of a Short-Term Let Control Area for Edinburgh, February 2022.

2. Short-term letting in Edinburgh

- 2.1 Edinburgh has a history of short term lets (STLs) due to its popularity as a tourist destination and the presence of the festivals. Properties are advertised through a variety of letting agencies, private advertisements, websites and word of mouth. Consequently, information on their extent is difficult to gather however, the rise to prominence of Airbnb, a booking platform, and the public availability of its data provides an indication of the current situation in Edinburgh. Combined qualitative and quantitative research undertaken on behalf of the Scottish Government¹ suggests that Airbnb comprises a very substantial part of the STL market. However, whilst a significant market player, it is not the only platform of its type and figures may be a conservative estimate of the total number of short-term lets operating within the city. It is acknowledged that this source is not an official register and provides a snapshot in time as listings can be fluid as properties are removed and added.
- 2.2 The data presented shows both entire dwellings which would be within the scope of the control area, and room only which is not. While it is not possible to identify if a property is a person's main residence and they are letting it out during a period of their absence, which would not be within the scope of control, the overall number of STLs, whether for secondary letting, home-letting or home-sharing are relevant to the overall impact.
- 2.3 At October 2021 there were 5,288 listings on Airbnb. A 'listing' refers to a single web address which advertises accommodation for visitors. Data has been filtered to exclude hotels, hostels, B&Bs, guesthouses, boats, serviced apartments. 77% (4,077) were entire properties.

¹ [Research into the impact of short-term lets on communities across Scotland](#), Scottish Government October 2019

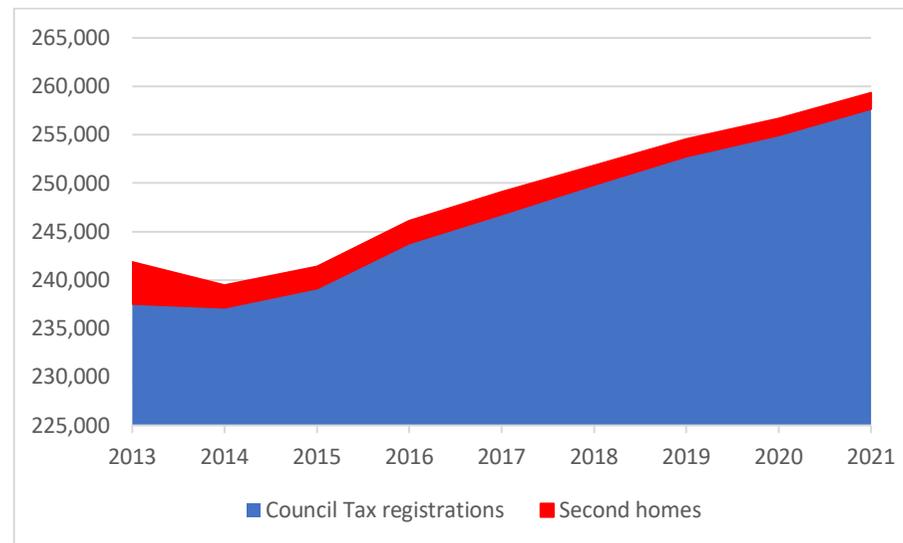
Figure 1- Number of STLs listed on Airbnb within Edinburgh March 2016- March 2021



Source: Inside Airbnb

- 2.4 Alternative sources of data are provided by Visit Scotland and the Scottish Assessors. The Scottish Assessors valuation roll provides the number of self-catering properties registered for non-domestic rates. Visit Scotland’s data provides the number of self-catering properties registered for their quality assurance scheme. At September 2021 there were around 540 self-catering properties registered with the Visit Scotland Quality Assurance Scheme. 1,376² self -catering properties were on the valuation roll January 2022. The valuation roll figure would appear at first sight to be an under-representation of the full extent of STLs in Edinburgh. If STL properties not on the valuation roll are operating commercially, then a change of use in planning terms may have occurred. These properties would be no longer contributing to the housing supply.
- 2.5 There is a disparity between these figures and the Airbnb data due to the voluntary nature of the Visit Scotland Quality Assurance Scheme and that not all STLs will have registered to pay non-domestic rates.
- 2.6 Council Tax records identify the number of second homes registered. In 2021 of the 257,671 properties registered, 1,657 were second homes.

Figure 2- Second homes 2013-2021

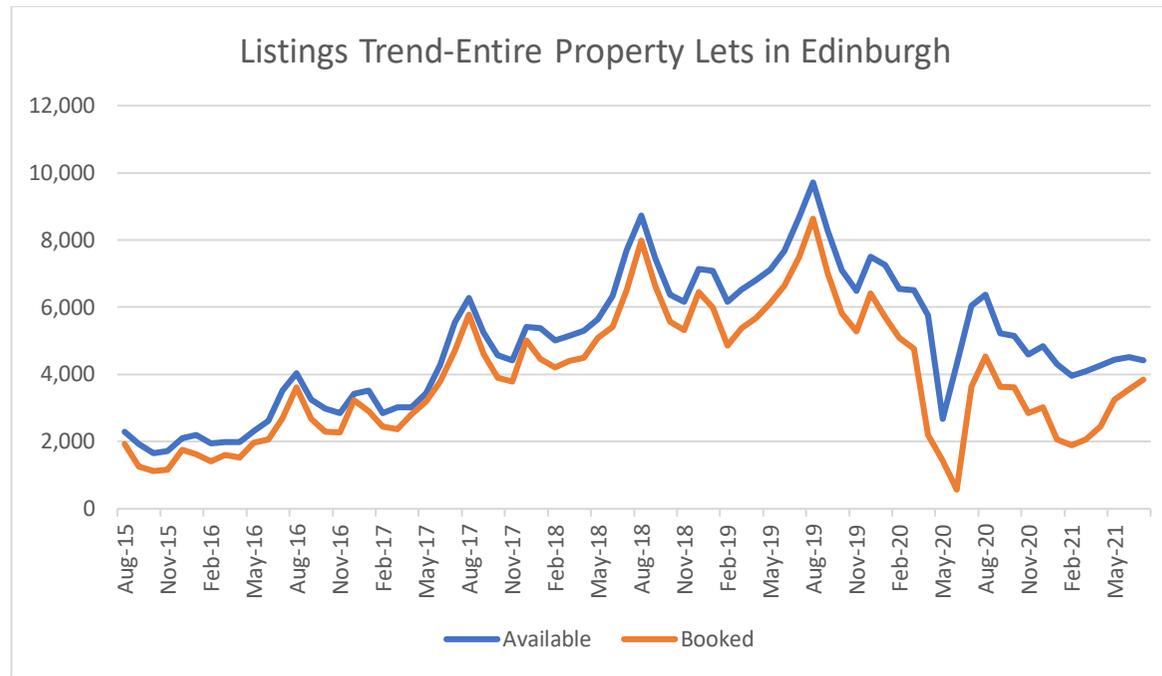


Source: Council Tax Register

² [Search – Scottish Assessors \(saa.gov.uk\)](https://www.saa.gov.uk)

- 2.7 The Covid-19 pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020. It is not known what the longer term impact of this will be for the number of STLs in Edinburgh however indications are that while there may have been a shift of short-term lets to residential private-lets during lock-down, that the high demand for UK staycations means that pressure for STLs may continue.
- 2.8 AIRDNA data shows trends in the numbers of listings of entire properties available and the number booked within that month. Data from the last 12 months, shown at Figure 3 shows a general steadiness throughout most of the year with a peak for both entire properties and room only in August.

Figure 3 – Airbnb Listings in Edinburgh.



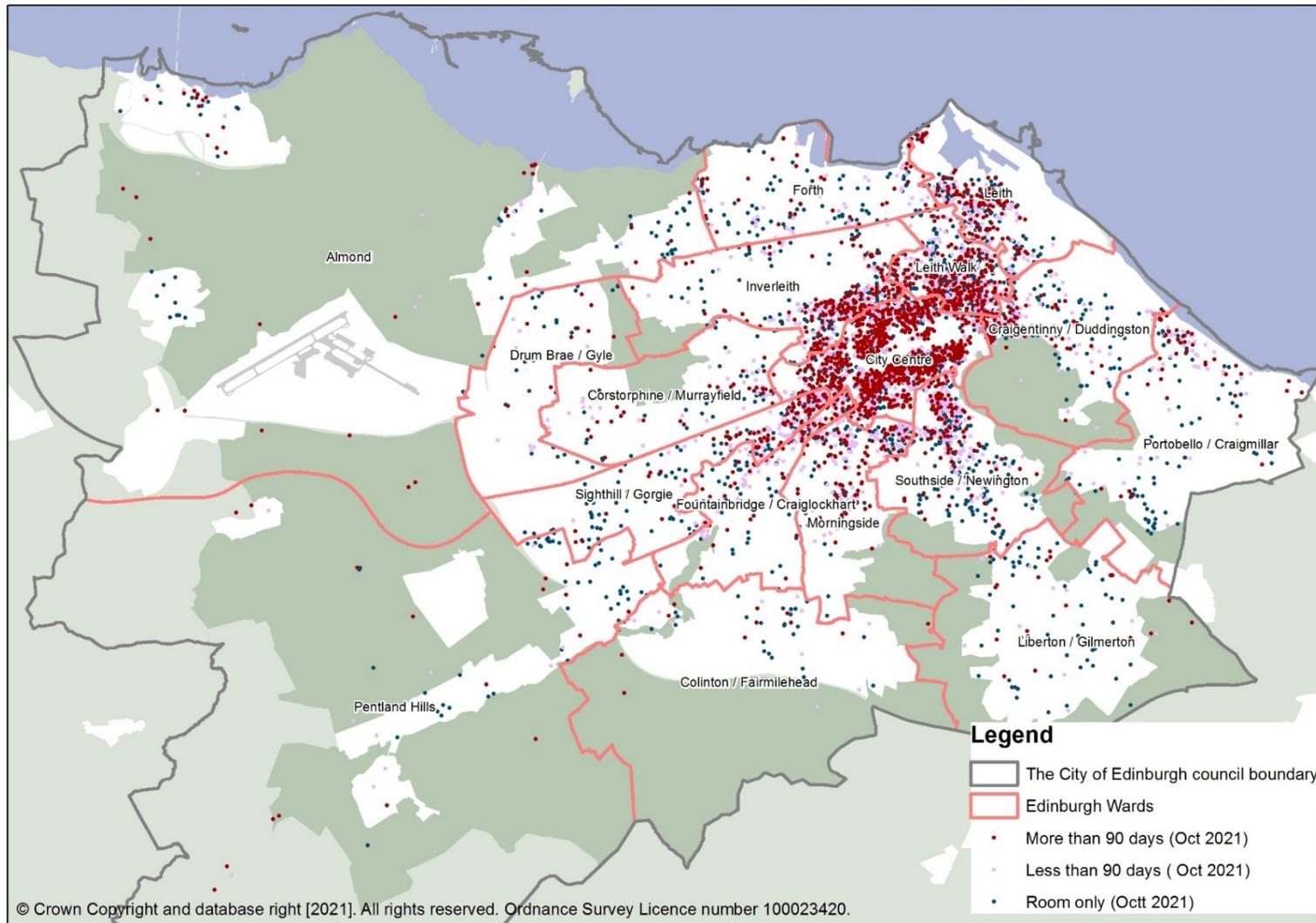
Source: AirDNA

- 2.9 This shows that the number of listings is fluid. Compared with 2018/2019 the total number of entire property lets has reduced in 2021. Since the beginning of 2021 there has been a general increase. There is a gap between the number of properties listed and the number that actually get booked out. This could be an indication that there are more entire property lets than there is demand for.
- 2.10 While there is no definitive source of data on the number of STLs operating in Edinburgh, the available data demonstrates the scale of short-term letting. Responses to the consultation also indicate that there are perceived to be high numbers of STLs in Edinburgh.

Variation across the city

- 2.11 There is a concentration of STLs within the City Centre and Leith wards, however they are evident in all wards of the city with two thirds of the total number of STLs distributed across the remaining Council area, as indicated in Map 1 and Figure 4 below.

Map 1: Distribution of Airbnb registrations October 2021.



2.12 The number of STLs in all wards of the city including, those more rural locations such as Forth and Almond.

Figure 4: Airbnb registrations by ward October 2021

	<i>Entire Property</i>	<i>Entire Property More than 90 days</i>	<i>Entire Property less than 90 days</i>	<i>Room only</i>	<i>All (Entire property and room only)</i>
Total	4,077	1,234	1,164	1,211	5,288
City Centre	1,579	496	368	220	1,799
Leith Walk	522	157	161	222	744
Inverleith	311	103	85	91	402
Southside/Newington	299	76	115	98	397
Leith	236	70	75	90	326
Sighthill/ Gorgie	201	62	68	80	281
Morningside	203	58	72	71	274
Craigtinny/Duddingston	183	44	67	76	259
Fountainbridge/Craiglockhart	158	41	48	52	210
Forth	80	20	23	56	136
Portobello/Craigmillar	86	25	23	27	113
Corstorphine/Murrayfield	65	24	27	22	87
Almond	56	19	9	19	75
Pentland Hills	28	11	6	31	59
Liberton/Gilmerton	29	12	6	23	52
Drum Brae/Gyle	20	7	6	19	39
Colinton/Fairmilehead	21	9	5	14	35
Total	4077	1234	1164	1211	5288

Source: Inside Airbnb

Penetration rates

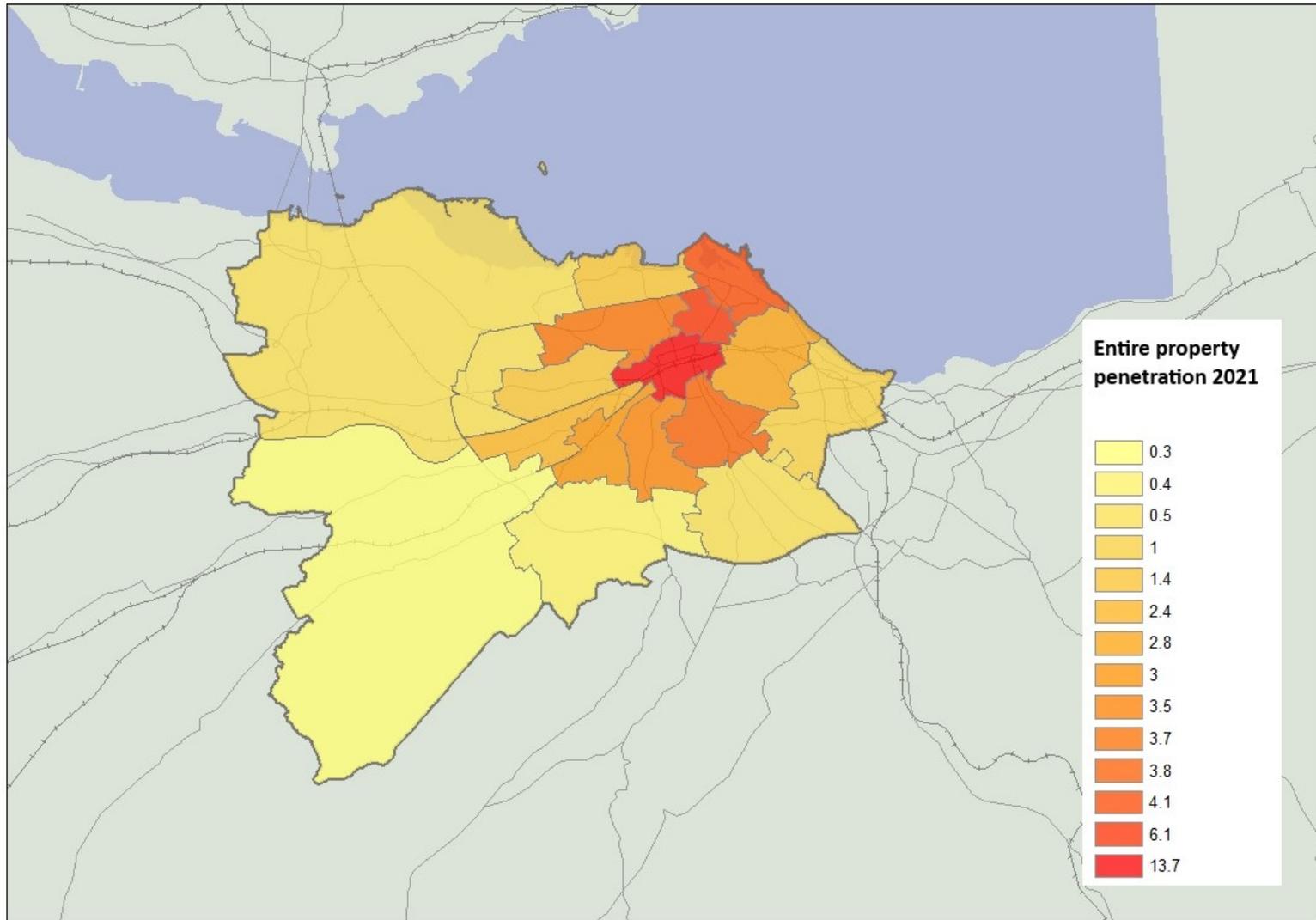
- 2.13 The concentration of STLs compared with dwellings varies across the city. The city centre has the highest rate at 18.5% in 2020 for both room only and entire property STLs, followed by Leith Walk which had a rate of 10%. The penetration rate of entire property STLs to dwellings was also highest in these wards.

Figure 5: % STLs to dwellings 2020/2021

Ward	Penetration Rate all STLs %		Penetration Rate Entire Homes %	
	2020	2021	2020	2021
City Centre	18.5	10.3	13.7	8.8
Leith	7.0	5.3	4.1	4.4
Southside/Newington	7.3	2.9	3.8	1.8
Inverleith	6.1	2.7	3.7	1.9
Leith Walk	10.0	2.7	6.1	1.2
Morningside	6.6	2.3	3.5	1.5
Craigtinny/Duddingston	4.9	2.0	2.8	1.3
Sighthill/Gorgie	4.5	1.7	2.4	1.1
Fountainbridge/Craiglockhart	5.0	1.7	3.0	1.2
Forth	3.3	1.3	1.4	0.5
Corstorphine/Murrayfield	3.0	1.1	1.4	0.6
Portobello/Craigmillar	2.5	1.0	1.0	0.5
Almond	1.6	0.7	0.5	0.3
Liberton/Gilmerton	1.8	0.7	0.5	0.2
Pentland Hills	1.3	0.6	0.3	0.2
Drum Brae/Gyle	1.4	0.6	0.5	0.2
Colinton/Fairmilehead	1.3	0.5	0.4	0.2
TOTAL	11.6	2.4	8.1	2

*Based on NRS dwelling estimates 2019

Map 2- Percentage of all (room only and entire property) Airbnb registrations to dwellings 2021

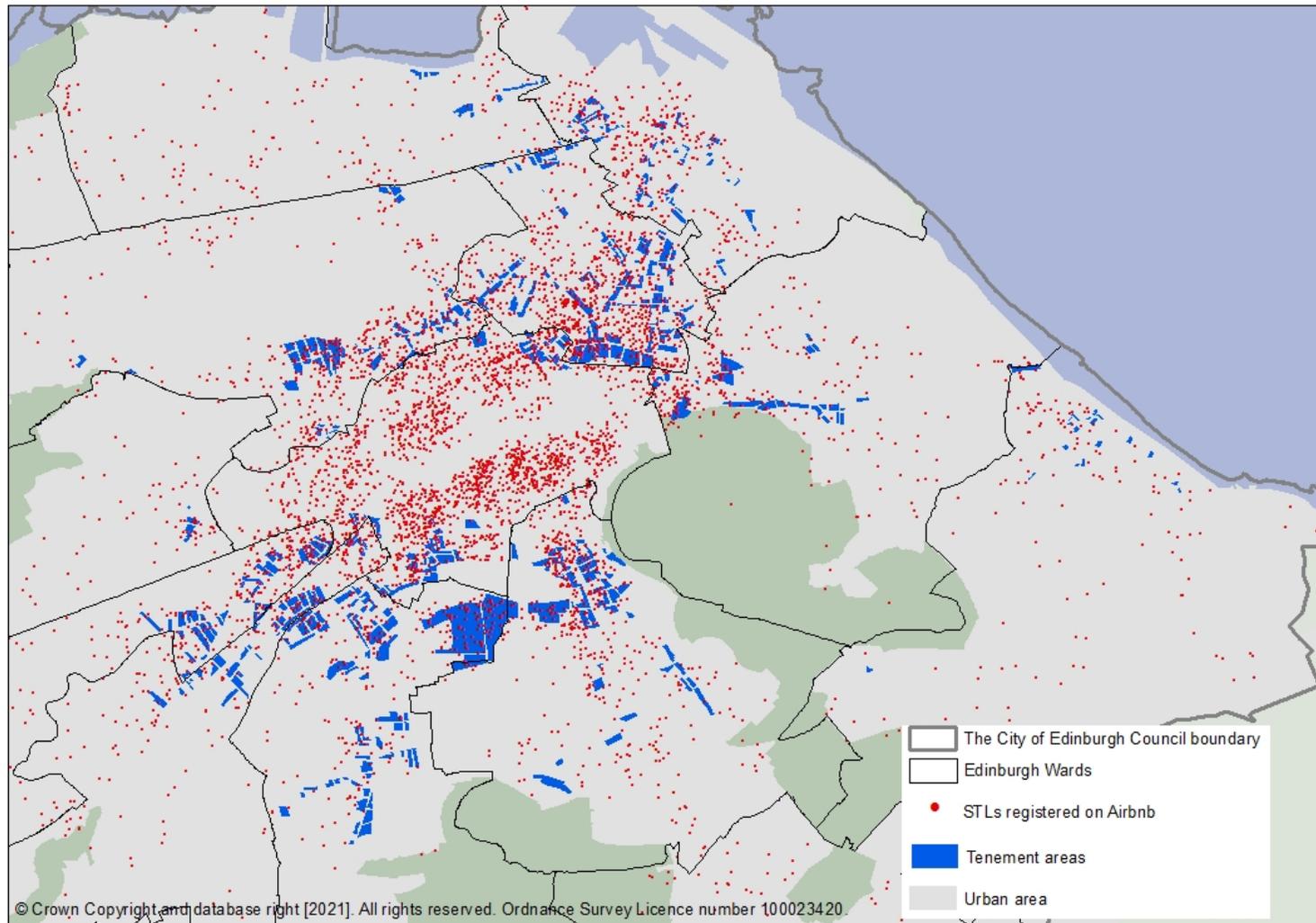


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Property types

- 2.14 The majority of STLs in Edinburgh are within tenement properties, concentrated in areas of the city which already have high demand for housing. Regular use of any tenement flat as a short term let is generally inconsistent with tenement living, and often leads to anti-social behaviour and undue nuisance to other residents. This generates a high number of complaints.
- 2.15 The issue is not restricted to this type of accommodation. Residents have experienced persistent difficulties as a result of anti-social behaviour in properties which have a shared or common space. The transfer of noise into neighbouring properties is another well-known problem, especially in tenement flats but can also lead to complaints from residents in detached or semi-detached accommodation.
- 2.16 An analysis of urban area types across the city provides an indication of the areas with a predominance of tenement properties. Map 3 shows the location of these property types and STLs listed on Airbnb at October 2021.

Map 3-Tenement Areas and STLs registered on Airbnb October 2021



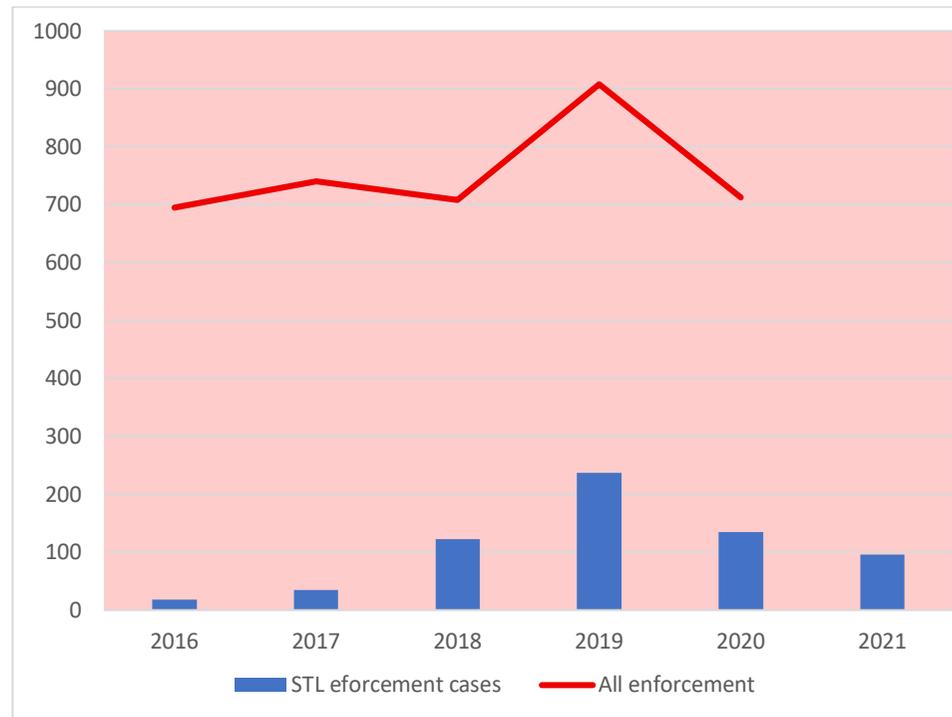
Source: Inside Airbnb

2.17 The size of properties utilised as STLs varies from studios to the extremes of 9 bedrooms. Of the 3,533 entire property STLs registered on Airbnb at April 2020, 683 were 3 or more bedrooms, a further 1,484 were 2 bedrooms and 1,365 were 1 bedroom or studios.

3. Existing Controls

- 3.1 Existing management of short-term letting is through planning law, anti-social behaviour legislation and environmental protection. There are also codes of practice in place, from industry bodies, however these relate to the operation of the property rather than its existence in a particular location or property and any cumulative impacts which can be considered by planning control.
- 3.2 Council services have been working together in Edinburgh for a number of years to co-ordinate action on STLs utilising the existing legislation.
- 3.3 Since 2016 there have been 643 planning enforcement cases raised relating to unauthorised use for short-term letting in Edinburgh. This is a resource intensive activity. Figure 6 shows this in the context of all planning enforcement cases raised.

Figure 6 Enforcement cases by year 2016-2021

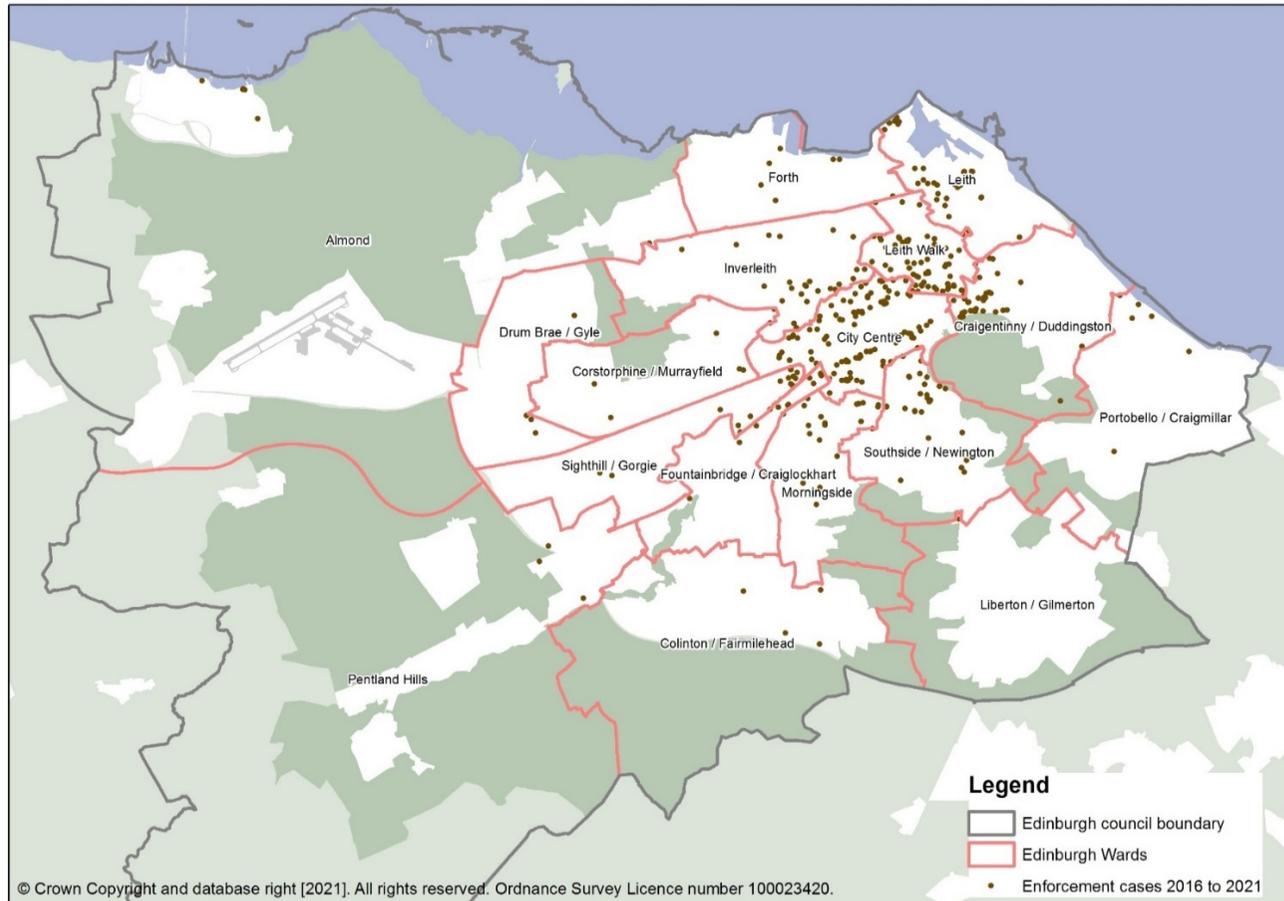


Source:CEC

- 3.4 In the absence of Short Term Let Control Area, when investigating cases, it must be established whether the use of a residential premises for short term holiday lets is a material change of use. The question of materiality is one of fact and degree having regard to a number of factors such as the character of the property, the frequency of arrivals and departures, the number of people occupying the property, disturbance to neighbouring residential amenity. Evidence gathering can be a very difficult process. Case officers must consider each of these factors. This can involve a number of visits to check levels of occupation and to collect corroborative evidence to support any claims of noise and nuisance. This is a resource intensive activity.

3.5 Enforcement cases are evident across the area. Map 4 below identifies the location of enforcement cases which have been raised relating to unauthorised use for short-term letting since 2016. This shows a concentration in the city centre where there are high levels of short-term lets identified in the available data. Figure 7 shows that there have been cases raised in all wards of the city.

Map 4-Location of enforcement cases raised in period 2016-2021



Source: Inside Airbnb

Figure 7- Planning Enforcement Cases by Ward

Ward	No of enforcement cases raised 2016-2021	%
City Centre	158	30
Leith Walk	85	17
Leith	52	10
Craigtinny/Duddingston	50	10
Southside/Newington	38	7
Inverleith	31	6
Morningside	23	5
Fountainbridge/Craiglockhart	19	4
Sighthill/Gorgie	18	3
Corstorphine/Murrayfield	11	2
Forth	8	2
Almond	7	1
Portobello/Craigmillar	7	1
Drum Brae/Gyle	4	1
Colinton/Fairmilehead	4	1
Pentland Hills	3	1
Liberton/Gilmerton	1	0
TOTAL	519	

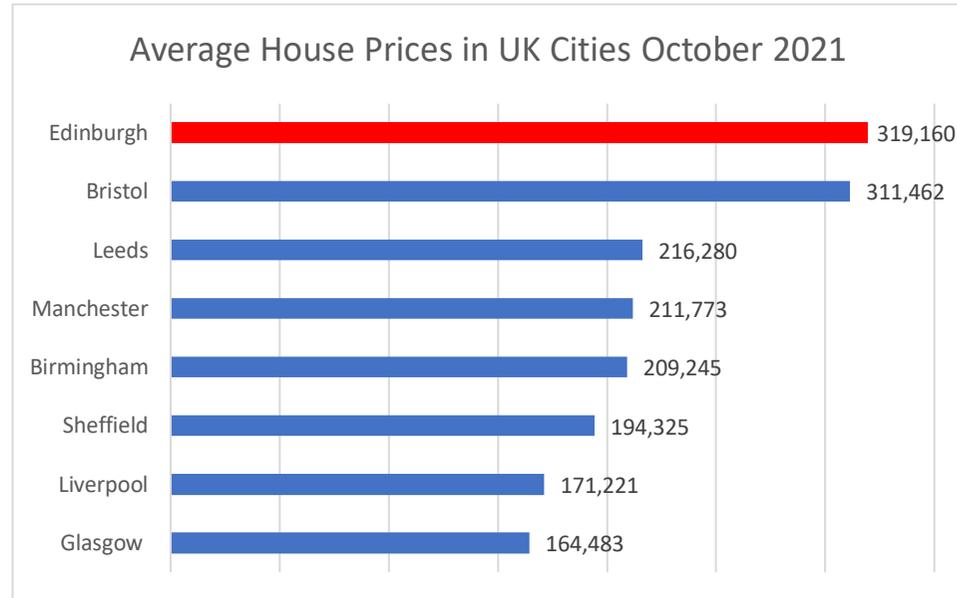
Source: CEC

- 3.6 Despite the proactive approach to managing short-term letting it is clear that the Council lacks specific regulatory powers which allow it to effectively respond to all the issues currently faced by the city.
- 3.7 In January 2022 the Scottish Parliament approved a licensing scheme for STLs requiring that, from April 2024, all STLs obtain a licence. This will address safety concerns. The licensing scheme is complimentary to the control area and does not provide any regulation over the number of STLs or allow consideration of planning matters. The objective of a control area is to help manage high concentrations of secondary letting, restrict STLs in inappropriate places or buildings and ensure homes are used to best effect. No other regulations control the multiple issues which can be controlled through the planning system. Implementing a control area at the earliest opportunity will allow for applications to be made in advance of the licensing scheme.

4. The Housing Market

- 4.1 Edinburgh operates as a single housing market. There are high levels of demand and need for affordable housing which have been identified through an analysis of housing need and demand. Most properties operating as STLs were or are residential dwellings and any residential dwelling not being used for that purpose reduces the availability of housing in Edinburgh.
- 4.2 As set out in Figure 8 below at October 2021, the average house price in the UK was £268,349 and £181,391 in Scotland. The average property price in Edinburgh was £319,160, higher than most other major UK cities outside London.

Figure 8 - Average House Price in UK Cities



Source: UK House Price Index, National Statistics

- 4.3 The average house price is around six times the average gross annual earnings in the city, making it the least affordable city in Scotland to buy a home. The lockdown restrictions effectively saw the sales market frozen over the usually active Spring market in 2020, but a sharp increase was observed as restrictions eased and number of sales in Edinburgh jumped to levels well above Summer 2019.
- 4.4 The average advertised monthly private rent in Edinburgh in the last quarter of calendar year 2020 was £1,085, with the second highest rent recorded in Glasgow at £848 and a Scottish average at £826 (source: Citylets).

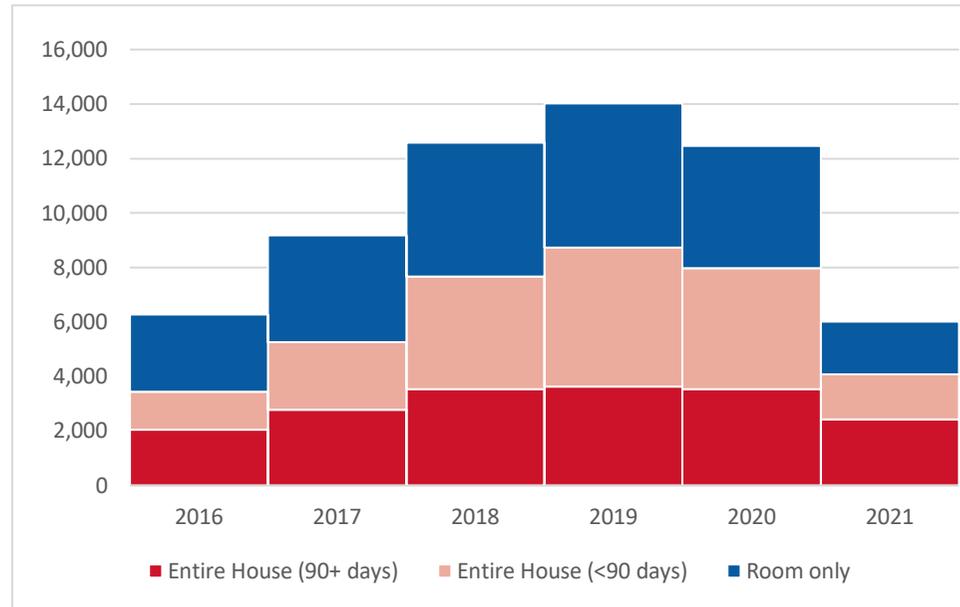
Need for housing

- 4.5 A housing need and demand assessment (HNDA) for Edinburgh and South East Scotland was prepared in 2015. The HNDA estimates the future number of additional housing units to meet existing and future housing need and demand in a housing market area. Edinburgh administrative area operates as a single sub housing market area, with a functional housing market area that extends to include all the SESplan local authority areas. It states that there is demand for at least 38,000 to 46,000 new homes in Edinburgh over ten years, over 60% of these need to be affordable. A review of this was undertaken on behalf of the Council in September 2020. The Edinburgh Local Development Plan, November 2016 sets a target base upon this need and identifies housing sites to provide for this. It is recognised that along with building new homes there is a need to retain existing homes.
- 4.6 A new local development plan, City Plan 2030, is being prepared. Consultation on the main issues for this review was carried out in early 2020. 88% of those responding supported the introduction of a policy on the loss of homes to other uses. The Proposed City Plan 2030 was approved in September 2021 and carries forward this intention with the inclusion of a policy to protect existing dwellings from being lost to other uses, including short-term lets. A period for representations on the Proposed Plan concluded in December 2021. Representations are currently being considered and it is likely that there will be an examination on behalf of Scottish Ministers, and potential for change in the plan contents, prior to any adoption of the plan.

Impacts on supply and affordability

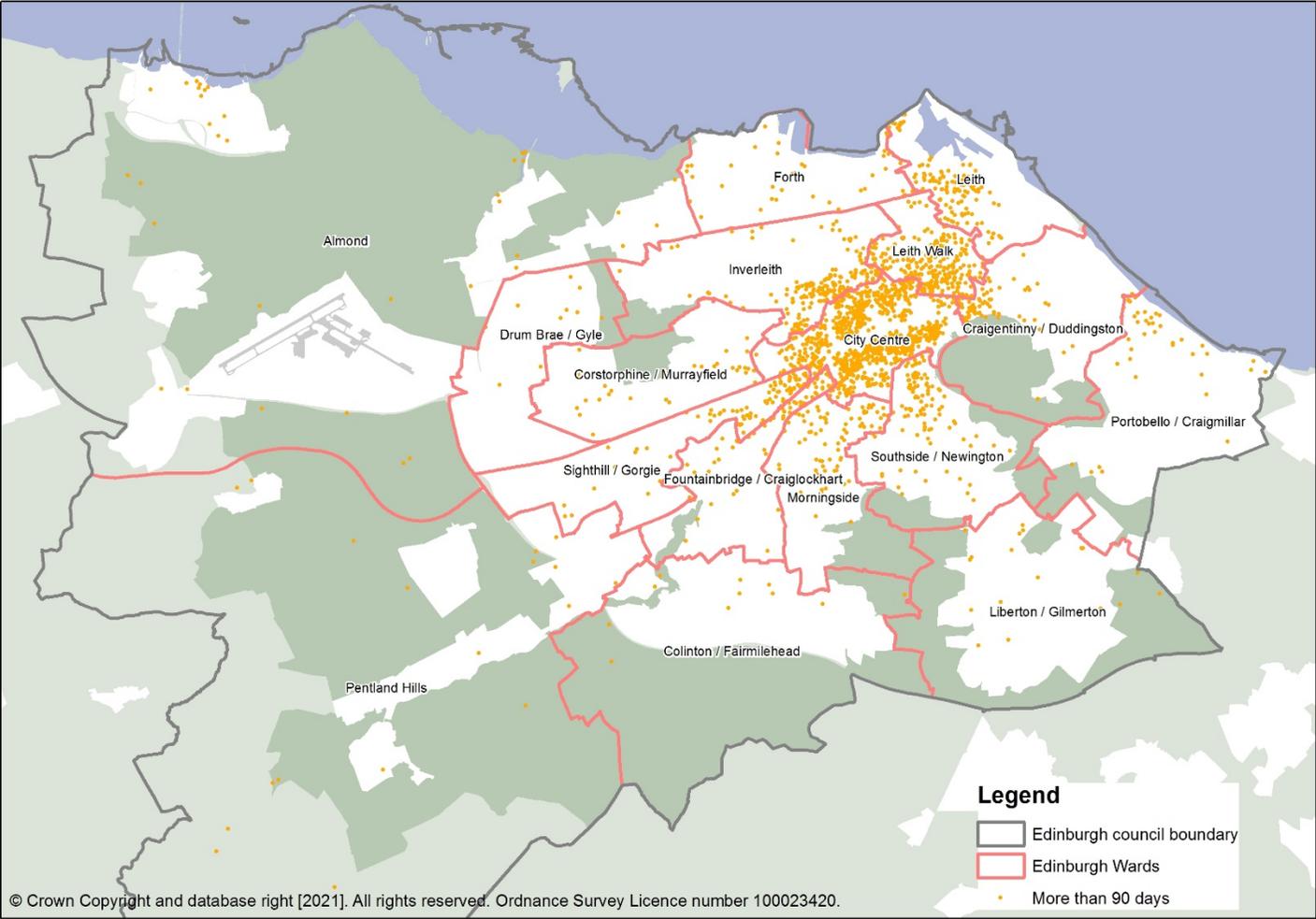
- 4.7 The number of days an entire property is available to let indicates how often the property is used as a permanent residence and whether it can still be considered part of the housing supply. Properties available for more than 90 days in a year may be considered to have been removed from the housing supply. The data has been filtered to identify those entire property lets which would be affected by the control area and identifies those available for 90 days or more. As set out in Figure 9 below, of the 4,077 entire property listings in 2021, 2,436 of these were available for more than 90 days. Map 5 shows the distribution.

Figure 9- Number of STLs registered on Airbnb within Edinburgh (number of days) 2016-2021



Source: Inside Airbnb

Map 5: Distribution of STLs available for more than 90 days.



- 4.8 It is very difficult to track how much housing has been transferred to short-term letting. Data set out in Section 1 indicates significant numbers of STLs. Typically, STLs have previously been dwellings. Properties removed from the long-term rental market for use as short-term lets impacts on the housing supply. Other things being equal, this decreases the supply of housing units in the long-term private rental market and put upward pressure on long-term rents and this is most likely to happen in cities such as Edinburgh which has high demand and low supply.
- 4.9 In 2018 the Council commissioned Rettie & Co to conduct research (Analysis of the Impact of the Edinburgh Short Term Rental Market – 16 July 2018) which assessed the impact that the short-term let sector was having on rents within Edinburgh’s traditional private rented sector and the availability of residential property in the city. It estimated that there had been a loss of around 10% of private rented homes to short-term lets in recent years. The loss was most prevalent in the city centre and north Edinburgh. The rapid growth in short term lets was said to have had an impact on both supply and rent levels. Between 2014 and 2017 the city saw 2,700 more properties per year listed as available on Airbnb, while private rented sector stock fell 560 per annum.
- 4.10 The research also indicates a displacement of demand from STLs, with rents rising significantly above average (between 20-27% over the period 2014-17) in areas bordering a high concentration of short term lets. Private rents have increased by more than 30% over the last five years. Research indicates rising rents occurring in those areas bordering a high concentration of Airbnb, suggesting a displacement of demand. In those areas bordering the city centre, rents increased around 20-27% over the period 2014-2017

Impact of Pandemic

- 4.11 The Covid-19 pandemic has had a significant impact on the number of STLs that were advertised on the Airbnb platform since March 2020 (section 1). It is hard to speculate about the medium and long-term impacts of the pandemic on the STL market, and on the behaviour of investors, landlords and consumers. A study -Review of Housing Need and Demand in Edinburgh commissioned by CEC in 2020 considered evidence on housing need and demand in the context of the Covid-19 pandemic. This found that the impact of Covid-19 has seen a current surge in the housing market through pent-up demand and that there are indications of some of this demand leaving the city centre urban core, and even moving out of Edinburgh altogether to seek more affordable space. There was some evidence of an immediate shift of short-term lets to residential private-lets during lock-down, but consultation suggests that the high demand for UK staycations means that demand for City Centre STLs has been broadly maintained. For the long term, the market fundamentals for the Edinburgh market are projected to remain strong, with unlikely downward pressure of prices. It concludes that the private rented sector has been in

a considerable state of flux but is now rebalancing and transient households are returning to the City. There is currently more flexibility in supply augmented to some extent by previous STLs moving to residential stock but warns that this should not be over-estimated as UK staycations are in high demand.

Appropriate use of dwelling

- 4.12 Properties being utilised for STLs are generally in accessible areas and supported by services. There is a need to ensure that such locations can be maximised for their potential to provide residential properties to meet the needs of Edinburgh. Existing housing units are best placed and designed to provide for residential use and most suited to meeting the needs of residents.

5. Impacts on communities and residents

- 5.1 STLs can provide local economic benefits and provide the potential for increased household income for hosts and local employment. They provide additional accommodation during important times of the year, e.g. the summer festivals. The control area only affects short-term lets where the property is not the only or principal home of the host. Home letting of people's own homes will not be impacted by the control area.
- 5.2 The impact of short-term lets on Edinburgh is a significant concern. regarding short term lets are wide ranging and continue to be received by the Council. The complaints cover several broad types and include:
- Impact on available housing supply within the city
 - Erosion of sense of community in areas with dense concentrations of short term lets;
 - Noise and antisocial behaviour created by guests using short term lets. The number of enforcement complaints recorded each year for the last 6 years are provided in table 10 below.

Figure 10- Enforcement complaints related to STL use

Year	No. of cases
2016	21
2017	32
2018	117
2019	229
2020	134
2021	104

- 5.3 Analysis of some cases received indicates that most complaints received relate to low level disturbance, which nonetheless can have a serious impact on residential amenity. For example, visitors who use flats will often arrive and depart at anti-social hours and in the process of doing so will disturb neighbouring properties when moving through communal areas. Many hosts allow two night minimum stays and there have been several cases where one night stays have been permitted by the host. In these circumstances, the likelihood of disturbance, with guests changing over on a more regular basis, also has a tangible impact on residential amenity. The negative impact of short-term lets on residential amenity have been well documented in a number of appeal decisions which have been handed down by Scottish Ministers. A list of recent appeal decisions is included at Appendix 1.
- 5.4 Research carried out on behalf of the Scottish Government -Research into the impact of short-term lets on communities across Scotland, 2019 assessed the impact of short-term lets in Scotland, with a focus on communities, particularly on neighbourhoods and housing. It considered 5 case studies including Edinburgh.
- 5.5 A key impact identified was the reduced availability of residential housing with the negative impact on affordability, sustaining communities and the negative impact on the wider local economy and local public services. There were indications from the survey and recurring themes coming through the qualitative research across all areas, from all types of participants except for some hosts, that properties were moving from long-term private lets and owner-occupation into STLs. This was voiced as

a major area of concern in Edinburgh. In Edinburgh the rise in STLs was associated with the fall in resident population and school rolls, with fears about the long term sustainability of the community.

- 5.6 A further impact identified was disturbance of residents, quality of life and well-being which was evident in Edinburgh in particular. This related particularly to tenements but also other types of high density properties with shared space and common stairs/closes. Concentrations of entire property STLs let full-time in common stairs often results in daily disruption and stress caused by constant 'visitor use', rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community, were constantly changing strangers.
- 5.7 Negative congestion effects from STLs were identified in Edinburgh where the level of tourism was the greatest amongst the five case study areas. They were also seen to be changing the nature of the communities. This was associated with traffic congestion, people congestion, litter, waste, noise, lack of amenities for locals including local shops, and higher demand for and impact on local public services.
- 5.8 Responses received to the consultation on the control area designation, which took place from September to November 2021, indicate strong support for designation. 3,108 responses were received. 51 organisations responded, including 18 community organisations, 7 of which were community councils. A Report of Consultation provides a summary of all responses received. A significant majority of all respondents (88%) supported both the principle of the designation of a STL control area and for the entire area to be included (85%). The responses identified many negative impacts on individuals and communities from the presence of short-term lets. These included reduction in availability of residential accommodation; loss of resident population leading to fragmentation of communities; disruption to well-being and isolation caused by lack of resident neighbours to provide a support network; and impact on surrounding area.
- 5.9 The requirement for planning permission would allow the Council to make decisions in accordance with the Development Plan, unless material considerations indicated otherwise. The planning application process involves notification of neighbours and provides an opportunity for public comments. Current planning policy allows consideration of the appropriateness of short-term letting within a residential context.

6. Visitor Accommodation in Edinburgh

- 6.1 There is considerable supply of serviced accommodation in Edinburgh, along with student halls which provide visitor accommodation at key times of the year. A study carried out on behalf of the Council, Edinburgh Visitor Accommodation Sector Commercial Needs Study, January 2019, Ryden identified almost 16,000 rooms within 422 properties. The breakdown by type is provided in Figure 11 below.

Figure 11- Structure of the Edinburgh Visitor Accommodation Market – January 2019

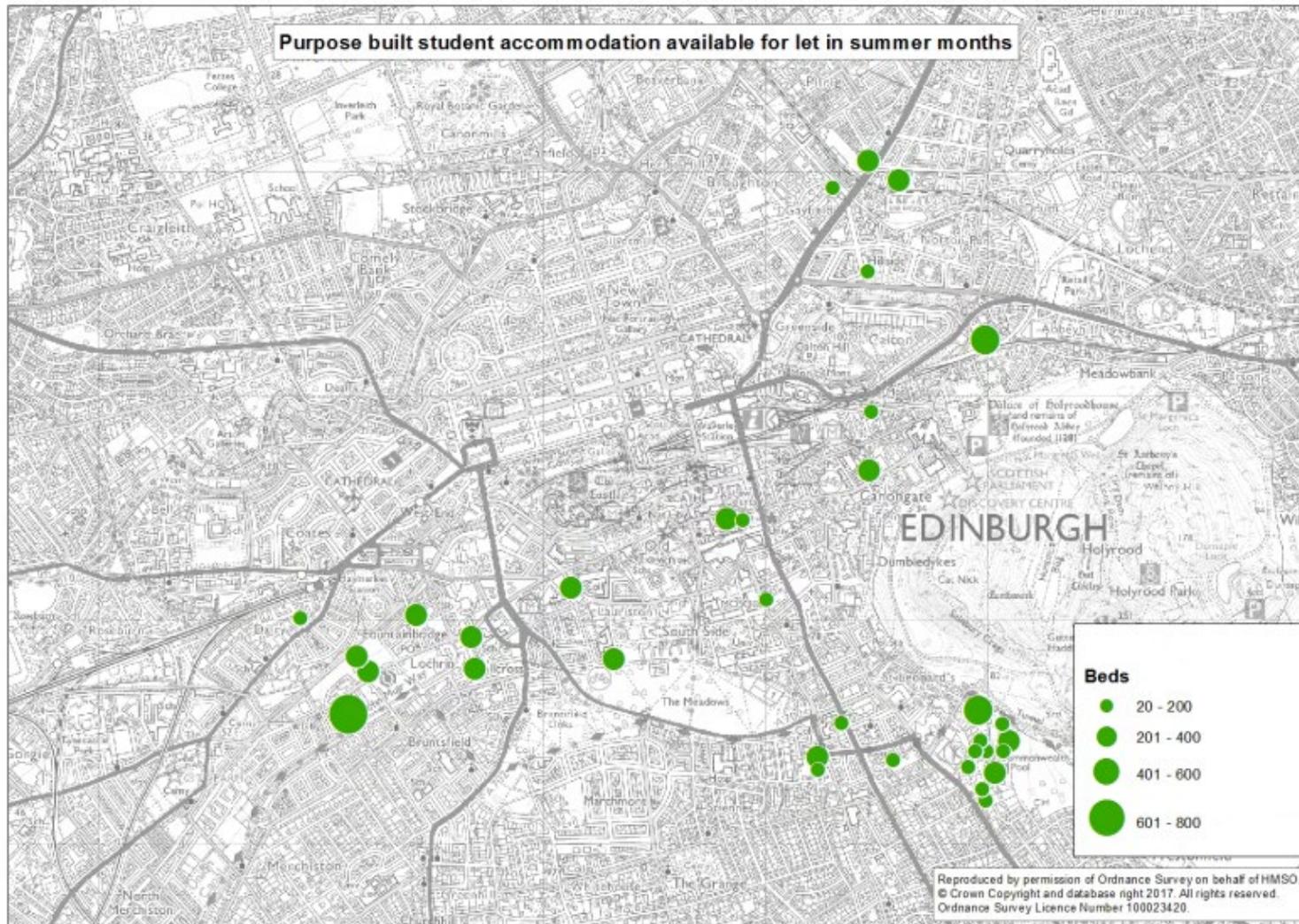
Type	No. of properties	No. of bedrooms/units
Hotels	167	13,180
Serviced Apartments	40	1,488
Hostels	15	457 (2,327)
Guest houses	200	1,300
Total	422	15,968

Source: AM:PM/VisitScotland Extracted from Edinburgh Visitor Accommodation Sector Commercial Needs Study, Ryden, January 2019

- 6.2 These other forms of commercial visitor accommodation are subject to planning regulation and where development or change of use occur these require planning permission. A requirement for planning permission would bring STLs in line with this requirement.
- 6.3 The study identified that supply growth over the last 10-15 years has been primarily driven by the hotel sector (although there have been a number of new serviced apartments which have opened in the last three years), with a 3.3% annual average growth in hotel bedroom supply (net, including closures). In particular, there has been significant growth in budget hotel stock in the city which has made up 78% of all new hotel bedrooms opened between 2012 and 2018.

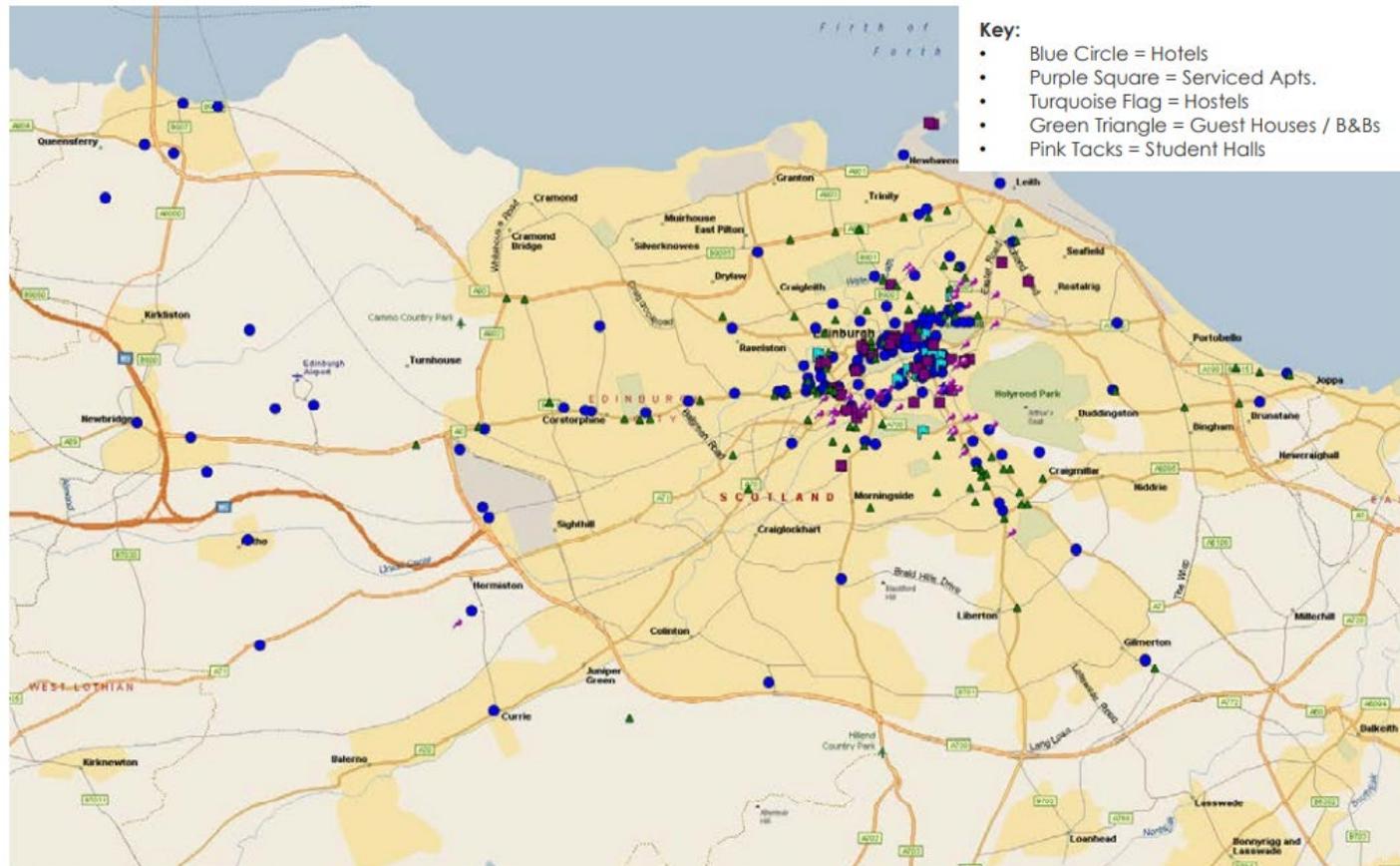
- 6.4 Serviced apartments (which includes apart-hotels) are defined as properties offering a hotel-like room but typically with larger than average or multiple bedrooms, including additional working and kitchen amenities (AM:PM Hotels Database). 40 serviced apartments were identified within Edinburgh providing 1,488 units.
- 6.5 There have been a number of recent serviced apartment openings in the last two years, reflecting the growth in the apart-hotel concept, appealing to shorter stay visits, including:
- The Edinburgh Grand (2018, 50 bedrooms);
 - Mode Apart-hotel (2018, 82 bedrooms);
 - Eden Locke (2017, 72 bedrooms);
- 6.6 The study identified seven pipeline serviced apartment schemes in Edinburgh at 2019, representing an increase of 520 bedrooms. VisitScotland lists over 394 self-catering properties (although there is some cross-over with serviced apartments) and four holiday / touring parks.
- 6.7 Out with term time student accommodation can provide short-term accommodation suited to visitors. There were 37 student halls identified by the study in Edinburgh, 35 of which are available to rent during summer (nine are exclusively let during the festivals in August). These provide self-catering managed accommodation within purpose built units and the location of these are shown in Map 6. The use of these student residences in summer equates to 35 buildings and provides a combined number of 8,479 beds.

Map 6 - Student accommodation available for rent in summer



6.8 Map 7 below shows the distribution of visitor accommodation in Edinburgh. Visitor accommodation is concentrated in the city centre, with a considerable spread across the city.

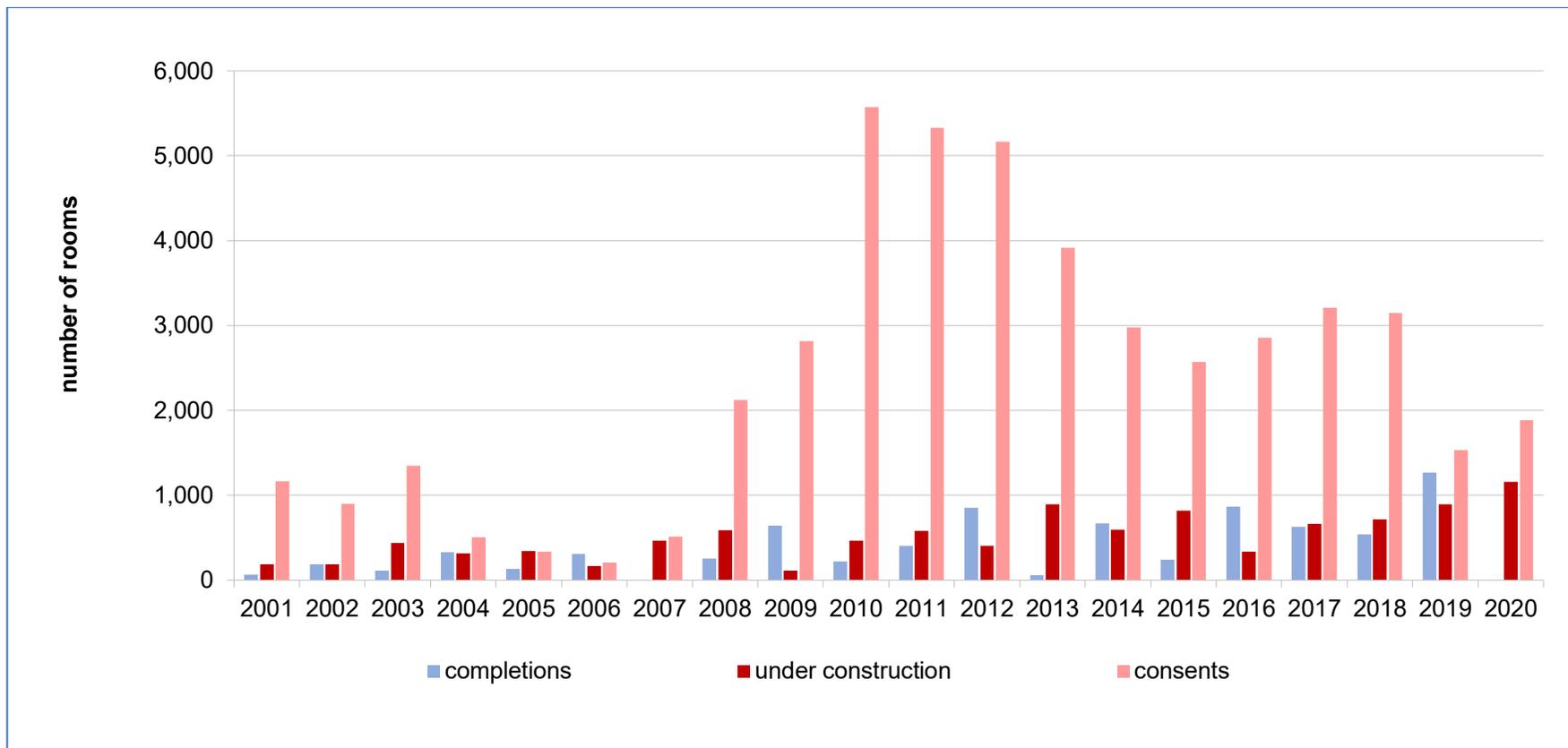
Map 7-Distribution of Visitor Accommodation Supply in Edinburgh 2019



Source: GVA / Microsoft MapPoint. Extracted from Edinburgh Visitor Accommodation Sector Commercial Needs Study, January 2019, Ryden

- 6.9 The study reported that future demand prospects for the visitor accommodation sector to 2030 appear positive due to a number of key factors, including several large regeneration projects (e.g. Edinburgh St James), the forecast growth of passenger numbers at Edinburgh Airport (projected to double by 2030) and the continuing strength of the city's business, conference and tourism sectors. This is matched by strong demand from brands, operators and developers in the visitor accommodation sector for new and / or additional supply in Edinburgh. A survey carried out as part of the study, with some of the leaders in the sector, highlighted overwhelming interest in such opportunities.
- 6.10 The Edinburgh Local Development Plan, November 2016 supports hotel development in the city centre, Edinburgh Airport, Royal Highland Centre and the International Business Gateway and other locations within the urban area with good public transport access to the city centre. The Proposed City Plan 2030 supports new hotel provision in local, town, commercial centres and other locations with good public transport access throughout Edinburgh.
- 6.11 Since 2012, 24 hotels have opened in Edinburgh, adding 3,139 bedrooms to the market; a 23.8% increase in supply. Figure 12 below shows the status of hotel developments since 2001.

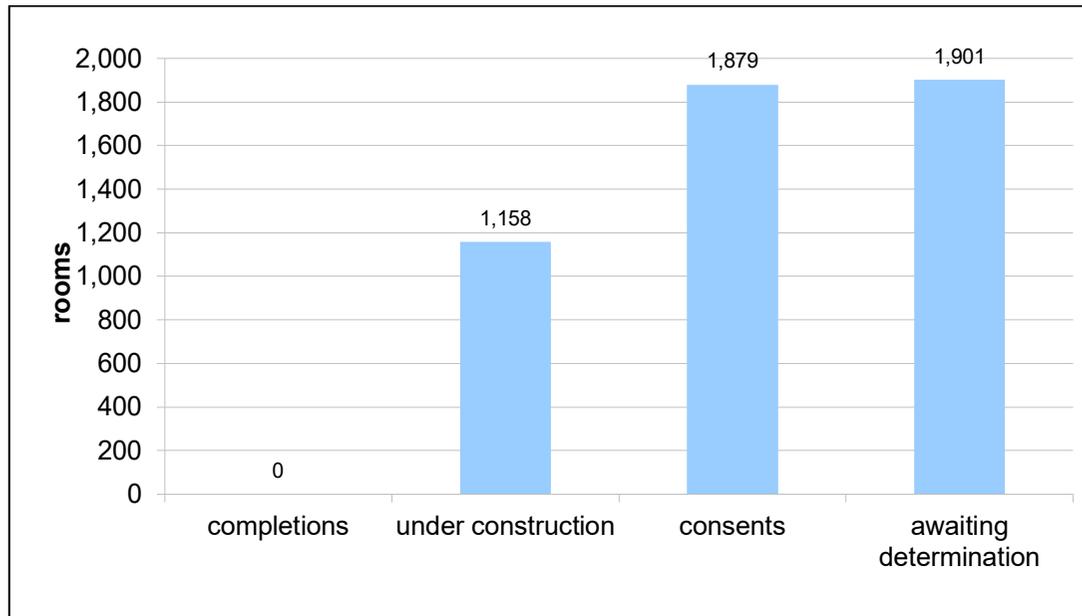
Figure 12- Hotel Development 2001-2020



Source: Hotel Development Schedule 2020, CEC

6.12 Hotel stock is expected to continue to increase. There were 4,938 bedrooms identified in the planning pipeline (under construction, with consent or awaiting determination) at 2020. As shown in Figure 13 below, 1,158 rooms were under construction in 2020 and consent had been granted for another 1,879. Of these, 1,259 were new build, 471 were change of use and 149 were extensions. There were also 1,901 rooms still awaiting determination.

Figure 13- Hotel developments in Edinburgh 2020



Source: Hotel Development Schedule 2020, CEC

6.13 The effect of the control area is to require planning permission to use an entire dwelling that is not a principle home for a short-term let. It does not apply to home sharing or home letting. Current planning policy is set out in the Edinburgh Local Development Plan (LDP) Policy Hou 7 – Inappropriate Uses in Residential Areas. This policy prohibits change of use which would have a materially detrimental effect on the living conditions of nearby residents. Planning applications for secondary letting will be determined against this policy and other material considerations. Current non-statutory guidance, Guidance

for Businesses, November 2021 states that planning permission will not normally be granted for flatted properties, where the potential adverse impact on residential amenity is greatest and will generally only be acceptable where there is a private access from the street.

- 6.14 The designation of a short-term let control area, therefore does not mean a blanket ban on such uses: each case will have to be assessed on its own merits.
- 6.15 Current planning policy allows consideration of the appropriateness of short-term letting within a residential context. Where this is appropriate it allows for STLs. In 2021 there were 25 applications for planning permission for STLs determined. 15 of these were granted. These are detailed in Figure 14 below.

Figure 14-Short-term let applications 2021

Application Number	Address	Decision	No. of objections
21/04512/FUL	1B Fingal Place	Refuse	4
21/04825/FUL	19 Kings Stable Lane	Grant	1
21/04319/FUL	30 Castle street	Grant	0
21/03890/FUL	13 Dewar Place Lane	Grant	0
21/04098/FUL	555 Gorgie Road	Grant	1
21/03508/FUL	7A Jamaica Street South Lane	Refuse	1
21/02664/FUL	Drylaw House	Grant	4
21/03226/FUL	3B Dundas street	Grant	1
21/03509/FUL	3B Jamaica Street South Lane	Refuse	0
20/05581/FUL	2-4 Abbey Mount	Grant	0
21/02351/FUL	68b Grassmarket	Refuse	287 (280 support)
21/02525/FUL	8 Shandwick Place	Grant	0
21/02615/FUL	41 Barony Street	Grant	16
21/01591/FUL	48 Howe street	Grant	2
21/01109/FUL	3 Albert street	Refuse	1
21/01108/FUL	5 Albert street	Refuse	3
21/00750/FUL	33 Queensferry street	withdrawn	5
19/06157/FUL	41/43 Lanark Road	Grant	3
21/00878/FUL	13 Sciennes	Grant	1
21/00869/FUL	8 Shandwick Place	Refused	0
20/05425/FUL	37A London street	Refused	12
20/05421/FUL	39 London street	Refused	11
20/01505/FUL	45 Grove street	Grant	33
20/04531/FUL	Mid Kinleith	Grant	0
20/03051/FUL	18 Torphichen street	Grant	2

* In the case of 8 Shandwick Place, the Committee refused a mix of 1 flat and 2 short stay lets but subsequently granted 3 short-stay lets

- 6.16 Purpose built tourist accommodation in the form of hotels, hostels, apart hotels, guest houses and bed and breakfasts is readily available throughout the city. Along with student halls, which provide visitor accommodation at key times of the year, this accommodation meets the vast majority of tourism needs while balancing impacts on neighbourhoods. There are currently properties with consent to operate as short-term lets and properties where the use as a short-term let can be demonstrated to have been ongoing for a period of 10 years, thereby establishing the use as lawful. Along with the opportunity to apply for planning permission this means that there will continue to be short-term lets within Edinburgh providing choice of visitor accommodation.

Background reports

- [Report to Planning Committee, 2 March 2017 Short Stay Commercial Visitor Accommodation](#)
- [Report to Corporate Policy and Strategy Committee, 7 August 2018, Short-term Letting in Edinburgh](#)
- [Report to Planning Committee, 2 September 2020, Short-term Letting in Edinburgh](#)
- [Report to Corporate Policy and Strategy Committee, 14 May 2019 Short Term Letting in Edinburgh Update](#)
- SESPlan [Housing Need and Demand Assessment 2](#)
- [Edinburgh Visitor Accommodation Sector Commercial Needs Study, Ryden, January 2019](#)
- [Hotel Development Schedule 2019, CEC](#)
- [Research into the impact of short-term lets on communities across Scotland, Scottish Government, October 2019](#)

Appendix 1

Short-term Let Appeals

2021/2022 (Q1 and Q2 ONLY)
ENA-230-2191, 5A Leopold Place, Edinburgh, EH7 5JW, (appeal dismissed 23/04/2021)
2020/2021
ENA-230-2186, 1F2, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)
ENA-230-2187, 2F1, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)
ENA-230-2188, 3F1, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)
ENA-230-2185, 2F2, 68B Grassmarket, Edinburgh, EH1 2JR (appeal dismissed 11/01/2021)
ENA-230-2184, Flat 8, 33 Ocean Drive, Edinburgh, EH6 6JL (appeal dismissed 10/08/2020)
ENA-230-2182 Flat 1, 9 Elsie Inglis Way, Edinburgh, EH7 5FQ (appeal dismissed 03/09/2020)
ENA-230-2177, 1F1 Drumdryan Street, Edinburgh, EH3 9LA (appeal dismissed 03/06/2020)
ENA 230-2190, 24 Craiglockhart Avenue, EH14 1HX (appeal dismissed 20/05/2020)
8 Appeals
2019/2020
ENA 230-2179 Flat 5, 46 North Castle Street, Edinburgh, EH2 3BN (appeal dismissed 26/03/2020)
ENA-230-2175 Flat 5, 10 Western Harbour Midway, Edinburgh, EH6 6PT (appeal dismissed 12/03/2020)
ENA-230-2174 1F4, 17 Dalgety Street, Edinburgh, EH7 5UN (appeal dismissed 03/03/2020)
ENA-230-2172 Flat 2, 11 Oxford Terrace, Edinburgh, EH4 1PX (appeal dismissed 21/02/2020)
ENA-230-2171 PF1, 65 Prince Regent Street, Edinburgh, EH6 4AP (appeal dismissed 13/02/2020)
ENA-230-2169 148/2 Albert Street, Edinburgh, EH7 5LT (appeal dismissed 22/01/2020)
ENA-230-2167 4F3, 22 Haymarket Terrace, Edinburgh, EH12 5JZ (appeal dismissed 21/01/2020)
ENA-230-2168 Flat 9, 6 Succoth Court, Edinburgh, EH12 6BY (appeal dismissed 16/01/2020)
ENA-230-2164 5/9 Castle Wynd South, Edinburgh, EH1 2JT (appeal dismissed 12/12/2019)

ENA-230-2162 1F1, 33 Milton Street, Edinburgh, EH8 8HB (appeal dismissed 04/12/2019)
ENA-230-2161 1F, 11 Royal Circus, Edinburgh, EH3 6TL (appeal allowed in part (more time allowed 15/11/2019)
ENA-230-2152 5/6 Castle Wynd South, Edinburgh, EH1 2JT (appeal dismissed 30/08/2019)
ENA-230-2156 3F2, 22 Haymarket Terrace, Edinburgh, EH12 5JZ (appeal dismissed 13/08/2019)
ENA-230-2157 3F3, 22 Haymarket Terrace, Edinburgh, EH12 5JZ (appeal dismissed 13/08/2019)
ENA-230-2147 Flat 14, 6 Pilrig Heights, Edinburgh, EH6 5BF (appeal dismissed 03/04/2019)
15 Appeals
2019/2020
ENA-230-2138 63/2 Bread Street, Edinburgh, EH3 9AH (appeal dismissed 28/11/2018)
ENA-230-2138 63/3 Bread Street, Edinburgh, EH3 9AH (appeal dismissed 26/11/2018)
ENA 230-2137 63/11 Bread Street, Edinburgh, EH3 PAH (appeal dismissed 26/11/2018)
ENA-230-2129 3F1, 14 Chancelot Terrace, Edinburgh, EH6 4SS (appeal dismissed 06/11/2018)
ENA 230-2142 2F2, 52 Morningside Road, Edinburgh, EH10 4QP (appeal dismissed 01/11/2018)
ENA 230-2130 Flat 15, 17 Ratcliffe Terrace, Edinburgh, EH9 1SU (appeal dismissed 29/08/2018)
6 Appeals

Planning Committee

2.00pm, Wednesday, 23 February 2022

Annual Review of Guidance

Executive/routine Wards Council Commitments	Routine All 1,4,10,11,12 and 15
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1. Recommendations

- 1.1 It is recommended that Planning Committee:
 - 1.1.1 Notes progress in consolidating and updating guidance for users of the planning service (Appendix 1); and
 - 1.1.2 Approves the programme for work in 2022 as set out in Section 4 of this report.

Paul Lawrence

Executive Director of Place

Contact: David Givan, Chief Planning Officer

E-mail: David.givan@edinburgh.gov.uk | Tel: 0131 529 3679

Annual Review of Guidance

2. Executive Summary

- 2.1 This report advises the Planning Committee of changes to planning guidance in 2021 and seeks approval for the programme for the coming year.

3. Background

- 3.1 The Council issues non-statutory guidance to help its customers interpret the statutory development plan.
- 3.2 There are five main guidelines focused on the main customer groups plus a small number of specialist topic guidelines.
- 3.3 The suite of guidance continues to be kept under review to ensure that it is up-to-date and reflects the Council's objectives and practice.
- 3.4 In March 2018, following a successful trial, the Planning Committee agreed a streamlined process for the preparation and review of non-statutory guidance.
- 3.5 Current non-statutory guidance can be viewed [online](#) under the planning and building page. Statutory Supplementary Guidance (SG) can also be viewed [online](#) along with the Local Development Plan (LDP) pages.

4. Main report

Drivers for Change

- 4.1 The main factors which can indicate a need to consider changes to guidance are as follows:
- 4.1.1 Changes in national or development plan policy and guidance (including Scottish Planning Policy, the emerging National Planning Framework 4, and the preparation of City Plan 2030);
- 4.1.2 Change in the city (including economic, social, environmental and physical changes);
- 4.1.3 Changes in corporate or community planning policy;

- 4.1.4 Findings from monitoring the use of existing guidance and policy, including appeal decisions;
 - 4.1.5 The opportunities presented by organisational change; and
 - 4.1.6 The service's improvement plan and charter.
- 4.2 Appendix 1 shows the current status of the Development Plan, statutory and non-statutory guidance. It also sets out scheduled reviews and updates which are to be undertaken during 2022.

Summary of Progress on Changes to Guidance since February 2021 and Programme for 2022

- 4.3 The effects of the Covid-19 pandemic lockdowns, record volumes of planning applications and temporary staffing issues all had an impact on the guidance updates which had been planned for 2021. These included preparation of new guidance on Developer Contributions and Infrastructure Delivery, and a full review of the non-statutory Guidance for Householders.
- 4.4 Guidance work which was progressed in 2021 included:
- 4.4.1 Implementation of minor changes approved by Planning Committee in February 2021 (see Appendix 1); and
 - 4.4.2 Updates to the Affordable Housing guidance's Practice Note, reported in [May 2021](#).
- 4.5 In 2022 it is intended to:
- 4.5.1 Progress a new, non-statutory guideline on Developer Contributions and Infrastructure Delivery. This is the subject of a separate report to this committee;
 - 4.5.2 Progress a review of the Guidance for Householders;
 - 4.5.3 Potentially update or prepare other guidance as a result of the emerging City Plan 2030, such as guidelines relating to the issues of student housing, affordable housing and short term lets;
 - 4.5.4 Progress a review of the open space strategy, taking account of relevant emerging regulations; and
 - 4.5.5 Start the preparation of a forestry and woodland strategy, as required by the Planning (Scotland) Act 2019.
- 4.6 Non-statutory guidance will also continue to be monitored throughout the year as a result of changes at national level resulting from the Planning (Scotland) Act 2019. Significantly, these changes include National Planning Framework 4 which will become part of the development plan. Guidance may be updated as a result of this.
- 4.7 Appeal decisions and customer feedback will also continue to be used to inform future updates.

5. Next Steps

- 5.1 The Council's set of planning guidance will be reviewed as described.

6. Financial impact

- 6.1 There are no financial impacts arising from this report.

7. Stakeholder/Community Impact

- 7.1 Consultation responses are taken into account when full reviews of guidelines are undertaken. A summary of consultation responses are included when finalised guidelines are reported allowing the Planning Committee to see how consultation views have influenced the guidance.
- 7.2 Integrated Impact Assessment will be undertaken for individual guideline reviews as appropriate at the relevant time.

8. Background reading/external references

- 8.1 Annual Review of Guidance, Report to Planning Committee, [3 February 2021](#)
- 8.2 Annual Review of Guidance, Report to Planning Committee, [14 March 2018](#)
- 8.3 [Planning Guidelines.](#)
- 8.4 [Supplementary Guidance.](#)

9. Appendices

- 9.1 Appendix 1 – Status of Development Plan and Guidance.

Status of Development Plan and Guidance

Title	Status and Date	Comment
Current Development Plan		
Strategic Development Plan (Includes Housing Land Supplementary Guidance, 2014)	Approved June 2013	Proposed Strategic Development Plan 2 rejected May 2019.
Edinburgh Local Development Plan	Adopted November 2016	LDP is now over five years old.
Supplementary Guidance (adopted)		
City Centre Retail Core	Adopted 2020	
Tollcross Town Centre	Adopted 2017	
Corstorphine Town Centre		
Gorgie/Dalry Town Centre		
Leith/Leith Walk Town Centre		
Bruntsfield/Morningside Town Centre		
Nicolson St/Clerk St Town Centre		
Portobello Town Centre		
Stockbridge Town Centre		
Heat Opportunities Mapping	Adopted December 2018	
Other Development Plan		
City Plan 2030	Proposed City Plan 2030 was published in September 2021 The Main Issues Report (Choices for City Plan) consultation took place in 2020	More information is available at: www.edinburgh.gov.uk/cityplan2030
<i>Developer Contributions & Infrastructure Delivery</i>	<i>Finalised August 2018</i>	<i>Ministers directed not to adopt January 2020. Non-statutory successor material consideration to be prepared in 2022.</i>
Edinburgh BioQuarter & South East Wedge Parkland	Draft December 2013	
Non-statutory Guidance		
Main Guidelines		
Edinburgh Design Guidance	Updated January 2020	Design Guidance to be reviewed in light of NPF4 once adopted and City Plan to ensure it reflects policy.
Guidance for Householders	Updated February 2021	Wider review scheduled to proceed in 2022.
Guidance for Businesses	Updated February 2021	
Listed Buildings and Conservation Areas	Updated February 2021	
Development in the Countryside & Green Belt	Updated February 2021	
Student Housing*	Updated February 2021	
Affordable Housing*	Updated May 2021	
Other non-statutory guidance		
Outdoor Advertising and Sponsorship	February 2019	
Art in Public Places	February 2019	
Open Space Strategy	Approved 2016	Review to proceed in 2022, taking account of relevant emerging regulations published for consultation in December 2021.
Forestry and Woodland Strategy	N/A	New statutory document - preparation to start in 2022, aligned to review of Open Space Strategy.

Excludes non-statutory area guidance: development briefs, masterplans and Place Briefs.

Italics indicates that a document is referenced a separate report on the same agenda.

* Wider review to take place in parallel with City Plan 2030 project.

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Planning Committee

2.00pm, Wednesday, 23 February 2022

Edinburgh Urban Design Panel - Annual Review

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 Planning Committee is asked to:
 - 1.1.1 Note the findings of the Edinburgh Urban Design Panel's annual review;
 - 1.1.2 Record its appreciation of the voluntary contributions made by the Panel members to the design review process particularly in the context of the COVID-19 pandemic; and
 - 1.1.3 Agree the revised Remit, Function, Roles and Procedures of the Panel as set out in Appendix 3.

Paul Lawrence

Executive Director of Place

Contact: David Givan, Chief Planning Officer

E-mail: David.givan@edinburgh.gov.uk | Tel: 0131 529 3679

Edinburgh Urban Design Panel – Annual Review

2. Executive Summary

- 2.1 The Edinburgh Urban Design Panel contributes to the aim of raising the quality and sustainability of new development in the city.
- 2.2 The purpose of this report is to summarise the findings from the annual review of the Edinburgh Urban Design Panel's work. A series of recommendations and actions are proposed for Committee's approval.

3. Background

- 3.1 The Edinburgh Urban Design Panel was set up by Planning Committee as one of the recommendations from the then City Design Initiative. Its main aim is to provide constructive urban design advice and promote sustainable development at an early stage in the preparation of development proposals or planning strategy. The Panel's discussion with a developer's design team is summarised in a written report which is then used by both the planning authority and the applicant to guide the finalisation of proposals for submission as a planning application. Advice on planning strategy is used to inform the drafting of policies and guidance.
- 3.2 The Panel is made up of voluntary representatives from a range of member organisations agreed by Planning Committee (see Appendix 1). Membership was expanded in the past year to implement Committee's decision to include a representative from Scottish Natural Heritage (now NatureScot).
- 3.3 The wide range of skills and experience of the Panel members brings significant benefits in terms of the insight that can be offered on major and complex projects where a range of design issues will be raised.
- 3.4 The discussion at Panel meetings benefits from cross-disciplinary contributions and often provokes a developer's design team to reconsider aspects of their early proposals in a broader context. The presentation of proposals at the pre-application stage offers the greatest opportunity to influence design quality and to highlight issues likely to be raised by consultees on future planning applications.
- 3.5 Planning Committee established the Panel as an independent source of advice but wanted the process to be embedded within the development management process

in order to have greatest impact. For that reason, the Panel's meetings have always been chaired by a senior planning manager, acting in a facilitating role, and serviced by planning officers with design skills.

- 3.6 The Panel first met in March 2009 and has reviewed almost 230 development proposals over the past 13 years. There is a requirement that an annual review of effectiveness is reported to the Planning Committee annually, which is the purpose of this report.

4. Main report

- 4.1 The annual review of the Panel's work programme and operations was carried out in December 2021. The report of that meeting is attached in Appendix 2.
- 4.2 From May 2020, the Panel continued their business by meetings which were held through Skype and Microsoft Teams in response to the COVID-19 pandemic restrictions on meetings. This year's review reflected on this new way of working and Panel members were of the view that the virtual meetings were working well.
- 4.3 During 2021, the Panel carried out 10 reviews of emerging development proposals. The Panel considered that the range of development proposals, was representative of the development activity across the city. Panellists expressed an interest in providing more strategic advice with respect to the growth and densification of the city, city wide public realm projects and Place Briefs. This has been noted by the Panel secretariat with respect to the Panel's 2022 work programme.
- 4.4 Given the Panel offers independent advice, the Panel recognised an opportunity to reinforce this in their remit, function, roles and procedures, which are attached at Appendix 3 for approval.

5. Next Steps

- 5.1 The operational improvements and revised Remit, Function, Roles and Procedures of the Panel will be implemented following Committee approval.

6. Financial impact

- 6.1 There are no financial impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 In the preparation of this report, Panel members were consulted.

8. Background reading/external references

- 8.1 www.edinburgh.gov.uk/planning-13/edinburgh-urban-design-panel

9. Appendices

- 9.1 Appendix 1 – List of Edinburgh Urban Design Panel Organisations (2022).
- 9.2 Appendix 2 – Edinburgh Urban Design Panel, Annual Review Report.
- 9.3 Appendix 3 – The Edinburgh Urban Design Panel, Remit, Function, Roles and Procedures.

Appendix 1 - List of Edinburgh Urban Design Panel Organisations (2021)

Core membership:

Cockburn Association;
Edinburgh Architectural Association;
Edinburgh School of Architecture and Landscape Architecture, University of Edinburgh;
Historic Environment Scotland;
Landscape Institute Scotland;
NatureScot;
Police Scotland;
Royal Town Planning Institute Scotland;
School of Energy, Geoscience, Infrastructure and Society, Heriot Watt University;
Transport Research Institute, Edinburgh Napier University

As required (for development proposals in or significantly impacting on the Old and New Towns of Edinburgh World Heritage Site):

Edinburgh World Heritage.

EDINBURGH URBAN DESIGN PANEL		REPORT of MS TEAMS meeting held on 15 December 2021	
2021 Annual Review			
Attendees			
David Givan	Chair – City of Edinburgh Council	Emily Peel Yates	Landscape Institute Scotland
Terry Levinthal	The Cockburn Association	Charles Strang	EAA
Steven Robb	Historic Environment Scotland	Ben Ranger	EAA
Kirsty Towler	RTPI Scotland	Prof. Sole Garcia Ferrari	ESALA
PC Samantha Campbell	Police Scotland	Frazer McNaughton	Nature.scot
Grigorios Fountas	Edinburgh Napier University		
Dr Harry Smith	Heriot Watt University	Una Lee, Secretariat	City of Edinburgh Council
Sam Thomas	Landscape Institute Scotland	Susan Horner, Secretariat	City of Edinburgh Council
Apologies			
Christina Sinclair		EWHT	

Summary

This report summarises the discussion, recommendations and actions from the Edinburgh Urban Design Panel's Annual Review of 2021. The Panel has continued to carry out reviews as defined within the remit, functions, roles and procedures of the Panel across the city. It should be noted that in response to the COVID19 pandemic the Panel continued to operate within its Remit, Function, Roles and Procedures with the operation adapted to suit the virtual platform.

The Chair thanked the Panel members for their support and contributions during what has been a very challenging year for everyone.

Introduction

The Edinburgh Urban Design Panel was constituted by the Council's Planning Committee with a remit, functions, roles, and principles of conduct. The Panel met for the first time in March 2009 to undertake design reviews of major development proposals and planning policies of urban design significance to the City at pre-application stage.

It is part of the Panel's role to undertake a review of its effectiveness each year. Progress reports have been made to Planning Committee yearly since 2010. At its annual review, the Panel reflects on its work programme, organisational changes and opportunity for improvements.

Remit Function Roles and Procedures

The Edinburgh Urban Design Panel aims to promote sustainable development and raise the quality of the built environment within the City of Edinburgh Council area.

It was noted that given the Panel offers independent advice which is not bound by City of Edinburgh Council's planning policies, this should be made clearer in the Panel's remit, function, roles and procedures. For example, their advice with respect to sustainability often sits outwith/not aligned with the current planning policies.

Recommendation and actions:

Secretariat to recommend to Planning Committee that the Panel's Remit, Functions, Roles and Procedures be revised to 'provide independent advice with respect to promote sustainable

development and raise the quality of the built environment within the City of Edinburgh Council area'.

Virtual Panel Meetings

From May 2020, Panel meetings have been held virtually through Skype and Microsoft Teams in response to the COVID 19 pandemic with their operation adapted to suit the virtual platform as detailed in the Panel's Remit, Function, Roles and Procedures.

The Panel generally agreed that the support, administration and format of the meetings was working well. It was acknowledged that in the foreseeable future, meetings will continue in a virtual format.

Format of the meeting:

The Panel acknowledged that meetings in a virtual format generally take longer and that to return to pre pandemic numbers ie. two proposals a month, would generally not be possible as this would result in two separate meetings or if on the same day a break would have to be provided between reviews.

The Panel suggested there is scope to sometimes extend the meeting to accommodate a briefing/policy update or CPD which could be attended by different or additional Panel members, at the end of the meeting.

The Panel noted the importance of agreeing key priorities and reaching consensus on the advice during the meeting.

Presentations:

The Panel suggested that the presenters should be encouraged to keep to their allocated time and that both the planning officer and the presenter/designer briefed to ensure there is no duplication and that their presentations focus on the details of the design and not on other areas/subjects.

The Panel suggested that the presenters pro forma should be reviewed and strengthened, as it could be used more effectively to identify subject areas and information relevant to the Panel's remit.

Panel's Report/Advice:

The Panel suggested that the reports need to be stronger and more focused on the advice being provided the presenting team.

The Panel suggested that the reports headings/structure could be based on NPF4.

Recommendation and actions:

Secretariat to review the presenters pro forma and provide additional briefing to the presenters.

Secretariat to review the structure of the Panel's report.

2021 Work Programme

The Panel first met in March 2009 and has reviewed almost 230 development proposals over the past 13 years.

The Panel normally will carry out about 22 reviews in a year. However, this year as last year due to the COVID 19 pandemic the Panel carried out 10 reviews.

All of these reviews were of development proposals within the city, all of which have resulted or are expected to result in planning applications.

The Panel considered that the range of development proposals reviewed was representative of the development activity across the city.

The Panel welcomed more opportunities to review policies, guidance and strategies with a view to influencing wider policy issues within the city, focussed on placemaking, wellbeing, densification, public realm and Climate Emergency. In particular, the Panel expressed an interest in providing advice at a strategic level for the place briefs which form part of the City Plan 2030.

Recommendations and actions:

Secretariat noted the above with respect to the Panel's 2021 work programme.

Other Panels in Scotland and A&DS

Last year a meeting was convened and chaired by The City of Edinburgh Council to provide a platform for local authorities within Scotland, to share their knowledge and procedures with respect to virtual design panels. An action from last year's review was for this meeting to be convened on a yearly basis and learning points reported to the Panel. This meeting has not taken place this year but will be scheduled for early in the new year.

Recommendation and actions:

Secretariat to convene and chair a meeting with Scottish Local Authority Panel officers early in the new year.

Planning Committee Tour

The Chair noted that next year's Planning Committee Tour would probably be carried out in a virtual format. The Panel noted this was an opportunity to consider how the Panels advice has been used.

Recommendation and actions:

Secretariat noted the above.

Any Other Business:

Feedback:

The Panel suggested that a presenter's survey should be carried out.

Use of the Panels Advice:

The Panel noted the value of understanding how the panels advice is used by the presenters and officers in developing proposals. It was suggested that this could best be illustrated through case studies.

It was also noted by the Chair that reference to the Panel's report in the report of handing is currently being reviewed and that the Panel would be advised with developments on this.

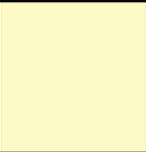
Post Meeting Note:

The Panel requested that Conservation Boundaries be discussed.

Recommendation and actions:

Secretariat noted the above actions.

The Edinburgh Urban Design Panel
Remit, Functions, Roles and Procedures



About the Edinburgh Urban Design Panel



The Edinburgh Urban Design Panel was conceived as part of the City of Edinburgh Council's Design Initiative. It is one of a range of measures which are aimed at raising the quality of the built environment in Edinburgh and prioritising sustainable development in their **independent** design advice. It is an important ingredient in the pre-application process for major development proposals in the city.

Why have design reviews?

A high quality of urban design is a key objective for the Planning process. Design review also recognises design is a complex matter which can benefit from informed advice at an early stage.

What are the aims of Edinburgh's Panel?

To contribute constructive advice which can be used by design teams, planners and developers to develop proposals in a positive way, to impart advice on relevant Council policy and guidance and to provide a focus for projects significant to the city.

Who are the Panel members?

The members are drawn from a range of organisations with particular expertise to offer to the design review process. See the stakeholders and contacts page for full details.

Introduction

This report relates to the development of the former Highgate Technology Site, East Lothian.

This is the first time that the proposals have been reviewed by the Panel.

No declarations of interest were made by any panel members in relation to the scheme.

This report should be read in conjunction with the pre-meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.

Andrew Trigger provided an overview of the planning considerations as noted in the Planning Issues Paper.

Robert Evans and Jeremy Scott presented the proposal. Refer to the pre-meeting presentation papers.

A PAN notice has been lodged and two community consultation events have taken place. It is envisaged that a PPP Application will be lodged at the end of February 2011.

This report is the view of the Panel and is not attributable to any one individual. The Panel does not prejudice any of the organisations who are represented at the panel in relation to the proposals at a later stage.



How does the Panel operate?

The Panel is chaired by a Senior Planning Manager of the Council, with a role to decide on projects to be presented and to facilitate discussion during meetings at the City Chambers or in the virtual format. After introduction from the relevant Planning Officer the developer's project team gives a short presentation of their proposals and then answers a series of questions from the Panel members who, with the project team present, then identify key issues for comment, the aim being to reach a group consensus. A design review report is drafted and circulated to Panel members for validation before being issued to the project team within two weeks of the meeting. The report and presentation material are not made public until a planning



application for the project is received. From May 2020 the Panel continued its business by meetings which were held through SKYPE and Microsoft Teams in response to the COVID-19 pandemic restrictions on meetings. A blended approach is proposed to continue post pandemic.

What impact will the Panel have?

The Planning system has changed, placing greater emphasis on addressing issues earlier in the process. The Panel is a component of this change, contributing to improved transparency, inclusive engagement and shared exploration of design issues with key consultees.



How many reviews has the Panel carried out?

The Panel reviews around 20 development proposals per year. Additionally, it contributes advice at an early stage in the formulation and review of planning policy and guidance.

How often does it meet?

Meetings are held monthly usually on the last Wednesday of the month in the City Chambers or as a virtual meeting.

Timescales for individual reviews may vary depending on the scale and complexity of the proposals considered, however, typically 1 hour is allowed per review.

Remit, Functions and Roles

Remit

The Edinburgh Urban Design Panel aims to promote sustainable development and raise the quality of the built environment within the City of Edinburgh Council area. In achieving this aim, the Panel will:

- 1 provide constructive and timely advice which can be used by design teams, planners and, or developers to develop their proposals in a positive way which is focused on promoting sustainable development and raising the quality of the built environment;
- 2 provide advice which is well reasoned and aims to be objective;
- 3 provide design advice on development proposals of a significant or complex nature and council policy and guidance with design significance;
- 4 provide design advice on projects which would set new standards;
- 5 provide design advice on building types which, if repeated, would have a cumulative impact;
- 6 usually, not review proposals that are to be engaged with via Architecture and Design Scotland's Design Forum service.

Functions

The Edinburgh Urban Design Panel will:

- 7 be provided with formatted information in advance of any meeting of the Panel to allow a full understanding of the sustainability and design issues raised by their proposals;
- 8 at the Panel meeting, be presented with the sustainability strategy and design aspects of proposals in a concise and comprehensive manner possible;
- 9 seek to reach consensus on the advice to be provided and explain the rationale for this;
- 10 agree key priorities and provide written advice which summarises the discussion held at the Panel meeting;
- 11 allow advice to be viewed by the public once a planning application has been made.

Roles

The Edinburgh Urban Design Panel members will:

- 12 provide advice which draws on their professional knowledge and / or experience;
- 13 advise their respective organisations of the Panel's views;
- 14 adhere to the principles of conduct for the Edinburgh Urban Design Panel;
- 15 expect honesty and openness from all presenters to the Panel;
- 16 expect an undertaking from presenters to consider, reflect and take into account the advice provided in the development of the design;
- 17 on a yearly basis, take part in a review of the effectiveness of the Panel and make any changes as necessary in light of this;
- 18 provide representation to the the yearly A+DS Local Authority Design Review Panel meetings.

Procedures for the Panel's membership organisations

The panel members will:

- provide constructive advice which can be used by architects, planners and, or developers to develop their proposals in a positive way;
- provide advice which is well reasoned and which aims to be objective;
- provide advice which draws on their professional competence and / or experience
- seek to reach consensus on the advice to be provided and explain the rationale for this;
- ensure they are available to comment on or approve the design review report.
- allow advice to be viewed by the public once a planning application has been made;
- as Panel members advise their respective organisations of the Panel's views;
- adhere to the Principles of Conduct for the Edinburgh Urban Design Panel.

Core members



NatureScot will:

- ensure that 1 member of their professional staff can attend each Panel meeting;
- ensure their representative will provide advice which could reasonably be expected to be reflective of the views of NatureScot with respect to landscape context and the global 'climate emergency'.



The Cockburn Association will:

- ensure that 1 member of their professional staff or board can attend each Panel meeting;
- ensure their representative will provide advice which could reasonably be expected to be reflective of the views of the Cockburn Association albeit without prejudice to any later view of the Cockburn Association.



The Edinburgh Architectural Association will:

- establish a small pool of their members from which panel members can be drawn and ensure that 3 of their members can attend each Panel meeting;
- refresh approximately a third of this pool on a yearly basis to ensure that there is a degree of continuity which is balanced by new voices being brought to the panel;
- ensure that panel members are well respected within their profession, have a track record in achieving high quality design and are able to communicate effectively and objectively their view on design matters.



The Edinburgh School of Architecture and Landscape Architecture will:

- ensure that 1 member of their academic staff can attend each Panel meeting;
- use academic experience and knowledge to contribute effectively on design matters;
- while ensuring confidentiality, use general findings of reviews in teaching.



The Landscape Institute Scotland will:

- establish a small pool of their members from which panel members can be drawn and ensure that 1 of their members can attend each Panel meeting;
- refresh approximately a third of this pool on a yearly basis to ensure that there is a degree of continuity which is balanced by new voices being brought to the Panel;
- ensure that Panel members are well respected within their profession, have a track record in achieving high quality design and are able to communicate effectively and objectively their view on design matters.

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

Historic Environment Scotland will:

- ensure that 1 member of their professional staff can attend each Panel meeting;
- ensure their representative will provide advice which could reasonably be expected to be reflective of the views of Historic Scotland albeit without prejudice to any later view of Historic Scotland;
- provide advice about any relevant matters relating to the historic environment affected by development.



Police Scotland will:

- ensure that 1 member of their Police liaison service can attend each Panel meeting;
- ensure their representative will provide advice which could reasonably be expected to be reflective of the views of Police Scotland albeit without prejudice to any later view of Lothian and Borders Police;
- provide advice about any relevant matters relating to building security affected by the urban design of the development;



The RTPI in Scotland will:

- establish a small pool of their members from which a Panel member can be drawn and ensure that 1 of their members can attend each Panel meeting;
- ensure that Panel members are well respected within their profession, have a track record in achieving high quality design and are able to communicate effectively and objectively their view on design matters.



The School of Energy, Geoscience, Infrastructure and Society, Heriot Watt University will:

- ensure that 1 member of their academic staff can attend each Panel meeting;
- use academic experience and knowledge to contribute effectively on design matters;
- while ensuring confidentiality, use general findings of reviews in teaching.



The Transport Research Institute at Napier University will:

- ensure that 1 member of their academic staff can attend each Panel meeting;
- use academic experience and knowledge to contribute effectively on design matters;
- while ensuring confidentiality, use general findings of reviews in teaching.

Supplementary members:



Edinburgh World Heritage will:

- attend meetings where projects to be reviewed are in the World Heritage Site or are likely to have a significant upon it
- ensure that 1 member of their professional staff can attend such Panel meetings;
- ensure their representative will provide advice which could reasonably be expected to be reflective of the views of Edinburgh World Heritage albeit without prejudice to any later view of Edinburgh World Heritage.

Procedures for Council Officials

The chair will:

- be a Senior Planning Manager from the Council.
- provide a facilitatory role to focus the Panel's discussion upon providing advice upon the proposals being reviewed;
- decide on the proposals to be reviewed;
- invite architects, planners and developers to present revised proposals if a subsequent review is considered likely to make a significant contribution to raising the quality of the proposals;
- advise presenters to ensure that they are providing relevant information for review;
- broadly set out the themes raised in the discussion and indicate the extent to which it is considered action is required;
- arrange external contacts with organisations, including the media;
- provide feedback on how projects have developed since being reviewed by the Panel.

The secretariat will:

- be a staff member of the Council's Planning service;
- arrange the Panel's meeting places and times;
- liaise with architects, planners and developers to establish the type of information that should be provided prior to the panel meeting and for the panel meeting;

- request presenters to provide issues papers on their proposals 8 days in advance of the panel meeting to ensure that this information can be issued to Panel members one week in advance;
- ensure a short summary of the planning issues surrounding the proposals if necessary is provided;
- prepare and issue a draft Panel report 3 working days after the Panel meeting to ensure that agreement can be reached upon it within 2 weeks of the Panel's meeting;
- Include in the written advice any declarations of interest that have been made and any decisions relating to such declarations;
- amend the draft report to reflect any additional comments made by Panel members;
- advise the chair on matters of remit, functions, roles and procedures;
- on behalf of the Panel, issue the formal advice of the panel to the architects, developers and planners;
- ensure the Panel's website is kept up to date.
- liaise with A+DS service to agree projects that will be engaged with via the Design Forum service.

Planning officials should:

- ensure architects, developers and consultant planners are made aware of the potential for their project to be reviewed;

- provide a pre meeting paper which sets out the planning context for the proposal being considered. This should highlight in particular any relevant design policies or issues, particularly where the proposal may be contrary to any policy;
- ensure that this is provided no later than 8 days in advance of the meeting;
- provide a concise presentation on the planning issues and note that this should normally last for no more than 5 minutes;
- remain for the duration of the Panel's discussion to hear the views expressed;
- encourage the design team to consider, reflect and take into account the advice provided in the development of the design;
- ensure that the Panel's report is added to the public record of the planning application;
- Set out how the Panel's comments have been addressed in any relevant planning report.

Procedures for presenters

To ensure that Panel members have a full understanding of the sustainability strategy and design issues raised by their proposals, architects, consultant planners and developers should:

- provide a concise presentation in a digital format which focuses on the rationale for the development, including its design concept and sustainability strategy. This should be set out in accordance with the pro forma and be around **10 minutes**;
 - provide a summary of the project information including, names of clients, consultants, key players and consultees, estimated project cost and procurement method, and size of site;
 - ensure that this visual and written information is provided no later than 8 days in advance of the meeting;
 - ensure / encourage their clients to attend Panel reviews;
 - remain for the duration of the Panel's discussion to hear the views expressed;
 - consider, reflect and take into account the advice provided in the development of the design;
- provide a statement with the planning application on how the advice provided by the Panel has been addressed.

Virtual Meetings

When the Panel holds a virtual meeting, the following procedures will apply:

Meetings

Meetings will be held virtually through Microsoft TEAMS.

Meetings will be held monthly and generally the last Wednesday of each month.

The timescale for an individual review will be around 1 hour however one and a half hours will be allocated to each meeting to accommodate the virtual process.

Microsoft TEAMS Connection

If a presenter's internet connection drops during the meeting, the review will continue without interruption. The Panel's report will be based on the information provided by all Panel members.

If a Panel member's connection drops during the meeting, the review will continue without interruption. The Panel member may email a brief summary of comments to the chair and secretariat, for including in the draft report. Comments must be supplied no later than 5.30 pm on the day of the meeting.

If the chair's connection drops, his/her role in facilitating the meeting will be performed by one

of the design officers. Similarly, if a planning case officer's connection drops, a design officer will fulfil his/her contribution to the meeting.

Report

A draft report will be circulated to the Panel for comment within two days of the meeting. The final report will be issued to the presenting team two weeks after the meeting.

The Chair

The meetings will be chaired by a senior planning manager of the council. The chair's role will be to facilitate and focus Panel discussion on providing advice on proposals under review.

Panel members

Organisations are asked to confirm attendees in advance, ideally no later than 10 days before the Panel meeting.

Presentation material will be emailed to attendees 8 days before the meeting. It is noted that given the current emergency Panel members will not be available to visit a site before a meeting.

To minimise potential shortcomings of the virtual meeting Panel members are asked to:

- Familiarise themselves thoroughly with presentation material in advance;

- Ensure that during the meeting, questions addressed to presenters are targeted and concise.

Panel members are asked to comment within a week of receiving the draft report to allow it to be finalised and issued to the presenters.

The secretariat

A council planning officer will prepare and circulate a draft Panel report within two working days of the meeting to ensure that agreement can be reached on the final version within two weeks.

Planning officials:

A council planning officer will provide a pre-meeting paper which sets out the planning context for the proposal being considered. This should highlight in particular any relevant design policies or issues, particularly where the proposal may be contrary to any policy. The paper should be provided no later than 8 days in advance of the Panel meeting.

At the meeting, the council planning case officer will provide a concise presentation on the planning issues, noting this should normally last no more than 5 minutes.

Procedure for presenters

The number of presenters at the Microsoft TEAMS meeting should be limited to a maximum of three.

To minimise potential shortcomings of the virtual meeting, presenters are asked to:

- Limit presentation time to five minutes, focused on communicating the rationale for the design concept and sustainability strategy (bearing in mind that the Panel will already be familiar with the presentation material).
- Respond concisely to Panel members' questions and comments.

To ensure that Panel members have a full understanding of the design issues raised by their proposals, architects, consultant planners and developers should:

- Provide a concise presentation in a digital format which focuses on the rationale for the design including its concept and sustainability strategy and be set out in accordance with the pro forma. Ensure that this visual and written information is provided no later than 8 days in advance of the meeting;

- Ensure / encourage their clients to take part in the Microsoft TEAMS meeting;
- Remain for the duration of the Panel's discussion to hear the views expressed.

Definitions

Locally Significant Development (A+DS category): This is development that would significantly change the character of large area of the city through its scale or because of the sensitivity of the environment upon which the change is proposed. Examples of this type of development would be for master plans for more than 500 dwellings and major developments within areas of great landscape value.

Locally Significant Development will not be reviewed by the Edinburgh Urban Design Panel but instead will be referred to Architecture and Design Scotland and their Design Forum service.

Significant Development: This is considered to be development which is significant because of its scale or location. For example a tenement infill in the city centre or on an arterial route may be considered major because of its prominence whereas a development of a similar scale in an industrial area may not. Significant development may also be that which involves a significant departure from the development plan / finalised plan or that which raises issues not adequately covered by the development plan / finalised plan. If the degree of public interest in a proposal is likely to be substantial, this would indicate that the proposal would be significant. Discretion will be used by the secretariat in selecting such proposals for review.

Complex Development: This is considered to be development which has complex issues surrounding it such sensitivity due to location or a complex programme of functional requirements, for example a school. Discretion will be used by the secretariat in selecting such proposals for review.

Projects which set new standards: These are considered to include projects which create a new typology of building or architecture or one which is unusual to the Edinburgh context. Discretion will be used by the secretariat in selecting such proposals for review.

Building types which, if repeated, would have a cumulative impact: These are considered to include projects which, individually may not have a significant impact on the quality of the built environment, however if large numbers of them are built could have a significant impact.

Planning Committee

2.00pm, Wednesday, 23 February 2022

Non-Statutory Guideline on Developer Contributions and Infrastructure Delivery – approval for preparation and consultation of draft guideline

Executive/routine	Executive
Wards	All
Council Commitments	1, 4, 6 10, 11 16, 17, 22, 26 28, 32 43

1. Recommendations

- 1.1 It is recommended that Committee agrees that new non-statutory guideline on developer contributions and infrastructure delivery be prepared, consulted on and reported for final approval as set out in paragraphs 4.5 to 4.9.

Paul Lawrence

Executive Director of Place

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Non-Statutory Guideline on Developer Contributions and Infrastructure Delivery – approval for preparation and consultation of draft guideline

2. Executive Summary

- 2.1 A new guideline is being prepared to address the need for guidance on how to interpret and implement Edinburgh Local Development Plan (LDP) policy Del 1: Developer Contributions and Infrastructure Delivery. The Committee is asked to agree that this is prepared, consulted on and reported back for final approval as set out in paragraphs 4.5 to 4.9.

3. Background

- 3.1 The LDP set out a requirement for the preparation of Supplementary Guidance on Developer Contributions and Infrastructure Delivery. A final draft was prepared and submitted to Scottish Ministers for approval in 2018 but it was not adopted as set out in 3.2 below. This report proposes that new non-statutory supplementary planning guideline is now prepared to assist with the continued implementation of the statutory development plan in relation to developer contributions.
- 3.2 LDP Policy Del 1: Developer Contributions and Infrastructure Delivery set out the requirement to prepare statutory Supplementary Guidance (SG) to support the LDP's implementation. The Council sought to progress such guidance to adoption, however in January 2020 the Scottish Government instructed the Council not to adopt its finalised SG. Reasons are given in a report to Planning Committee in [February 2020](#). As reported in the annual review of guidance on [3 February 2021](#) the preparation of new guidance was delayed due to the on-going impacts of the Covid-19 emergency.
- 3.3 The finalised SG from 2018 remains in use as a material consideration in determining planning applications and significant weight has been attached to it in appeals dealing with developer contributions. However, the guidance now needs to be updated to:
- 3.3.1 Reflect subsequent housing land audits and Action Programmes;
 - 3.3.2 Include updated costs;

- 3.3.3 Provide updated actions; and
- 3.3.4 Set out more clearly the evidence for the calculation of transport and education contributions.

4. Main report

General Principles

- 4.1 One of the aims of the LDP is to ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development.
- 4.2 LDP policy Del 1: Developer Contributions and Infrastructure Delivery requires development to:
 - 4.2.1 Contribute to the infrastructure provision, where relevant and necessary, to mitigate any negative additional impact (either on an individual or cumulative basis) commensurate to the scale of the proposed development; and
 - 4.2.2 Only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time.
- 4.3 To support the implementation of this policy, guidance is required. However, following the background described above and in light of the forthcoming removal of statutory supplementary guidance from the planning system following the Planning (Scotland) Act 2019, it is considered appropriate that non-statutory planning guideline is now prepared. This will provide guidance on how to implement LDP Policy Del 1, be a material consideration in the determination of planning applications and assist in the realisation of the aims of the LDP and delivery of its statutory action programme.
- 4.4 The consultation draft guideline will address the matters raised in the Ministerial Direction.
- 4.5 The new guideline will provide a robust basis for taking developer contributions, using the best available evidence base to demonstrate the levels of contributions sought fairly and reasonably relate in scale and kind to the proposed development, and reflect actual impacts of, and are proportionate to, the proposed development.

Education Infrastructure

- 4.6 In order to set out an evidence-based approach to contributions for education infrastructure, the guideline will:
 - 4.6.1 Use updated pupil generation rates;
 - 4.6.2 Provide reasonable thresholds for taking education contributions with 'per unit' rate(s), which account for units that are not expected to create a significant impact on education infrastructure;

- 4.6.3 Set contributions based on the latest education appraisal (currently the [City Plan 2030 Education Appraisal, September 2021](#)) using contributions zones for actions needed to address cumulative impacts; and
- 4.6.4 Use the actions and costs in the latest LDP Action Programme (December 2021).

Transport Infrastructure

- 4.7 The new guideline will:
 - 4.7.1 Set out evidence-based contribution zones for actions needed to address cumulative impacts, using information from relevant transport appraisals;
 - 4.7.2 Take account of the relative impacts of different developments within a zone; and
 - 4.7.3 Use the actions and costs in the latest LDP Action Programme (December 2021), and, as appropriate, the City Plan Proposed Action Programme (September 2021).

Other Infrastructure

- 4.8 Healthcare is not specifically listed in Section 1 of Policy Del 1 and therefore does not meet legislative requirements for it to be a matter dealt with in statutory SG. Addressing healthcare within non-statutory guideline will satisfy this concern and will:
 - 4.8.1 Establish the basis for taking healthcare actions, in accordance with LDP policy Hou 10: Community Facilities;
 - 4.8.2 Define the contribution zones; and
 - 4.8.3 Set out a formula for calculating contributions.
- 4.9 In addition, the consultation draft guideline will address:
 - 4.9.1 Relevant open space and public realm actions;
 - 4.9.2 Map the geographical extent for contributions zones that address cumulative impacts; and
 - 4.9.3 Provide clarity that developer contributions collected will be used for specified infrastructure delivery related to the proposal.
- 4.10 This guideline will provide the likely contribution levels for development in any given infrastructure contribution zone, however each application after submission will require an assessment as to if they are affected by any material consideration or change in circumstance.

5. Next Steps

- 5.1 Based on the approach set out in section 4 above, a draft guideline on developer contributions will be prepared, published and consulted on in Spring 2022. Following consideration of the consultation responses, a final guideline will be

reported to Planning Committee for approval allowing it to be in use by Autumn 2022.

6. Financial impact

6.1 There are direct financial impacts arising from the approval of this report.

Financial Risks

6.2 The Council is able to collect contributions towards infrastructure actions through Section 75 and other legal agreements. This covers the proportional cost of mitigating infrastructure related to the impact of development and in some instances the full infrastructure action also relates to addressing existing infrastructure need. Therefore, these powers may not always lead to full cost recovery from developers and there will still likely be an overall large funding requirement falling to the Council as a result of addressing the full infrastructure provision.

6.3 There is also risk both on the timing and achievement of developer contributions which could create a short-term or overall funding pressure. Delivery of infrastructure actions will cover the full period of the plan and the Council has developed a financial model to calculate a more accurate assessment of costs based on the timing of income and levels of expenditure. This is reported on to the Finance and Resources Committee following the approval of each Action Programme.

6.4 Financial impacts in relation to the Local Development Plan have been reported to Finance and Resources Committee in the Sustainable Capital Budget Strategy 2022-2032 report of 3 February 2022. That report notes that there have been no further changes to Developer Contributions assumed within the strategy, but the funding stream will be kept under review as the Wave 4 schools, Local Development Plan and subsequently City Plan infrastructure progress.

7. Stakeholder/Community Impact

7.1 While there is not a statutory requirement to consult during the preparation of non-statutory planning guidelines, it is good practice to do so especially where there will be significant implications from interested parties. A formal consultation process will take place on a complete draft guideline to allow interested parties, including communities, developers and landowners to comment and influence on the final draft.

7.2 Consultation responses will be taken into account and a summary of consultation responses will be included when the final draft guideline is reported allowing the Planning Committee to see how consultation views have influenced the guidance.

7.3 An Integrated Impact Assessment will be undertaken during its preparation and its findings will input into its drafting and reported with the final draft.

8. Background reading/external references

- 8.1 [Edinburgh Local Development Plan: Action Programme 2021 – adoption, 1 December 2021](#)
- 8.2 [City Plan 2030 – Approval of Proposed Plan for Statutory Representation Period, 29 September 2021](#)
- 8.3 [Annual Review of Guidance, Planning Committee, 3 February 2021.](#)
- 8.4 [Supplementary Guidance in Developer Contributions and Infrastructure Delivery – Update, 26 February 2020](#)
- 8.5 [Edinburgh Local Development Plan - Adoption, Full Council, 24 November 2016.](#)
- 8.6 [LDP West Edinburgh Transport Appraisal Refresh \(November 2016\).](#)
- 8.7 [LDP Transport Appraisal Addendum update \(November 2016\).](#)
- 8.8 [Report to Finances and Resources Committee of 3 February 2022 on Sustainable Capital Budget Strategy 2022-2032.](#)

9. Appendices

- 9.1 None.

Planning Committee

2.00pm, Wednesday, 23 February 2022

Scoping report considering opportunities to review current planning policies and guidance to assist in meeting the climate change emergency and net-zero carbon targets

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 It is recommended that the Planning Committee:
 - 1.1.1 Notes the content of this report; and
 - 1.1.2 Agrees that this report discharges the remit set by Planning Committee on 11 August 2021.

Paul Lawrence

Executive Director of Place

Contact: David Givan, Chief Planning Officer

E-mail: david.givan@edinburgh.gov.uk

Scoping report considering opportunities to review current planning policies and guidance to assist in meeting the climate change emergency and net-zero carbon targets

2. Executive Summary

- 2.1 This report responds to the Motion, and Amendment, approved by Planning Committee on [11 August 2021](#), instructing a scoping report be brought to February 2022 Planning Committee examining built environment and building fabric related issues to identify whether changes in the current policies and guidance is appropriate in order to address the climate change emergency and zero carbon commitment. The Motion and Amendment also requested an update to committee members on the advice and financial assistance that is available to citizens to undertake energy efficiency improvements, including to the windows in their homes.
- 2.2 This report advises the Planning Committee of the work undertaken to date by the Planning Service around sustainability and climate change, and explores future opportunities to review, amend and add to planning policies and guidance to work towards the City of Edinburgh Council's aspiration of being net-zero carbon by 2030.
- 2.3 The Council has long established planning policies and guidance that seek a cleaner, greener, more sustainable environment for our city.
- 2.4 It is recognised that further opportunities exist to meet the agenda of net-zero carbon, but this requires to be balanced against preserving and enhancing our built heritage and working alongside other regulatory regimes.
- 2.5 Implementing our policies and guidance also relies heavily on our stakeholders, developers and citizens recognising the role they have to play in addressing climate change.
- 2.6 The report also sets out financial assistance available for energy efficiency improvements.

3. Background

- 3.1 The Motion, and Amendment, approved by Planning Committee on 11 August 2021, requested that a scoping report be brought to Committee examining built environment and building fabric related issues, to identify whether changes in the current policies and guidance are appropriate in order to address the climate change emergency and zero carbon commitment.
- 3.2 Scotland's climate is already changing. Over the last century temperatures have increased, sea levels have risen, and rainfall patterns have changed, with increased seasonality and more heavy downpours. The experience of recent years has shown that climate change and extreme weather events have already impacted many aspects of the natural environment and society, including buildings and property, health, agriculture, forestry, transport, water resources and energy demand. These changes are projected to continue and intensify over the coming decades.
- 3.3 The Council's planning response to the climate change emergency and zero carbon agenda sits within a hierarchy of planning policy, guidance and best practice advice.
- 3.4 The Council produces, and helps shape, a wide range of plans, policies and frameworks at the national, regional, citywide and local level. Planning authorities have a statutory function and must operate within this legislative hierarchy. Decisions must be guided by policies in the development plan.

4. Main report

- 4.1 The Council as planning authority is acutely aware of the issues around climate change and has, for decades, been setting policy and preparing guidance to assist in creating more sustainable, accessible and greener places.
- 4.2 The Edinburgh Local Development Plan is more than five years old and is in the process of being replaced by [City Plan 2030](#).
- 4.3 The [National Planning Framework](#) (NPF) provides a statutory framework for Scotland's long-term spatial development and draft NPF4 is likely to be approved late summer 2022. NPF4 will become part of the development plan. It will inform the examination of City Plan 2030 later this year. The policies in City Plan 2030 support the Council's target for Edinburgh to become a more sustainable place and a net zero city by 2030.
- 4.4 To support City Plan 2030, Planning will be updating and adding to its guidance, providing detail on how to implement the policies to create more sustainable places. Some of this work will represent updates to existing guidance, and some will be new guidance, for example, in relation to green roofs and place briefs for brownfield sites. The development principles within place briefs are likely to include, among other things, objectives for, green/blue infrastructure, active travel, Sustainable Drainage Systems (SuDS), trees and biodiversity.

- 4.5 Work on updating and reviewing planning guidance is already underway. The attached appendices provide more detailed information relating to a number workstreams.

Built Heritage and Built Environment

- 4.6 Historic Environment Scotland (HES) and Edinburgh World Heritage (EWH) are actively engaged in research projects and preparing guidance aimed at building resilience in our historic assets through adaptation and maintenance.
- 4.7 Windows are important to the energy efficiency of buildings. HES is proposing to undertake a research project at the start of 2022 to consider, and make comparisons between, the life cycle assessment and whole life cost of a traditional timber casement window and a modern replacement uPVC window. The findings will assist in the Council's review of guidance on replacement windows later this year.
- 4.8 City Plan 2030 aims for all new buildings to be net-zero carbon through their built fabric and design, and their operational greenhouse gas emissions. Where new development includes demolition, consideration to their retention and repurposing may better achieve the net-zero carbon aims. This form of assessment requires further investigation through the preparation of City Plan 2030.
- 4.9 A review of the [Edinburgh Design Guidance](#) with regards to sustainability and climate change adaptation is currently underway and will consider these issues in conjunction with City Plan 2030. It is anticipated that this will be reported to the Planning Committee towards the end of 2022.
- 4.10 It should be noted that in some circumstances the Council cannot control new developments. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, allows significant levels of development within the grounds of a dwelling house and, to a lesser extent, within the grounds of a flatted development.
- 4.11 Where control can be exercised over development, greater emphasis will be placed on sustainable development and climate change adaptation. The Guidance for Householders will be reviewed later this year to address this. Consideration will also be given to surface water management issues in that review.

Transport

- 4.12 The [City Mobility Plan](#), [Low Emission Zone](#) and [City Centre Transformation Strategy](#) all consider the impact of transport choices on the climate and seek a move towards more sustainable modes of transport such as walking and cycling. Work is already well underway to implement these projects. Although the function and design of roads falls under the Roads (Scotland) Act 1984, Planning can assist in influencing modes of transport, through the creation of opportunities for active travel, ensuring the provision of cycle parking, assessing numbers of car parking spaces and consenting developments that are well connected and accessible.

Water and Blue/Green Networks

- 4.13 The Edinburgh and Lothians Strategic Drainage Partnerships (ELSDP) in October 2019 was aimed at developing a co-ordinated and transformative approach across Edinburgh and the Lothians to drainage, water management and flooding issues.
- 4.14 The City of Edinburgh Council's [Vision for Water Management](#) was approved in November 2020. As part of this work the [Edinburgh's Sustainable Rainwater Guidance](#) is being developed. This guidance will form part of the Edinburgh Design Guidance as it is reviewed later this year.

Biodiversity

- 4.15 The next iteration of the [Edinburgh Biodiversity Action Plan](#) is currently being drafted and will include green and blue infrastructure, adaption solutions, SuDS and biodiversity rich landscape schemes.
- 4.16 City Plan 2030 has specific policies which support and protect biodiversity in the city.
- 4.17 The Planning (Scotland) Act 2019, requires authorities to prepare a Forestry and Woodland Strategy. Work on this strategy is underway, for publication in late 2022.

Constraints

- 4.18 The Planning Authority operates within a legislative framework, which may influence the ability to exercise control over development, for example, when permitted development rights apply. On occasions other legislation may also constrain actions, such as the Building Regulations or the Transport Act and there is therefore a need to be mindful of these.

Financial assistance

- 4.19 In relation to financial assistance, Warmer Homes Scotland is a Scottish Government funded scheme to assist with making improvements to homes to reduce fuel bills. The following websites offer advice and information:
 - 4.19.1 [Energy Saving Trust Scotland](#) helps you save energy and reduce your bills.
 - 4.19.2 [Greener Scotland](#) gives advice on how to save energy, reduce waste, travel smarter and eat greener.
 - 4.19.3 [Age Scotland](#) has guidance on energy and how to reduce your bills.
 - 4.19.4 [Fuel Bank Foundation](#) has advice for managing your energy account.

Conclusion

- 4.20 This report, and the attached appendices, demonstrate the breadth of work that is already underway within the planning service, and in collaboration with other council services, external agencies and stakeholders, to meet the climate change challenge and work towards the Council's aim to be net-zero carbon by 2030.
- 4.21 The climate change agenda is vast and requires significant research and investment. Technologies are constantly improving and working alongside other council services and partner organisation, the service will aim to continually review

and update policies and guidance to reflect emerging best practice and technological advances.

- 4.22 Residents, business and other stakeholders have a significant role to play. Whilst the council establishes policy and guidance, and leads with demonstration projects, the biggest impact will come from those who own, or have an interest in the built and natural environment, implementing these policies and best practice.

5. Next Steps

- 5.1 Appendix 1 highlights a list of projects that impact on climate change and the aspiration for the City of Edinburgh to be net-zero carbon by 2030. Much of this programme of work is already underway and the remainder will be rolled out throughout 2022 and beyond.

6. Financial impact

- 6.1 In relation to preparing updated and new guidance, this will be done within the existing operating budget of the planning service.

7. Stakeholder/Community Impact

- 7.1 Stakeholders and the community have a significant role to play in implementing and delivering the Council's policy and guidance.
- 7.2 The proposed policy and guidance helps to create sustainable development and adaptation to climate change. Consultation will be undertaken on any new policies or guidance.

8. Background reading/external references

- 8.1 See links embedded within Appendix 2.

9. Appendices

- 9.1 Appendix 1 – Programme of Work relating to policies/guidance/advice on Climate Adaptation and Net-Zero Carbon.
- 9.2 Appendix 2 – Detailed report on Planning policy and guidance in relation to Climate Change Emergency and Zero Carbon Development.

Appendix 1 – Planning work programme relating to policies and guidance on Climate Adaptation and Net-Zero Carbon.

February 2022

	Action	Lead	Resource	Action already completed	Timeframe
City Wide					
Action Plan	Edinburgh Adapts – Action Plan involving 50 different organisations across the city setting out an action plan to build resilience.	Edinburgh Sustainable Partnership	50 different orgs - Planning involved - CP	Work on going	On-going – vision to 2050
New development	City Plan 2030 - Policies and Spatial Strategy to reflect both carbon reduction and adaptation for the city. Series of guidance to support City Plan will be required.	Planning	Planning and consultants as required	Approved by Planning Committee 23 September 2021. Consultation closed and representations being analysed. Submission to Scottish Ministers in 2022.	To be carried out in line with the timescale for City Plan 2030.
Built Environment					
New Development	20 minute neighbourhood – work already commenced on the concept and pilot projects identified.	Corporate Services	Specific team being set up with input from planning - AL	Draft Strategy reported to Policy and Sustainability Committee 10 June 21.	To be carried out in line with the timescale for City Plan 2030.
Passive house/low carbon buildings	City Plan 2030 - Ensure new buildings are built to higher standard by changing policy	Planning	TBC	Work on going	To be carried out in line with the timescale for City Plan 2030.
Place briefs	City Plan 2030 - Place briefs for selected brownfield and green field sites to reflect change policy and include development principles for each site covering issues such as	Planning	In house	Work on going	To be carried out in line with the timescale for City Plan 2030.

	Action	Lead	Resource	Action already completed	Timeframe
	green/blue infrastructure, active travel, SUDS, trees and biodiversity.				
Carbon cost of reuse of existing buildings	City Plan 2030 – Research regarding the carbon impacts of developing new building vs impacts of retention.	Planning	In house	Work on going.	To be carried out in line with the timescale for City Plan 2030.
City Wide Guidance	Edinburgh Design Guidance – review to consider sustainability and climate change adaptation. This is currently underway and it will consider these issues.	Planning	In house	Review already underway. Bespoke guidance relating to rainwater management prepared and will be included in EDG.	Late 2022
Householders Applications	Householders guidance to be updated to cover issues such as green roofs, rainwater gardens, porous paving, surface water run-off planting schemes and renewable energy.	Planning	In house	Some areas of work already commenced.	Late2022
Climate Change Impact on WHS	Climate Vulnerability Index Project to consider the impact of climate change on the Outstanding Universal Value of the WHS	Planning working alongside HES	HES & University of Queensland	Workshops complete and findings being analysed and written up.	Report expected spring 2022
Listed Buildings	Strategy for Carbon reduction in Listed buildings	Planning - JB	Scot Gov appointed consultants	In preparation	Report expected spring 2022
Replacement Windows	Listed Buildings and Conservation Areas - guidance to be reviewed following research by HES to consider comparison of whole life cost and life cycle assessment of timber windows versus uPVC.	Planning alongside HES	HES	Research project due to commence early 2022.	To be confirmed with HES
Transport					

	Action	Lead	Resource	Action already completed	Timeframe
Transport Strategy	City Mobility Plan - Edinburgh's transport strategy for 2021 to 2030. Vision that "Edinburgh will be connected by a safer and more inclusive net zero carbon transport system delivering a healthier, thriving, fairer and compact capital city and a higher quality of life for all residents."	Transport/ Planning	In house	Approved Feb 2021. Contains 49 policies, some of which have already been actioned.	On-going
Air Quality	Low Emission Zone - aims to prevent the worst polluting vehicles from entering a defined area in the city, which in turn will reduce emissions and greenhouse gases in this locality.	Transport/ Planning	In house	Due to be reported back to T&E committee Jan 2022	Aim for enforcement to commence summer 2024
Water					
Water Vision	<p>Vision for Water Management Work with SW and SEPA to agree an overall Vision and Objectives for city concerning all aspects of flooding and sewer flooding, including ensuring Thriving Greenspace projects are utilised for water attenuation.</p> <p>Planning authority role in ensuring NPF4 National Project and all planning applications to comply with guidance and policy.</p>	Planning	In house - Planning and Flooding	<p>Edinburgh and Lothians Strategic Drainage Partnership involved</p> <p>Water Vision agreed at Transport and Environment Committee in November 2021.</p> <p>Guidance on Sustainable Rainwater management approved at T&E and Planning Committee. To form part of EDG.</p> <p>Fact sheets are underway with three completed and further two still to come:</p> <ul style="list-style-type: none"> Maintenance of 'green blue' water features with Abertay uni – in preparation 	To be carried out in line with the timescale for City Plan 2030.

	Action	Lead	Resource	Action already completed	Timeframe
				<ul style="list-style-type: none"> Suds and heritage - how to do water management above ground in heritage areas - in preparation 	
Integrated city wide strategy green/blue infrastructure	<p>Green Blue Network project and Active travel.</p> <p>City Wide strategy for active travel/ecosystem services combining with ENN /open space strategy information / water attenuation and flooding issues.</p> <p>Reduced sewer flooding (both surface water and combined sewers) opportunities for improving network and planning new infrastructure and missing links to be identified.</p>	Planning	<p>Managed in house - Planning</p> <p>Funded by SUSTRANS /SEPA /CEC</p>	<p>Recently identified as a National Planning project in NPF4 . Project currently requires further resource and consultation work within the officers of the council in many departments.</p> <p>Consultants to start 1/10/2020</p>	Completion Sept 2022
Surface Water and Flooding	Commission Surface Water management plans for city in a timely fashion - assessing these is an issue due to resources in Flooding, which in turn impacts on Planning if we don't have the required info.	Flood Prevention	Requires 3 F/T flood engineers	Certain SWMP have started but constrained by staff resource and finance	Interim Flood Risk Assessment for City will be used for LDP
Edinburgh Sustainable Water management guidance (Suds)	Provides guidance for all developments, both planning and transport on Suds and surface water	Planning / Flood Prevention	Consultants SUSTRANS funded	Completed - Finalist – landscape Institute Awards.	Complete
Costs on maintaining existing flood defence structure with climate change erosion not expected	Aims to understand risk of using hard engineered, especially coastal structures, as opposed to moving back development and soft solutions due to on-going maintenance costs.	Flood Prevention	Resource impacts to be identified.		<p>Input into Place Briefs</p> <p>On-going as required</p>

	Action	Lead	Resource	Action already completed	Timeframe
at time of construction					
Biodiversity					
Ecology and Ecosystem services	Edinburgh Nature Network (ENN) - City wide strategy for Ecosystem services and Habitat network. Identifying nature-based opportunities for single site interventions with multiple benefits for people and nature (e.g. enhancing habitat connectivity, providing mental health benefits, flood regulation etc.)	Parks, Open Space and cemeteries and Planning	In house - Part of the Thriving Green Spaces Future Parks Accelerator (FPA) project Funded National Trust and HLF/ Partnership with Scottish Wildlife Trust, Parks, open space and cemeteries	GIS and Ecosystem Services Consultant appointed	Report published April 2021. Extension requested for Phase 1 of project – this will allow piloting ENN opportunities Edinburgh Nature Network connectivity mapping will be included in City plan 2030 as part of the Green blue network for the city.
Biodiversity	Edinburgh Biodiversity Action Plan - updated annually City Plan 2030 - new biodiversity policy	Planning	In house - Planning	On-going New City Plan policy in preparation	To be carried out in line with the timescale for City Plan 2030.

	Action	Lead	Resource	Action already completed	Timeframe
Trees	1 Million Tree Project -	Parks, Open Space and cemeteries	In house – Planning asked to input	Agreed by committee Planning have been asked to record loss of trees and deliver 126,000 new trees in development schemes. This requires a resource.	On-going
Tree Canopy Target	<u>City Plan 2030</u> - new guidance to increase tree canopy cover in new public spaces and car parks – research required understand how to update existing information, measure this and set targets. To be done in Open Space Strategy and /or Edinburgh Design Guidance.	Planning	In house – Currently no resource identified	Discussions held with Glasgow City Council and discussion with Parks Dept - study required as evidence before input into new policy.	TBC when resourced
Resistant planting - disease and heat	Diversify planting species in the city to more appropriate trees and shrub species in all new development	Planning	In house		Complete
Planting - Human health	Species of tree and shrub planting to be altered to avoid highly allergenic pollen which causes asthma and hay fever made worse by higher temperatures.	Planning	In house	Discussions with Landscape Architects to ensure appropriate species. Changes to be included in revised EDG.	Late 2022
Planting - Human health	Grass species in pollinator grass mix used by Edinburgh Parks and requested in planning applications to be amended and highly allergenic grass species removed.	Planning	Edinburgh Design Guidance to be updated.	Positive Discussion held with British Seed Houses – UK manufacturer. Changes to be implemented through revised EDG	Early in Q2 2022

APPENDIX 2 - Detailed report on Planning policy and guidance in relation to Climate Change Emergency and Zero Carbon Development

1. Introduction

- 1.1 Scotland's climate is already changing. Over the last century temperatures have increased, sea levels have risen, and rainfall patterns have changed, with increased seasonality and more heavy downpours. The experience of recent years has shown us that climate change and extreme weather events have already impacted many aspects of our natural environment and our society, including buildings and property, health, agriculture and growing seasons, forestry, transport, water resources and energy demand. These changes are projected to continue and intensify over the coming decades.
- 1.2 The Council's planning response to the climate change emergency and zero carbon agenda sits within a hierarchy of planning policy, guidance and best practice advice.
- 1.3 The Council produces, and helps shape, a wide range of plans, policies and frameworks at the national, regional, citywide and local level. Planning authorities have a statutory function and must operate within this legislative hierarchy. Decisions must be guided by policies in the development plan.

2. Legislative Framework

- 2.1 Scottish Government's legislation, policy and priorities steer our own policies, guidance and decision making at a local level.

National

- 2.2 The [Climate Change \(Scotland\) Act 2009](#) sets a target of reducing greenhouse gas emissions by at least 80% by 2050.
- 2.3 The [National Planning Framework](#) (NPF) provides a statutory framework for Scotland's long-term spatial development. Draft NPF4 was published in November 2021 and is currently being consulted on. NPF4 will form part of the development plan and is a material consideration in assessing planning applications. It addresses a number of environmental issues:
 - nature recovery
 - future impacts of flood risk, temperature change, coast, infrastructure
 - heat networks
 - more sustainable travel
 - 20-minute neighbourhoods
 - an infrastructure-first approach
 - limiting greenfield development
 - limiting out of town retail
 - making use of vacant land
 - a positive, greener future

- 2.4 [Scottish Planning Policy](#) (SPP) is a statement of the Scottish Government's priorities and policies that will help to deliver the objectives of the NPF and is a material consideration with significant weight in planning decisions; it's also important guidance for plan-making. It contains subject policies on sustainability and placemaking, zero waste, the natural environment, flooding and drainage, green infrastructure, heat and electricity, and the historic environment.
- 2.5 Scottish Government also produce other thematic guidance including [Creating Places](#), [Designing Streets](#) and [Circulars](#). Circulars contain policy on the implementation of legislation or procedures.
- 2.6 [Cleaner Air for Scotland 2 – Towards a Better Place for Everyone](#) sets out the importance of improving Scotland's air quality and taking a precautionary approach when considering the effects of adverse air quality on health.

Regional

- 2.7 The first [Strategic Development Plan for South East Scotland](#) (SDP) was approved in June 2013. It provides a long-term (20 years plus) spatial planning strategy for the Edinburgh city region, including where future development will be located and what is required for its delivery.
- 2.8 The SDP, together with the local development plan and any associated supplementary guidance, form the statutory development plan referred to in decisions on planning applications.
- 2.9 SDP1 is accompanied by an Action Programme of projects essential to unlocking sustainable growth and delivering the SDP's regional vision.
- 2.10 A second proposed Strategic Development Plan was submitted to Scottish Ministers for examination in June 2017 but was subsequently rejected by Scottish Ministers in May 2019.
- 2.11 As part of Scottish Government's [Planning Reform](#), SDPs are being replaced by regional spatial strategies. An [Interim Regional Spatial Strategy for South East Scotland](#) has been submitted to Scottish Ministers.
- 2.12 The [Regional Transport Strategy](#) (RTS) is produced by SEStran. The current RTS was first produced in 2008 and updated in 2015.
- 2.13 A draft RTS was published by SEStran in November 2021 and sets a sustainable transport framework to 2035.

Local

- 2.14 The Local Authority has a statutory duty to produce a development plan. The current [Edinburgh Local Development Plan](#) (LDP) was adopted on 24 November 2016. It is accompanied by twelve pieces of Supplementary Guidance and these also form part of the statutory development plan.
- 2.15 The Plan is used to determine planning applications and is accompanied by a statutory [Action Programme](#) which ensures delivery of the plan's policies and proposals, including necessary infrastructure.

- 2.16 The emerging replacement LDP [City Plan 2030](#) sets out the strategy for development, proposals and policies to shape development and inform planning decisions in the city over the next 10 years and beyond. Following a period of consultation, the Council are currently considering the representations received prior to submitting the Proposed Plan to Scottish Ministers in 2022.
- 2.17 Alongside the LDP and supplementary guidance sits our non-statutory guidance. The non-statutory guidance supports the policies in the LDP and is a material consideration in determining planning applications, and includes: [Listed Buildings and Conservation Areas](#); [Householders](#); [Businesses](#); [Development in the Countryside & Green Belt](#); [Edinburgh Design Guidance](#); [Flooding](#); [Open Space Strategy](#).

3. City of Edinburgh Council Planning Policies and Guidance

- 3.1 The planning authority is acutely aware of the issues around climate change and has, for decades, been setting policy and preparing guidance to assist in creating more sustainable, accessible and greener places.
- Local Development Plan**
- 3.2 One of the five [Local Development Plan 2016](#) (LDP) aims is to 'look after and improve our environment for future generations in a changing climate'. Part 2 of the plan includes a section on Climate Change and provides an overview of how the plan's strategy and policy framework address the reduction of greenhouse emissions and ability to adapt to a changing climate.
- 3.3 The key policy to support the aim of reducing emissions and energy use is LDP Policy Des 6 Sustainable Buildings. This policy addresses the knowledge that buildings account for a substantial proportion of total carbon emissions through the energy they consume. This policy requires new development to demonstrate meeting the target for carbon dioxide emissions, and the use of low and zero carbon generating technologies. These targets are set by the Building (Scotland) Regulations 2004.
- 3.4 The LDP also provides examples of design features to be incorporated into new development that would reduce or minimise environmental resource use, these include water conservation, SuDS, recycling, sustainable materials and facilities to support active travel.
- 3.5 Planning guidance requires applicants for non-householder development to complete a 'S1 Sustainability Statement Form' to demonstrate compliance with LDP Policy Des 6.
- 3.6 Further guidance can be found in the [Edinburgh Design Guidance](#), which sets out guidance for a better understanding of how development can reduce energy in new buildings.
- 3.7 Alongside the LDP sits the Action Programme 2016. It identifies the actions required to deliver the Plan. Many of these actions refer to active travel

requirements to reduce the impact of new development on the road network and to encourage more sustainable modes of travel, such as walking and cycling.

- 3.8 Not all of the actions have been secured through legal agreements, nor are they able to be delivered directly through development. Some rely on funding sources from capital budgets or other partner funding. The financial modelling of the LDP Action Plan identifies where there are gaps in funding to enable the actions to be delivered.

City Plan 2030

- 3.9 City Plan 2030 was approved as the Council's next Proposed Local Development Plan by Planning Committee on 29 September 2021. It supports the Council's target for Edinburgh to become a more sustainable place and a net zero city by 2030. It focuses on:

- A sustainable city which supports everyone's physical and mental wellbeing.
- A city where you don't need a car to get around.
- 20 minute neighbourhoods and the creation of high quality, high density, mixed use, walkable communities, linked by better active travel and public transport infrastructure with green/blue networks.
- The use of Brownfield rather than Greenfield.
- Requires all new buildings through their fabric, design and use of low and zero carbon to address climate adaptation.
- Implementing environmental policies to deal with climate change mitigation and adaptation, protecting Edinburgh's green setting, increasing biodiversity, physical and mental wellbeing, reducing flooding and other climate impacts and improving air quality.

- 3.10 City Plan states that the future growth of our city must meet our ambitions to be a climate ready city where new homes are built to the highest emissions quality standards, in the right locations and with the right infrastructure as part of resilient, connected neighbourhoods. Work has already started on the [20 minute neighbourhood](#) concept with projects being identified across the city.

- 3.11 A key part of the plan is the requirement for all new buildings to be net-zero in their operational greenhouse gas emissions. Primarily this should be achieved through built fabric efficiency and design. However, there is also a role for the use of low and zero-carbon generating technologies, particularly around heat networks and energy infrastructure.

- 3.12 City Plan 2030 will be submitted to Scottish Ministers in 2022. The Scottish Government will then produce an Examination Report advising whether the Council can adopt the Plan and if modifications should be made. Subject to this, the Council can then adopt the Plan and begin fully implementing it.

- 3.13 To support City Plan 2030, planning will be updating and adding to its guidance, providing detail on how to implement the policies to create more sustainable places. Some of this work will represent updates to existing guidance, and some will be

new guidance, for example in relation to green roofs and place briefs for brownfield sites, where development principles for each site covering green/blue infrastructure, active travel, SUDS, trees and biodiversity will be prepared.

Built Heritage and Environment

- 3.14 In the future, we expect historic buildings to deteriorate faster due to increased rainfall and more frequent extreme weather events, which makes taking preventative measures now more critical than ever. Climate change will pose many threats to the World Heritage Site (WHS), parts of which have survived for over 900 years.
- 3.15 Edinburgh World Heritage Trust (as lead), Historic Environment Scotland(HES), University of Edinburgh, the Council and Sniffer, through [‘Edinburgh Adapts’](#), are working together to prepare a methodology for assessing the impact of climate change on the WHS: this is yet to be published, but the findings will assist in preparing guidance that considers how best to preserve our buildings, whilst adapting to climate change.
- 3.16 Planning’s Edinburgh World Heritage Site co-ordinator has worked closely with HES, in collaboration with the James Cook University of Queensland, to establish the impact of climate change on the Outstanding Universal Value of the WHS. This is the first time the methodology, referred to as the [Climate Vulnerability Index](#) (CVI), has been applied to an urban WHS. The findings will be published early in 2022 and will also help inform future guidance on adapting our built heritage assets to cope with climate change.
- 3.17 Edinburgh World Heritage Trust (EWHT) has published a [Climate Manifesto](#), which addresses the challenge of becoming carbon neutral by 2030, while also stressing the importance of preserving the ‘heritage values’ of the Old and New Towns World Heritage Site.
- 3.18 HES [Climate Action Plan](#), also covers adaptation and carbon management, amongst many other topics.
- 3.19 HES and EWHT have produced a practical maintenance guide for home owners that provides practical and effective solutions designed for property owners to help them ensure that their historic homes and businesses are climate ready: [Guide to Building Maintenance in a Changing Climate](#) .
- 3.20 Research conducted in 2016 found that a poorly maintained building can result in higher fuel bills of up to +15% in some cases, which in turn increases the building’s carbon footprint. By ensuring a property is wind and water tight this will improve energy efficiency. Repairs and maintenance include stonework, chimney heads and gables, overhauling roofs, gutters and flashings and repairing and maintaining rainwater goods and timber-framed windows.
- 3.21 HES has carried out numerous conservation projects across Scotland that consider subtle ways of preserving and adapting historic properties to ensure they are fit for purpose and will hopefully survive for many more years to come. These practical

solutions have been published in a number of guidelines aimed at property owners to assist them in protecting and maintaining their own historic assets.

- 3.22 In partnership with a wide range of specialist organisations, HES will continue its technical research, which in turn will provide sound guidance and advice for both planning authorities and property owners. As a planning service we maintain strong working links with HES and will review and adapt our policies and guidance accordingly.

Windows in Listed Buildings and Conservation Areas

- 3.23 The planning authority receives large numbers of applications for replacement windows both in Listed Buildings and Conservation Areas. Applicants will often cite prohibitive costs of replacement timber windows and the need to improve energy efficiency as the reason for choosing uPVC. Our current guidance does not permit uPVC units within listed buildings, nor in conservation areas.
- 3.24 Research carried out by Heriot Watt University in 2013 looked at the life cycle assessment and whole life cost of a timber window in comparison to a uPVC window. The findings stated that there was inherently less embodied carbon contained within good hard wood timber sash and case windows due to their ability to be maintained and repaired, which gives them a long life span of 60 plus years.
- 3.25 The findings suggested that the installation of uPVC would deliver the opposite impact in terms of sustainability and the carbon used in the manufacturing process. Furthermore, uPVC windows are a whole unit and generally the component parts are not able to be replaced, resulting in the unit having a finite lifespan of approximately 20 years, before having to be replaced.
- 3.26 In addition to this, the detailing on uPVC windows, may result in a significant difference in appearance to the traditional timber sash and case units. This has an adverse impact on the character and appearance of both the building and the area, particularly where the uniformity of the windows is a significant feature of the development.
- 3.27 Where a planning judgement concludes that the removal of timber sash and case windows and their replacement with uPVC is unacceptable, applicants are encouraged to look into alternative mechanisms to improve the thermal efficiency of their windows. These would include draft proofing, shutters, blinds and secondary glazing systems that can be installed behind and within the existing window frame.
- 3.28 Notwithstanding our current guidance on replacement windows, technological advances suggest that there have been improvements in both the manufacturing of uPVC windows and their form and detailing. At the start of 2022, Historic Environment Scotland is proposing to undertake a research project to, once again, consider and make comparisons between the life cycle assessment and whole life cost of a traditional timber casement window and a modern replacement uPVC window. Dependant on the findings from this project, and in collaboration with HES, our current guidance on replacement windows will be reviewed.

Built Environment

- 3.29 In order to achieve the Council's net-zero carbon aspirations, it is recognised that we need to understand the embodied carbon within our existing buildings, particularly where demolition and redevelopment is proposed.
- 3.30 City Plan 2030 aims for all new buildings to be net-zero carbon through their built fabric and design, and their operational greenhouse gas emissions, but where new development includes demolition, the contribution the existing building can make should not be overlooked. These buildings may contain recyclable or reusable materials, or their retention and repurposing may better achieve the net-zero carbon aims.
- 3.31 Due to permitted development rights that allow the demolition of buildings without requiring planning permission, the planning authority may not always have control over this matter. This issues requires further consideration and guidance to support the City Plan policies.
- 3.32 In line with City Plan 2030, and Government's commitment to reduce the use of fossil fuels for heating, the future of gas boilers is uncertain, and consideration needs to be given to new methods of heating our buildings, such as ground or air source heat pumps and electric storage heaters. A ban on gas and oil boilers is likely by 2025. Installing these technologies into new developments may then become the norm but retrofitting older buildings will be more difficult due to the building design, structure and materials. Unless homes are correctly sealed, insulated and ventilated, these technologies will not be an efficient alternative.
- 3.33 Further research is required to explore alternative heating methods for our existing buildings, but also to ensure they are properly insulated. Historic Environment Scotland has carried out a number of projects within their properties to examine different methods of insulating and draughtproofing. This guidance is available on its website.
- 3.34 A review of the [Edinburgh Design Guidance](#) with regards to sustainability and climate change adaptation is currently underway and will consider these issues. It is anticipated that this will be reported to the Planning Committee later in 2022.

Permitted Development Rights and Householder Developments

- 3.35 The 2011 Census recorded 230,000 households in Edinburgh, of which 147,500 were in flatted developments. These figures will have continued to increase over the last 10 years.
- 3.36 The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, allows significant levels of development within the grounds of a dwellinghouse and, to a lesser extent, within the grounds of a flatted development. This can range from extensions, to outbuildings, to hard landscaping and hardstandings, all of which have the potential to remove green open space and replace it with hardsurfacing. Whilst each individual development may not seem significant, the cumulative effect on surface water run-off and biodiversity is evident.

- 3.37 Where the Planning Authority does have control, greater consideration should be given to including green roofs on extensions, disconnecting rain water pipes to reduce the flow of rainwater into the drainage system and diverting this instead into rain water gardens, porous paving wherever possible to prevent surface water run-off and promote natural drainage, renewable energy technologies and garden layouts and planting schemes that promote biodiversity. The preparation of guidance relating to some of these issues is already underway and will form part of the Edinburgh Design Guidance review, as well as being incorporated into the Guidance for Householders, which will also be reviewed later this year.

Transport

- 3.38 City Plan 2030 spatial strategy has been informed by both a [Strategic Sustainable Transport Strategy](#) and a full [Transport Assessment](#). These are both focussed on how to support the growth of the city and City Plan 2030's spatial strategy and development proposals with a shift from reliance on private car use to public transport and active travel. Part 4 – Proposals of the proposed plan sets out active travel and public transport safeguards and proposals to mitigate the impact of development and ensure that development is well connected to the active travel network. City Plan and its transport assessment is aligned with the policy measures and implementation plan of the [City Mobility Plan](#).
- 3.39 The [City Mobility Plan](#), approved in February 2021, is Edinburgh's transport strategy for 2021 to 2030. The Plan's vision is that "Edinburgh will be connected by a safer and more inclusive net zero carbon transport system delivering a healthier, thriving, fairer and compact capital city and a higher quality of life for all residents."
- 3.40 The City Mobility Plan comprises 49 policies under the themes of People (the policies that aim to improve health, wellbeing, equality and inclusion), Movement (policies that support inclusive and sustainable economic growth and respond to climate change) and Place (policies that help to protect and enhance our environment). It is the overarching policy framework for a series of action plans (active travel, parking, road safety, public transport etc) and policies, many of which are already being delivered, and some of which are new and are not yet underway.
- 3.41 For example, policy MOVEMENT 19 Mobility Hubs, aims to identify opportunities for mobility hubs in existing communities and major new developments that provide a range of sustainable travel choices and amenities including public transport, shared mobility, click and collect and electric vehicle charging. Policy PLACE 2 20-Minute Neighbourhoods, aims to support the 20-minute neighbourhood concept to underpin local communities and reduce the need for longer distance journeys. The Granton Waterfront team are looking to incorporate a mobility hub within their plans. A team is currently being created to deliver the Council's 20 minute neighbourhood aspirations, which is aligned with City Plan 2030.
- 3.42 The process of updating the implementation plan has already commenced. This will assess which policies are underway or already being delivered and where there are gaps in delivery, and therefore a need for policies to be assigned and resourced.

- 3.43 The Council is proposing to implement a [Low Emission Zone](#) (LEZ) in Edinburgh, with a view to enforcement beginning in summer 2024. The Council is working with Transport Scotland, Aberdeen, Dundee and Glasgow to ensure a consistent approach across the four largest cities in Scotland. The aim of the LEZ is to prevent the worst polluting vehicles from entering a defined area in the city, which in turn will reduce emissions and greenhouse gases in this locality.
- 3.44 The success of the LEZ is also reliant on a good public transport system and opportunities for active travel, which links to the LDP Action Plan.
- 3.45 [Edinburgh City Centre Transformation Strategy](#) aims to change the way we move around our city and our city centre, by providing more space for pedestrians and cyclists. Trials took place in 2019 prior to the pandemic to envision how these spaces could work.

Water and Blue/Green Networks

- 3.46 Water is the most significant issue in terms of climate change events, from drier summers, to wetter winters, increased rainfall, increased flooding incidents and rising sea levels. The Scottish Government recognised the need to take a regional approach to flooding, drainage, water quality and the wider consideration of the water environment and established the Edinburgh and Lothians Strategic Drainage Partnerships (ELSDP) in October 2019.
- 3.47 The Partnership seeks to develop a co-ordinated and transformative approach across Edinburgh and the Lothians to drainage, water management and flooding issues. There is a strong focus on water management using above-ground drainage infrastructure (or Sustainable Drainage Systems; SuDS), increasing biodiversity, creating great places and supporting a climate-resilient city region.
- 3.48 Approved in November 2020, the [Vision for Water Management](#) in the City of Edinburgh (Water Vision) is being actively driven forward by the Blue Green City Partnership (BGCP). This is a partnership between Scottish Water (SW), Scottish Environment Protection Agency (SEPA) and the Council. This group reports to the Edinburgh and Lothians Strategic Drainage Partnership (ELSDP).
- 3.49 [Edinburgh's Sustainable Rainwater Guidance](#) (ESRG), is proposed to form part of the Edinburgh Design Guidance and Street Design Guidance. It provides general principles and good practice advice, accompanied by factsheets on specific solutions such as Green Roofs, Rain Gardens and street trees and is aimed at developers, designers and Council officers. The ESRG will also help to explain the proposed new City Plan 2030 policies on surface water management.
- 3.50 Sustainable Urban Drainage (SuDs) is one aspect of Blue-Green infrastructure (BGI) and includes rain gardens, grass swales, ponds and various other structures aligned to provide staged treatment in terms of water quality and reduced flow rates/storage, thereby reducing flooding. When designed well Suds can also achieve much wider place-led benefits, including supporting biodiversity, providing attractive open/play space and complementing mobility and active travel.

- 3.51 In June 2021, The Council launched the draft 2030 Climate Strategy; Delivering a Net Zero Climate Ready City for consultation. This also embeds the work of the Water Vision and ESLDP. The aims of the ELSDP, the Water Vision and Climate Strategy also align with the Edinburgh Climate Change Commission which states that the City should become resilient to climate change, embed a collaborative approach to problem solving and be open to all best practice. This also accords with the Council's [Edinburgh 2050 Vision](#) of a sustainable, green, and safe city.
- 3.52 The [Edinburgh Adapts Climate Change Adaptation Action Plan](#) (EACCAAP) contains twenty-two actions that are linked to flooding and water and many others relating to biodiversity and greenspace actions.
- 3.53 Delivery of exemplar retrofit and new development projects are key to demonstrating how the Water Vision and City Plan 2030 policies can be implemented. The focus is on surface water and flood risk management, whilst linking with other related 'place-led' deliverables, such as biodiversity, active travel, attractive landscapes/townscapes and community cohesion. Engagement with a wide range of stakeholders, including residents, communities, business, other public agencies is required.
- 3.54 The '[Green/Blue Network](#)' project, brings together active travel, footpath networks, biodiversity and 'water' networks alongside green open space and planning information. This provides us with an understanding of the City's green/blue network and opportunities for new multifunctional green-blue infrastructure. The finalised document is expected in March 2022.

Biodiversity

- 3.55 The [Nature Conservation \(Scotland\) Act 2004](#) requires public bodies to further the conservation of biodiversity when carrying out their responsibilities. The [Wildlife and Natural Environment \(Scotland\) Act 2011](#) requires the authority to publish a report every 3 years on the actions they have taken to meet this biodiversity duty; this is demonstrated in our [Biodiversity Duty Report](#).
- 3.56 [Edinburgh Biodiversity Action Plan](#) – provides an overarching vision statement for biodiversity in Edinburgh. The next iteration is currently being drafted and will include up to 2030 green and blue infrastructure, adaption solutions such as rain gardens, SuDs, biodiversity rich landscape schemes, native grasslands, trees, ponds, as well as artificial structure for species such as bats and birds.
- 3.57 City Plan 2030 has specific policies which support and protect biodiversity in the city.
- 3.58 The Planning (Scotland) Act 2019, requires authorities to prepare a Forestry and Woodland Strategy. Work on the Strategy is underway, for publication in late 2022.

4. Other relevant CEC strategies and Partnership Working

- 4.1 Much of the work Planning is progressing dovetails with other council strategies, such as [Council Business Plan 2021](#), [Adaptation and Renewal Programme](#) and [Edinburgh's economic Strategy](#) all of which aim to end poverty and support a green, resilient, and fair economy.
- 4.2 The [2030 Climate Strategy](#) published in December 2021 is leading action for change across Edinburgh by identifying the actions needed to reduce greenhouse gas emissions by 2030.
- 4.3 The Council is also a full partner in [Edinburgh Living Landscape](#) - a network for nature in the city that aims to make the capital one of the most sustainable in Europe by 2050.
- 4.4 The Planning service also works closely with other council services, public bodies, statutory undertakers and stakeholders, as evidenced through this report.

5. Constraints

- 5.1 The Planning Authority operates within a legislative framework, which may influence our ability to exercise control over development, for example when permitted development rights apply. On occasions other legislation may also constrain actions, such as the Building Regulations or the Transport Act. There is a need to be mindful of these.

6. Implementation

- 6.1 Residents, business and other stakeholders have a significant role to play in the implementation of climate change policy and achieving net-zero carbon aspirations.
- 6.2 Whilst the council establishes policy and guidance, and leads with demonstration projects, the biggest impact will come from those who own, or have an interest in, the built and natural environment implementing policies and best practice.

7. Financial Assistance

- 7.1 Warmer Homes Scotland is a Scottish Government funded scheme to assist with making improvements to homes to reduce fuel bills. The following websites offer advice and information:
 - [Energy Saving Trust Scotland](#) helps you save energy and reduce your bills.
 - [Greener Scotland](#) gives advice on how to save energy, reduce waste, travel smarter and eat greener.
 - [Age Scotland](#) has guidance on energy and how to reduce your bills.
 - [Fuel Bank Foundation](#) has advice for managing your energy account.

8. Conclusion

- 8.1 This report demonstrates the breadth of work that is already underway within the planning service, and in collaboration with other council services, external agencies and stakeholders, to meet the climate change challenge and work towards the Council's aim to be net-zero carbon by 2030.
- 8.2 The climate change agenda is vast and requires significant research and investment. Technologies are constantly improving and working alongside other council services and our partner organisation, we aim to continually review and update our policies and guidance to reflect emerging best practice and technological advances.

Planning Committee

2.00pm, Wednesday, 23 February 2022

Funding Third Sector Delivery Partners: Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust

Executive/routine	Routine
Wards	All
Council Commitments	<u>15</u>

1. Recommendations

- 1.1 It is recommended that Planning Committee;
- 1.1.1 Agrees to enter into service level agreement (SLA) for the period 2022 - 2025 with Edinburgh World Heritage (EWH) and the Edinburgh and Lothians Greenspace Trust (ELGT); and
 - 1.1.2 Approves the sums of £46,000 for EWH and £25,833 for ELGT for financial year 2022/23.

Paul Lawrence

Executive Director of Place

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Funding Third Sector Delivery Partners: Edinburgh World Heritage Trust and Edinburgh and Lothians Greenspace Trust

2. Executive Summary

- 2.1 This report seeks agreement to enter into a three-year service level agreement (SLA) with Edinburgh World Heritage (EWH) and Edinburgh and Lothians Greenspace Trust (ELGT) for the period 2022 to 2025. It also seeks approval for funding for financial year 2022/23. The activities proposed to be delivered under these SLAs for 2022/23 are detailed in Appendices 1 and 2.

3. Background

- 3.1 The aims and objectives of EWH and ELGT are well aligned with the Council planning and place-making objectives, to protect, enhance and engage people with Edinburgh's built and natural heritage.
- 3.2 EWH works in partnership with the Council and Historic Environment Scotland to implement the Edinburgh Old and New Town World Heritage Site Management Plan, fulfilling collective obligations to United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Heritage Site.
- 3.3 ELGT delivers projects that enhance the quality of life for Edinburgh's communities by improving their local environment.

4. Main report

- 4.1 EWH and ELGT are in unique positions to partner with the Council to fulfil the obligations of the UNESCO World Heritage Site Management Plan and the Council's commitment to improve the environment for communities.
- 4.2 EWH works in partnership with the Council and Historic Environment Scotland (HES) to implement the Old and New Towns of Edinburgh (ONTE) World Heritage Site Management Plan 2017-2022, fulfilling their collective obligations to UNESCO and the World Heritage Site. The daily liaison and monitoring of delivery of the Management Plan is led by the ONTE WHS Site Co-ordinator based in the Planning Service. In addition, from August 2020, a member of EWH staff has been

seconded one day a week, at EWH's cost, to work as part of the Planning Service to provide expert input into public realm and streetscape initiatives. Due to its success, this arrangement has been expanded to two days per week. The WHS Steering Group is chaired by the City Plan Programme Director.

4.3 EWH has continued to deliver the six SLA outcomes during the Covid-19 pandemic. For example:

4.3.1 The Conservation Funding Programme has awarded grants for several tenement projects, shopfronts and public realm projects, including conservation and interpretation work that contributes to enhancing the state of conservation of the WHS and to raising public awareness of what makes it special. The programme has promoted traditional skills, employing stonemasons, slaters, lead workers, plasterers and painters, including 11 apprentices, helping to build capacity in these crafts; and

4.3.2 The Energy Efficiency programme has seen the completion of the Sir Basil Spence Canongate Housing Development, installing 83 energy saving measures, engaging with 51 owners and tenants and contracting 56 companies including specialists in energy efficiency and concrete repairs.

4.4 EWH will continue to award grant funding to building conservation work. This includes stonework repairs, roof repairs, shopfront restorations, limework, restoration of missing original architectural details, window reinstatements, and works to railings and steps. In addition, these grants are used for public spaces and works include the conserving resorting or enhancing monuments and statues, creating greenspaces or new memorials, lighting schemes, repairing boundary walls and other features.

4.5 ELGT works in partnership to deliver projects that enhance the quality of life for Edinburgh's communities by improving the local environment and engaging with local communities, helping to address health and social inequalities. It works with the Council, communities and agencies and partners to create sustainable, well-managed and accessible greenspaces that help improve citizens' health and wellbeing as well as enhancing nature. ELGT is an active member of the Edinburgh Biodiversity Partnership, Edinburgh Living Landscape and is a bid partner for Thriving Green Spaces.

4.6 Strategic projects have been developed including: a feasibility study for access improvements to Pentland Hills Regional Park, landscape improvement plans for West Pilton Park, in partnership with Thriving Greenspace, and large-scale nature restoration projects of grasslands across the city. The Trust continues to promote Tree Time which resulted in public donations of over £65,000, enabling the planting of 79 street trees, in support of the 'Million Tree City'. 'Wee Forests', small pockets of woodland with educational and citizen science objectives, have been created in partnership with NatureScot and Earthwatch. In 2022 ELGT will assist the Planning Service in developing a Forest and Woodland Strategy and improvements of the blue/green infrastructure at Burdiehouse Burn with SEPA. This aligns with City Plan, strategic Blue/Green network.

Other Funding

- 4.7 Other organisations receive sums of money which can be authorised by officers under delegated authority.
- 4.8 The Cockburn Association (CA) receives £6,000 for administering and running the Civic Forum and Doors Open Day. Throughout lockdown the Civic Form meetings have been online and, going forward, there will be a blended approach. Doors Open Day was online in 2021: 100 venues, supported the CA to produce a wide array of digital materials aimed at engaging all age-groups and demographics across Edinburgh. It is intended that £5,000 of the above sum would be put towards Doors Open Day or other public engagement events in 2022.
- 4.9 The Wildlife Information Centre receives £4,885 for supplying data, undertaking assessments and providing reports on species, habitats and Local Biodiversity Sites. This information supports the City Plan 2030 and the Edinburgh Local Biodiversity Action Plan. Finally, the Edinburgh Access Panel receives £630 to support its work in improving the access needs for disabled people to buildings, transport, streetscape and services in Edinburgh. They do this reactively, working directly with Council staff and organisations on specific consultation, and proactively by highlighting opportunities they encounter to improve access equality.

5. Next Steps

- 5.1 If Committee approve the funding as recommended, SLAs will be signed, and the delivery of the outputs will be overseen by the Council's World Heritage Site Co-ordinator and other Council officers. The Council is represented by Elected Members on the boards of both organisations and liaison and monitoring will be ongoing throughout the financial year. Annual reports will be required to be produced by both organisations.

6. Financial impact

- 6.1 The overall cost of supporting these organisations is around £83,500. The majority funds the two SLAs, which will cost £71,833 in 2022/23. It is expected that costs associated with contracts for EWH and ELGT will continue to be around £72,000 per year in future years, subject to funds being available in Council budget.

7. Stakeholder/Community Impact

- 7.1 Consulting with the community is key to both organisations. During the last two years they adapted to using a blend of online and face-to-face events.
- 7.2 Since March 2021, EWH has delivered 16 online events reaching over 2,800 attendees, covering a range of subject matters from the role of heritage in the climate emergency to the legacy of the transatlantic slave trade in the World

Heritage Site. EWH Jointly hosted an exhibition for CoP26 at the Space for Architecture, Carbon and Environment (SpACE) to raise awareness of heritage approached/solutions to the climate emergency. The series of 'In Conversation with...' events continued, allowing participants to ask the panels questions around key issues impacting on the WHS.

- 7.3 EWH has been awarded funding in March 2021 from National Lottery Heritage Fund (NLHF) to deliver a Community and Outreach and Resilience Project, to strengthen fundraising and deliver two community heritage projects, involving black and minority ethnic groups and the deaf community. This funding has also enabled a city-wide programme of active consultation and engagement for the new WHS management plan.
- 7.4 During 2021, ELGT has maintained community engagement through online and face-to-face activities. They continued outreach sessions with those who were shielding, through roadshows which encouraged people to be more active locally, and worked alongside other community groups who were delivering food to the most vulnerable.
- 7.5 Supporting these organisations will have a positive impact on the environment and people's understanding of, and engagement with, Edinburgh's built and natural heritage.

8. Background reading/external references

- 8.1 [ONTE WHS Management Plan 2017-22](#)
- 8.2 [ELGT Strategy 2019-24](#)
- 8.3 [Cockburn Association Doors Open Days 2020](#)

9. Appendices

- 9.1 Appendix 1 - Edinburgh World Heritage Trust - Service Level Agreement Outcomes.
- 9.2 Appendix 2 - Edinburgh and Lothians Greenspace Trust - Service Level Agreement Outcomes.

APPENDIX 1 - Edinburgh World Heritage Trust - ONTE WHS Management Plan 2017/22 Outcomes of Service Level Agreement with City of Edinburgh Council 2022/23								
Goals and Objectives	Stakeholder	Service, activities and tactics	Assumptions	Roles and resources	Targets and outcomes	Community Benefits	2021/22 Achievements	2022/23 Planned Activities
1. Delivery of the WHS Management Plan (in partnership with CEC and HES)	World Heritage Site Steering Group CEC HES UNESCO Residents Visitors	<p>EWH will:</p> <ul style="list-style-type: none"> - lead and support on the implementation of actions (see below) - prepare, attend and follow-up at WHS Steering Group and other relevant meetings 	<p>EWH will work with CEC and HES to locate funding for other actions. This may necessitate a joint mandate from CEC and HES to act on behalf of the partnership in creating funding opportunities and EWH welcomes the opportunity to discuss this further with all partners</p>	<p>The resourcing required to deliver this will include :</p> <ul style="list-style-type: none"> • Director (0.05 FTE) • Head of Engagement (0.05 FTE) 	<ul style="list-style-type: none"> • Implementation of actions (see below) • Implementation of actions from WHS Steering Group meetings 	<p>This objective helps to explain the special qualities and values of the WHS, advocates existing protective policies, influences day-to-day management issues, provides supporting information on managing the opportunities and threats facing the WHS for all of its communities and provides a framework for monitoring the condition of the built environment.</p> <p>Driving the effective and resource efficient proactive action required to protect Edinburgh's historic environment, and the economic, social and environmental benefits this brings communities.</p>	<p>Since Mar 2021, EWH has held 16 events designed to engage people with their heritage and address Edinburgh's key historic city management matters, with c2,800 attending</p> <ul style="list-style-type: none"> • EWH has attended quarterly Steering Group meetings with CEC and Historic Environment Scotland to monitor the progress in the management of the Site (action 37) • EWH has attended a number of Edinburgh Tourism Action Group (ETAG) meetings and inputted into the development of a new city-wide tourism strategy which will cover the period 2020 – 2030 (actions 31, 34) • EWH researched, consulted, authored and presented to the CLT the 'Mainstreaming Heritage' report - clear recommendations for historic city management that draw local/national/international best practice to inform the next WHS Management Plan (action 4) • EWH has worked proactively with the WHS Co-ordinator to develop progressive outcomes, objectives and action plan for the development of the next WHS Management Plan • EWH has secured required funding for and substantially delivered the inclusive engagement required to develop a robust Management Plan 	<ul style="list-style-type: none"> • Work in partnership with CEC and HES to develop the new World Heritage Site Management Plan for 2023+ - including inclusive and proactive engagement, and supporting the delivery of CEC plans and goals • Deliver WHS Management Plan engagement events – likely to be eight to ten events in 2022-23, to be a combination of online and physical events depending on COVID-19 restrictions • Attend Steering Group meetings with CEC and Historic Environment Scotland to monitor the progress in the management of the Site (all actions) • Attend Edinburgh Tourism Action Group meetings and influence the delivery of the city-wide tourism strategy for 2020-2030 (actions 31, 34) • Promote the EWH grants programme, advice and guidance through social and traditional media (actions 1, 2, 3, 9, 11)
2. Advice on Outstanding Universal Value (ONTE WHS Management Plan actions 6, 7, 11, 12, 14, 16, 18, 19, 21, 23, 28, 31, 33)	CEC HES Residents	<p>EWH will provide advice to CEC Members and Officers in relation to Outstanding Universal Value and provide pragmatic advice for its conservation, principally in relation to:</p> <ul style="list-style-type: none"> • Planning applications (as set out in the Protocol for the Consideration of OUV in the Planning Process) • Public realm and streetscape, including on traffic reduction projects and pedestrianisation • Policy development and change 	<p>EWH will work with CEC and HES, in accordance with the Protocol for the Consideration of OUV in the Planning Process.</p> <p>EWH requires CEC's continued active/early stage engagement and appropriate internal coordination.</p>	<p>The resourcing required to deliver this is:</p> <ul style="list-style-type: none"> • Director (0.1 FTE) • World Heritage Site Project Manager (0.3 FTE) <p>Substantive work outwith these areas will be charged separately.</p>	<ul style="list-style-type: none"> • Number of planning applications • Number of public realm and streetscape consultations • Policy development and change 	<p>This champions the importance of the Outstanding Universal Value to ensure that development takes account of this and preserves and enhances the OUV for the benefit of present and future generations.</p>	<ul style="list-style-type: none"> • EWH has provided advice on over 27 targeted planning applications • EWH has provided advice through the Edinburgh Urban Design Panel • EWH has provided detailed and ongoing pre-application advice on major development proposals, including the Waverly Station redevelopment and Jenners • EWH has provided advice on key city strategies, including the 2030 Climate Strategy, City Plan 2030, Edinburgh Slavery & Colonialism Legacy Review (group), Public Event Management, Spaces for People, Winter Festivals, the Princes Street & Waverley Strategy and Short-Term Lets. • Due to value added for CEC and WHS management, the World Heritage Site Project Manager has continued her secondment to CEC two days a week, providing expert input into public realm and streetscape initiatives • Specific outcomes of the secondment include supporting CEC staff in public realm heritage management matters generally, and advising/proactively supporting on over 30 CEC projects/work areas, including: George Street public realm project, Meadows-to-George Street Route, CCWEL cycle route, City Centre Transformation, communal bin hubs review and 	<ul style="list-style-type: none"> • Continue to support CEC and CEC priorities as city partner in matters of historic city management, by continuing to; • Provide practical, expert advice on targeted pre-application and planning consultations • Attend and contribute to the Urban Design Panel • Advise on key city strategies • Commit EWH staff and provide direct support through the secondment of the World Heritage Site Project Manager
3. Grants and Support (WHS Management Plan actions 2, 3)	CEC HES Residents of ONTE WHS	<p>EWH will deliver the Conservation Funding Programme. EWH's key priorities for the 2018/21 HES funding period were:</p> <ul style="list-style-type: none"> • Tenements • Shopfronts • The Twelve Closes programme <p>Criteria for applicants include areas of social deprivation.</p> <p>EWH also expects to be involved in a number of World Heritage Site public realm projects</p>	<p>Since CEC capital funding for this ceased in 2015, HES has provided 100% of the capital costs, as well as most (90%) of the operational costs.</p> <p>EWH requires CEC's active engagement and appropriate internal coordination to support delivery.</p>	<p>The resourcing required to deliver this is (CEC funding will contribute 7% operational costs only):</p> <ul style="list-style-type: none"> • Conservation Funding Programme Manager (0.2 FTE) • Grants Officer / World Heritage Site Projects Officer (0.1 FTE) 	<ul style="list-style-type: none"> • Number of Tenements • Number of Shopfronts • Implementation of the Twelve Closes programme 	<p>There is benefit to the communities who own or occupy these buildings and there is wider benefit to the wider community in enjoying a quality built environment. These are projects which would very likely not be possible without EWH financial and advisory support. All works are carried out using traditional building methods and materials in order to meet the best standards of conservation; there is a benefit to those working and training in traditional skills.</p>	<ul style="list-style-type: none"> • Substantially on-programme delivery of projects despite the challenges of Covid-19, skills/materials shortages and EWH resource constraints. • Tenements: 4 new tenement groups awarded grants, further 4 project continuing on site and 2 projects developing in pipeline • Shop fronts: 1 new shop front grant awarded and a further 2 continuing on site • Public realm projects: 12 Closes continuing to deliver and a further 18 public realm projects in active/on site development, including the completion of the Scotland Street historic lighting project, Kings Own Scottish Borders Memorial conservation with CEC, final stages of the Meadows Interpretation Trail and development of new artwork to represent contested heritage. • Other conservation projects - 21/22: 3 sites completed (West Register House, Lauriston Place, Lennox Street) and a further two on site (St Mary's Cathedral, Broughton Road) • Development of new 'area regeneration' programme to increase the impact of EWH grants/advice and better support community needs and CEC aspirations 	<ul style="list-style-type: none"> • Continue to deliver the Conservation Funding Programme, prioritising tenements, shopfronts and other projects of high social value • Continue to deliver our proactive public realm projects, including statues, monuments, artwork, lighting, community-led initiatives, interpretation, kirkyards and the Twelve Closes programme • Maximise the heritage, social and economic impact of the above programmes by focussing our work on areas of greatest need in/around the World Heritage Site

Goals and Objectives	Stakeholder	Service, activities and tactics	Assumptions	Roles and resources	Targets and outcomes	Community Benefits	2021/22 Achievements	2022/23 Planned Activities
4. Maintenance (WHS Management Plan action 1)	CEC HES Residents of ONTE WHS	As part of the Conservation Funding Programme, EWH will: • Provide support to owners and communities on maintenance issues • Provide educational events and materials • Deliver training events	EWH will continue to work with partners including: • Edinburgh ADAPTS • Community groups	The resourcing required to deliver this is (CEC funding will contribute 7% operational costs only): • Conservation Funding Programme Manager (0.2 FTE) • Grants Officer / World Heritage Site Projects Officer (0.1 FTE)	• Increased awareness of and action on maintenance	There is benefit to the local residents of the WHS who engage with the expert advice and guidance produced to support building maintenance.	• 16,853 Facebook/Twitter reach during Maintenance Week 2021 • 46+ maintenance queries from/advice provided to individuals/groups • Development of a new maintenance grant programme for the 2022/23 funding period	• Provide support to owners and communities on maintenance issues, including educational / training events and materials • Deliver new Maintenance Grants Programme
5. Traditional Skills (WHS Management Plan action 22)	CEC HES Residents Visitors	EWH will promote and create opportunities to support traditional skills, supporting employability and the skills pipeline, as part of the Conservation Funding Programme and through events such as the Traditional Building Festival	EWH will work with partners including HES, CEC, the Traditional Building Forum and apprentices	The resourcing required to deliver this is covered by item 3	• Number of traditional skills activities • Number of people engaged • Number of apprentices working on projects	There is a benefit to the local residents and visitors to the WHS who engage with practical workshops and demonstrations of traditional skills through the Traditional Buildings Festival. There is a benefit to the community of traditional tradespeople employed to develop their own skills and those of apprentices in their craft.	• 44 additional traditional tradespeople have been employed across the Conservation Funding Programme • 1 additional apprentice has been employed through our grant-aided projects • Actively supported the Traditional Building Festival • 2 new paid interns from under-represented groups have been employed by EWH to directly support and diversify the historic environment workforce	• Employ traditional tradespeople, including apprentices, across our Conservation Funding Programme funded tenement projects • Support the Traditional Building Festival in August 2022
6. Energy efficiency (WHS Management Plan action 11)	CEC HES Residents	Completion of the Canongate Housing Development 'conservation and sustainability hand-in-hand' project in partnership with CEC EWH will continue to work proactively with CEC to ensure that heritage is part of the solution to the Climate Emergency.	EWH requires CEC's continued active engagement and appropriate internal coordination to support delivery.	The resourcing required to deliver this has been covered by SEEP funding (now complete with associated Canongate Housing Development Project). Alternative sources of core funding are being actively developed to sustain this programme.	• Delivery of successful project • Engagement with owners and community	The benefit here is to the immediate community that owns/occupies these buildings. The wider benefit will be felt across the city where lessons learned from these projects can be taken forward and adapted for other buildings.	Successful completion of the Canongate Housing Development Project in 2021 - resulting in an estimated drop of 28 tonnes of carbon emissions per year (equivalent of planting around 3000 trees), the conservation of this important Category B listed building, uplift in resident's wellbeing as well as replicable methods for wider application. EWH has further undertaken strategic action to support Edinburgh's 2030 Net Zero Carbon goal by: • Building an inclusive and accurate picture of World Heritage Site risks/vulnerability associated with the Climate Emergency through (in partnership) extensive inclusive consulting, analysing and disseminating both a Climate Vulnerability Index assessment and Climate Change Risk Assessment • Publishing a Climate Emergency Manifesto • Working in partnership with academic institutions to identify gaps in knowledge required to effectively and sensitively retrofit historic buildings • Developing a strategy to provide a 'clear path' to the sensitive energy adaptation of Edinburgh's key historic building types to support CEC's city strategy delivery • Raising awareness of heritage	• Develop methodology to understand the impact of climate change on the historic built environment in order to inform mitigation and adaptation across the sector through the delivery of Climate Change Risk Assessment project and the Climate Vulnerability Index (led in partnership with HES, CEC and EWH, involving academic partners from James Cook University, Brisbane and University of Edinburgh) • Using the CCRA, CVI and other work develop and start to deliver a Climate Action Plan • Integrate the Climate Action Plan into the developing next WHS Management Plan and other city strategies to support CEC 2030 targets • Develop an informed understanding of the optimal Climate Emergency approach for key Edinburgh historic building types and public realm within the WHS • Develop and where possible implement the first targeted project(s) required to address information gaps in the 'clear path to adaptation' • Where resources allow, produce further guidance on adaptation and mitigation measures sensitive for the World Heritage Site • Continue to develop/deliver training, advocacy and engagement Climate Emergency programme

Goals and Objectives	Stakeholder	Service, activities and tactics	Assumptions	Roles and resources	Targets and outcomes	Community Benefits	2021/22 Achievements	2022/23 Planned Activities
Develop policies, strategies and projects for park, greenspace, biodiversity and landscape improvements in the city and the wider region. Landowners.	In partnership with CEC and other stakeholders, including Scottish Wildlife Trust, Nature Scot, University of Edinburgh, NHS Lothian, Scottish Forestry, Scottish Enterprise and other	Contribute to and partner in wider initiatives which help Edinburgh deliver its policies and commitments, including Edinburgh Biodiveristy Action Plan, Edinburgh Living Landscape, Central Scotland Green Network, Pentland Hills Regional Park and Sustainable Edinburgh 2020.	There is buy in from stakeholder organisations.	Chief Executive, Project Manager	Strategic development of green infrastructure. Source matching funding for greenspace improvements. Development of biodiversity and landscape improvement projects. Development and delivery of Tree Time as part of the Million Tree Cities Initiative.	Bringing added value to Local Authority projects through match funding. Sponsorship and funding for tree planting through Tree Time. Using local SME consultants to develop landscape designs and management plans.	Helped to deliver the Thriving Greenspaces Initiative, the EBAP & ELL actions. Delivered on the Greenspace Health and Strategic Framework with NHS estate at RIE and REH including the first Greenflag award. Engaged with the PHRP for the development of access improvements. Feasibility study produced for the River Almond. Developed strategic projects with NatureScot for links to Shawfair and Natuure Restoration. Help to delivered on the Million Tree City Initiative through Tree Time and Wee Forests	Help deliver the Thriving Greenspaces Initiative, the EBAP & ELL actions. Engage with the Woodland Strategy. Engage with the PHRP for the development of a funding bid for path improvements and woodland creation. Feasibility study for the Burdiehouse Burn Valley Park with SEPA. Development of strategic projects with NatureScot. Help to deliver on the Million Tree City Initiative through Tree Time and Wee Forests
Create more biodiverse and healthy quality environments to mitigate against climate change through green infrastructure.	In partnership with CEC and other local stakeholders.	Deliver a programme of greenspace improvements across Edinburgh to aid the Locality Improvement Plans.	Better quality greenspaces encourage more people to use them.	Project Manager	Deliver improvements to greenspace amenities. Develop and produce management plans and landscape designs. Delivery of biodiversity and landscape improvement projects. Develop and deliver WIAT projects.	Using local SME contractors to deliver greenspace projects. Using local suppliers for the seeds, plants and trees.	Greenspace improvements at Little France Park including an arboretum and planted up 60 trees in Huntershall Park. Planted 1120 new trees and 10 tree standards at Stenhouse. Planted 80 street trees as part of Tree Time. Created Wee Forests at West Pilton Park and Peacocktail Close which involved planting 1200 trees. Greenspace improvements by Burnshot Bridge including planting 450 trees and meadow grass creation. Developed a new play facility and MUGA in Figgate.	Greenspace improvements at Little France Park including a wetland area. Develop 4 Wee Forests across the city. Plant 90 street trees as part of Tree Time. Develop new play facilities at Montgomery Park.
Increase access to greenspaces through off road active travel routes that bring benefits in terms of reduced carbon emissions and greater rates of physical activity..	CEC Active Travel Team, cycling groups, Local communities	Develop and deliver new and improved active travel off road routes.	If there are more routes then more people will use them.	Project Manager	Increase the use of off road active travel routes through the creation and upgrading of active travel paths. Overcome some of the obstacles that people face which prevent them from choosing active ways of travelling within the city through improved navigation. information.	Using local SME consultants to develop designs for new active travel routes. Using local SME to design and print new maps. Using local SME providers to deliver the bike club sessions.	Upgraded a 100m active travel path at Huntershall Park. Worked on the Spaces for People project to encourage 50 employees at NHS sites to be more active and Be Bright Been seen campaign.	Create and upgrade active travel path along the NCN water of Leith. Develop and deliver active travel programmes of activity in deprived communities
Champion the role that greenspaces and the natural environment play in delivering positive social, economic and environmental benefits through placemaking activities.	Local Community organisations, housing providers, and residents groups.	Deliver local initiatives including landscaping and gardening projects. Contribute to Local Development Plans.	There is access to vacant and derelict land to make improvements.	Project Team	Greater investment in neighbourhoods through community engagement. Prioritising places and neighbourhoods which offer significant benefits in terms of improving people's visual surroundings.	Deliver nature-based educational and outreach events in local parks and greenspaces. Using local specialist sessional workers to deliver outdoor activities.	Delivered 62 community activities in Oxgangs, Dumbiedykes, South Edinburgh, Westburn Woods, West Pilton and Craigmillar for over 586 people. Delivered 15 activities for 29 Armed Forces Families at Dreghorn to help bring community cohesion.	Deliver 80 community development activities in Oxgangs, Dumbiedykes, South Edinburgh, West Pilton and Craigmillar for over 500 people

Goals and Objectives	Stakeholder	Service, activities and tactics	Assumptions	Roles and resources	Targets and outcomes	Community Benefits	2021/22 Achievements	2022/23 Planned Activities
Promote community safety and increase community cohesion through better maintained local greenspaces and woodlands.	Local communities, schools and community groups.	Run community events and activities with a focus on SIMD areas which include litter picks and outdoor learning.	Engaged local families and young people.	Community Project Officers	Reduction in anti-social incidents in local greenspaces. Deliver outdoor learning activities to encourage greater awareness and understanding of the value that the natural environment brings for the development of young people.	Outdoor learning sessions with schools across the city with a focus in areas of deprivation that help deliver the curriculum. Upskilling programme for excluded young people in areas of deprivation to help gain skills and to go onto further training or employment.	Ran 17 sessions of outdoor learning with 20 pupils from Pilrig School and 50 from St Francis Primary. Ran two 12 week upskilling programmes for 24 young people. Ran 30 sessions of youth activities in Moredun, Oxfangs & Craigmillar with 96 young people.	Run three 12 week upskilling programmes for 36 young people. Run a programme of 40 youth activities for 30 young people in Dumbiedykes and Craigmillar .
Foster healthy lifestyles where more people value their greenspaces through greater appreciation of nature and being outdoors.	Local communities including community councils.	Run engagement projects and events including nature walks, physical activity programmes and woodland activities.	Increasing the value attached to greenspaces results in them being better respected and looked after.	Community Project Officers	More people using greenspaces which improve their health and wellbeing. Deliver opportunities for visiting and experiencing the natural environment.	Delivering community engagement activities using local community venues for events.	Ran over 165 community engagement and physical activity sessions including fitness sessions and nature walks for over 1266 participants to help them stay engaged and active. Delivered 189 woodland and conservation sessions to help improve the mental health of over 104 participants through the Thrive Programme.	Run over 200 community engagement and physical activity sessions including fitness sessions and nature walks for over 1500 participants to help them stay engaged and active. Deliver 200 woodland and conservation sessions to help improve the mental health for over 150 participants through the Thrive Programme.
Encourage greater community ownership of local open spaces through community engagement. Improving and developing local greenspaces, parks, woodlands and other outside spaces.	Local communities and volunteers.	Provide a wide range of opportunities to encourage ongoing maintenance and improvement through environmental enhancements and volunteering.	There is community buy in.	Community Project Officers	Supporting and empowering local communities to connect with nature by becoming actively involved in local greenspace projects. Improving access and enhancing green corridors through conservation activities.	Facilitating volunteering activities for small community groups. Supply voluntary staff support for the development of funding applications for community groups.	Supported Friends of Parks groups at Little France Park and Burdiehosue Burn Valley Park to help improve local greenspaces through conservation and environmental enhancement sessions with over 500 volunteers. Planted 5500 bulbs to help improve the local environment.	Support Friends of parks groups to help improve local greenspaces through conservation and environmental enhancement sessions with over 500 volunteers. Plant over 7000 bulbs and plants to help improve the local environment.
		Number of sessions and participant recorded on engagement spreadsheet Production of an activity timetable.	Questionnaires sent out after the programme has been completed.	Regular board meeting. Team meeting and compiling of reports by Project Team, Project Manager and Communications Manager	Production of annual project programme and impact report.	Using local SME to develop and produce reports.	Provided a positive impact to communities through surveys to get 95% of participants feeling more connected to their local community and valuing their local greenspaces.	Ongoing evaluation and promotion of activities through surveys to aim to get 95% of participants to feel more connected to their local community and value their local greenspaces.

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Planning Committee

2.00pm, Wednesday, 23 February 2022

Proposed Approach to Planning Enforcement for Temporary Structures for Hospitality

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 It is recommended Committee approves a relaxed approach to planning control for temporary seating structures associated with existing hospitality businesses in order to facilitate additional space for physical distancing.

Paul Lawrence

Executive Director of Place

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Proposed Approach to Planning Enforcement for Temporary Structures for Hospitality

2. Executive Summary

- 2.1 In light of recent coronavirus restrictions on businesses and the Scottish Government's Chief Planner's letter advocating a continued relaxation of planning control, it is recommended Committee approves a relaxed approach to planning control for temporary seating structures associated with existing hospitality businesses in order to facilitate additional space for social distancing. It is intended that this approach will remain in place until 7 October 2022.

3. Background

- 3.1 Hospitality businesses including cafes, restaurants and public houses have again been subject to Coronavirus Regulations which restrict how they operate. These restrictions have reduced the number of people who are able to use the indoor areas of their businesses. As a result, some seek additional outdoor space for tables and chairs, and some have built temporary structures to enable this.
- 3.2 Typically, these structures require planning permission.
- 3.3 Where structures were in place from Spring 2021 to Autumn 2021 and where no planning permission was in place, in light of the coronavirus pandemic, the Council did not take any planning enforcement action.
- 3.4 In Autumn 2021, some businesses applied for planning permission. These applications were subsequently refused. It was noted in the reports to Development Management Sub Committee that, where planning permission is refused, planning enforcement action would not be taken until a proposed approach to planning enforcement for temporary structures for hospitality is considered by Planning Committee.
- 3.5 Where structures are built for seating, these will often require planning permission. Based on the decisions on the above applications, it is unlikely that similar structures would be recommended for approval if planning applications were made for other locations.

- 3.6 Since March 2020, the Scottish Government has encouraged a relaxation of planning control where doing so can help business and services to diversify and continue to operate during the pandemic. On 8 November 2021, the Scottish Government's Chief Planner stated its advice on enforcement relaxation will continue to the end of September 2022.
- 3.7 Planning enforcement as set out in the Town and Country Planning (Scotland) Act 1997 is discretionary. This is because the Act states that the Council "may" act if it appears there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 3.8 As an alternative to building structures, there are some circumstances outdoor seating may not require planning permission. For example, where tables and chairs are put directly on the surface of the street and removed each day, it is unlikely that planning permission would be required.
- 3.9 Structures placed on a public road require written approval from the Roads Authority. This is currently managed by the Tables and Chairs permit, from powers granted under section 59 of the Roads (Scotland) Act 1984.
- 3.10 It should be noted that planning permission does not automatically entitle structures to be erected. The permission of the owner, the manager or maintainer of the land may be required, which includes, as outlined in 3.9 above, approval from the Roads Authority where a public road is to be used.
- 3.11 Where the seating is being used in connection with the sale of alcohol, a licence under the Licensing (Scotland) Act 2005, will also be required.
- 3.12 This report follows a report to Planning Committee on Summer Festival Installations during Coronavirus Emergency from 19 May 2021. The recommendation of that report, to approve a more relaxed approach to planning control in relation to festival installations in order to facilitate the festivals during the coronavirus emergency for summer 2021, was approved.

4. Main report

- 4.1 It is recommended that a relaxed approach to planning control should continue in respect of seating structures in the following circumstances:
- 4.1.1 Structures on a Public Road or other Council Owned Land: Where a structure is in place that requires planning permission and where planning permission has been refused or where it is identified that an application for planning permission would not be likely to be supported, it is recommended the planning service work with other Council services, to secure the removal of the unauthorised structure with the date for compliance of 7 October 2022. This will allow structures to operate over the Spring and Summer of 2022 and allow a week after the Chief Planner's 30 September 2022 date for an end of enforcement relaxation.

- 4.1.2 Notwithstanding the above, there may be some streets where, because of the way the street is used, it is necessary to remove structures in advance of 7 October 2022. Examples include where streets are used for festival purposes, like the High Street between George IV Bridge and Cockburn Street, George Street in the vicinity of the Assembly Rooms and between Charlotte Square and Castle Street, Hill Street and Hill Square, George Square, Roxburgh Place, Chambers Street, George IV Bridge, St Giles Street, Johnston Terrace, Lawnmarket and Grassmarket. If streets are required for other purposes, businesses will be given a shorter period of road occupancy by Roads Authority. There may be some circumstances where urgent maintenance is required, for example where there is a burst water main or leaking gas pipe. In these cases, structures may need to be removed immediately. Businesses will be made aware of this risk. Where the Roads Authority are not accepting of a proposal/existing structure, a permit to occupy the road will not be issued. In these circumstances, Planning will work with the Roads Authority for the structure to be removed under section 59 of the Roads (Scotland) Act 1984 – Control of Obstructions in Roads.
- 4.1.3 Structures on Private Land: Where a structure is in place that requires planning permission and where planning permission has been refused or where it is identified that the an application for planning permission would not be likely to be supported, it is recommended the planning service serves an enforcement notice requiring the removal of the unauthorised structure with the date for compliance of 7 October 2022. Such a notice will be issued well in advance of the 7 October date to ensure businesses are clear about the requirements and to enable any appeal to be progressed in advance of that date. This will again allow such structures to operate over the spring and summer of 2022 and allow a week after the Chief Planner’s 30 September 2022 date for an end to enforcement relaxation.
- 4.1.4 On private land, where a structure is in place that requires planning permission and where a planning application has not been made but would be likely to be supported, owners will be asked to apply for planning permission and if necessary, served a notice requiring the submission of a planning application.
- 4.2 The above circumstances would allow additional structures to be installed.
- 4.3 It is understood that there is interest from businesses in the first New Town to have tables and chairs structures between April and September. If the criteria above are approved, subject to an installation not impacting on disabled persons’ parking spaces, taxi ranks or causing what the road’s authority consider an obstruction, it would be possible for additional structures to be put in place for that time.
- 4.4 Where businesses seek advice on outdoor seating, they will be advised of the above criteria and about whether there may be a way of having outdoor seating without breaching planning control.

- 4.5 Where structures are on a road and have not been removed by the dates required and therefore action is required under Section 59 of the Roads (Scotland) Act 1984, the Council will write to the business and advise them of the requirement to remove the structure. If the structure is not removed, the Council can take direct action to remove it and recover its expenses.

5. Next Steps

- 5.1 If the recommendations of this report are agreed, the planning service will write to the businesses outlining the approach to be taken and will follow these initial letters with enforcement notices as necessary.
- 5.2 Planning will continue to work with the Transport service to ensure there is a joined up approach to the approach set out above.

6. Financial impact

- 6.1 There is no financial impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 There has not been engagement with business or communities regarding the proposed approach to planning enforcement, however the applications submitted for some of these structures allowed public participation through the neighbour notification process.
- 7.2 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.3 In relation to road safety, impacts can be managed under section 59 of the Road Roads (Scotland) Act 1984 – Control of Obstructions in Roads.
- 7.4 There are no impacts in relation to carbon, adaptation to climate change or sustainable development.

8. Background reading/external references

- 8.1 [Letter from Scottish Government Chief Planner of 8 November 2021.](#)
- 8.2 Scottish Government advice and guidance – [Coronavirus \(Covid-19\): tourism and hospitality sector](#)
- 8.3 [Town and Country Planning \(Scotland\) Act 1997](#)
- 8.4 [Section 59 of the Roads \(Scotland\) Act 1984](#)
- 8.5 [Licensing \(Scotland\) Act 2005](#)

- 8.6 [Report to Planning Committee on Summer Festival Installations during Coronavirus Emergency of 19 May 2021.](#)

9. Appendices

- 9.1 None.

Planning Committee

2.00pm, Wednesday, 23 February 2022

Merchiston and Greenhill Conservation Area Character Appraisal Review

Executive/routine	Executive
Wards	10 Morningside
Council Commitments	15

1. Recommendations

- 1.1 It is recommended that the Committee approves the revised Merchiston and Greenhill Conservation Area Character Appraisal.

Paul Lawrence

Executive Director of Place

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Merchiston and Greenhill Conservation Area Character Appraisal Review

2. Executive Summary

- 2.1 On [22 August 2018](#) the Committee approved an updated programme of review of the existing conservation area character appraisals. This report presents the revised Merchiston and Greenhill Conservation Area Character Appraisal. The revised appraisal has been the subject of consultation.

3. Background

- 3.1 It is a statutory requirement in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for local authorities to periodically review conservation area boundaries and consider whether new conservation area designations are appropriate.
- 3.2 The Council completed character appraisals for all the conservation areas in Edinburgh between 1998 and 2007. More recently, appraisals have been approved as part of the designation process for new conservation areas. On [3 October 2013](#), Committee approved a more interactive format for the conservation area character appraisals and a review of the existing character appraisals.
- 3.3 The review was based on a ranking system to allow prioritisation of conservation areas on the basis of their relative need for an updated appraisal. The appraisals for Inverleith, Grange, Portobello, Leith, Queensferry and the Old and New Town Conservation Areas were completed in the new format.
- 3.4 On 22 August 2018, Committee approved an updated programme for review of the existing conservation area character appraisals. This was based on the age of the character appraisal, with the earliest being given priority, and development pressure, based on the number of applications submitted for planning permission and the extent of recent housing development.
- 3.5 The resulting priority conservation areas were: South Side, Marchmont and Meadows, Colinton, Merchiston and Greenhill, West End, Coltbridge and Wester Coates, Craigmillar Park and Morningside. Trinity Conservation Area was added to the priority list due to local community requests for a review of the boundary of the area. The appraisals for the South Side, Marchmont and Meadows, and Colinton have been completed and approved by Committee.

4. Main report

- 4.1 This report presents the revised Merchiston and Greenhill Conservation Area Character Appraisal, which was approved as a priority by Committee on [22 August 2018](#). The appraisal has been the subject of a consultation.
- 4.2 The Merchiston and Greenhill Conservation Area (map at Appendix 1) was originally designated in May 1986 and the first character appraisal for the area was approved in April 2003.
- 4.3 The statutory definition of a conservation area is an 'area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. The Historic Environment Scotland Policy Statement on the criteria for the designation of conservation areas specifies that it is the character or historic interest of an area created by individual buildings and open spaces, and their relationship one with the other which the legislation covering conservation areas seeks to preserve.
- 4.4 The principles of selection for designation as a conservation area include:
 - 4.4.1 Areas of significant architectural or historic interest in terms of specific listed buildings; and
 - 4.4.2 Areas of significant architectural or historic interest in terms of building groupings.
- 4.5 Conservation area character appraisals are intended to help manage change. They provide an agreed basis of understanding of what makes an area special. This understanding informs and provides the context in which decisions can be made on proposals which may affect that character.
- 4.6 The revised character appraisal (Appendix 2) rearranges the text of the original appraisal for its final publication as a digital document that will include images, photographs and interactive maps. The review also involved the addition of a Management section.

Consultation

- 4.7 The draft revised Merchiston and Greenhill Conservation Area Character Appraisal was the subject of a consultation. An on-line questionnaire was set up on the consultation hub to capture views on the draft appraisal, and to encourage comments about how well it defines the special characteristics of the Conservation Area. The consultation ran for six weeks from 19 November 2021 and generated five responses (Appendix 3).
- 4.8 The five respondents considered that the appraisal was either very clear or somewhat clear in terms of the issues in the Conservation Area and strongly agreed or somewhat agreed with the proposed revised appraisal. The comments received and responses thereto are included in Appendix 3. The comments have not resulted in any change to the appraisal.

5. Next Steps

- 5.1 Once approved, the Character Appraisal will be published online.

6. Financial impact

- 6.1 There are no immediate financial implications for the Council arising from this report.
- 6.2 The new format for the character appraisals is intended to be viewed online. The Council would not stock a traditional, printed version. However, individual copies could be photocopied on request for customers with difficulties accessing the web version. Demand for this service is expected to be low and the minimal additional costs can be absorbed in existing budgets.

7. Stakeholder/Community Impact

- 7.1 The draft revised Merchiston and Greenhill Conservation Area Character Appraisal was the subject of a consultation from 19 November 2021 to 31 December 2021. An on-line questionnaire was set up on the consultation hub to capture views on the draft appraisal and boundary changes, and to encourage comments about how well it defines the special characteristics of the Conservation Area.

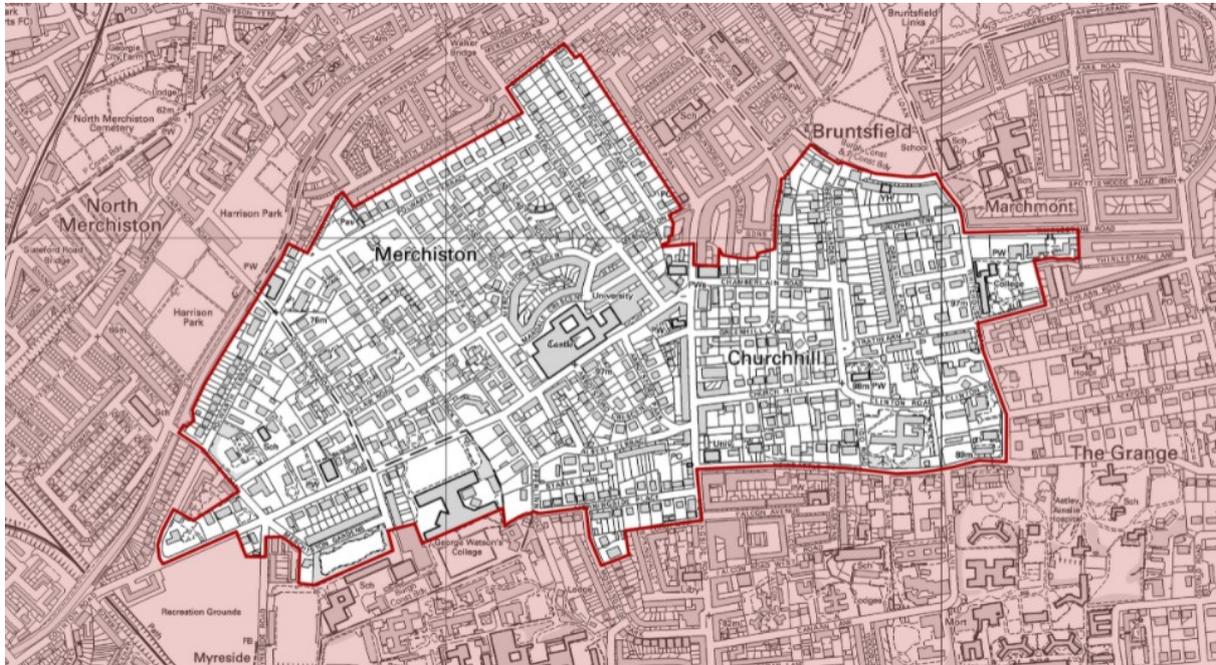
8. Background reading/external references

- 8.1 The current [Merchiston and Greenhill Conservation Area Character Appraisal](#).

9. Appendices

- 9.1 Appendix 1: Map of the Merchiston and Greenhill Conservation Area.
- 9.2 Appendix 2: Merchiston and Greenhill Conservation Area Character Appraisal.
- 9.3 Appendix 3: Merchiston and Greenhill Conservation Area Character Appraisal: Consultation Results.

Appendix 1: Map of the Merchiston and Greenhill Conservation Area.



Appendix 2: Merchiston and Greenhill Conservation Area Character Appraisal.

LOCATION AND BOUNDARIES

The Merchiston and Greenhill Conservation Area is situated some 2.5 kms to the south west of the City centre.

The boundary of the Conservation Area follows the line of Newbattle Terrace westwards to Morningside Road, runs south of Morningside Place and George Watson's to Colinton Road. It then turns northwards onto Polwarth Terrace, running to the rear of properties on Colinton Road, turning northwards again on Gray's Loan, then runs to the rear of properties on the west of Polwarth Terrace, turning north on Merchiston Avenue, east along Granville Terrace and south to the rear of properties on Merchiston Park. It then turns east to the rear of properties on Chamberlain Road, northwards on Forbes Road, eastwards on Bruntsfield Crescent and southwards on Whitehouse Loan, to the starting point on Newbattle Terrace.

DATES OF DESIGNATION/AMENDMENTS

The Merchiston and Greenhill Conservation Area was originally designated on 25 May 1986. The boundary was amended on 29 March 1996 to include the late classical villa properties in Merchiston Park and to exclude the Astley Ainslie Hospital which was included in the Grange Conservation Area. Article 4 Directions were approved in 1996.

STATEMENT OF SIGNIFICANCE

The character of the Merchiston and Greenhill Conservation Area is dominated by Victorian villas interspersed with substantial terraces of outstanding quality. The buildings are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

CONSERVATION AREA CHARACTER APPRAISALS

Conservation Area Character Appraisals are intended to help manage change. They provide an agreed basis of understanding of what makes an area special. This understanding informs and provides the context in which decisions can be made on proposals which may affect that character. An enhanced level of understanding, combined with appropriate management tools, ensures that change and development sustain and respect the qualities and special characteristics of the area.

“When effectively managed, Conservation Areas can anchor thriving communities, sustain cultural heritage, generate wealth and prosperity and add to quality of life. To

realise this potential many of them need to continue to adapt and develop in response to the modern-day needs and aspirations of living and working communities. This means accommodating physical, social and economic change for the better.

Physical change in Conservation Areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area. Physical and land use change in Conservation Areas should always be founded on a detailed understanding of the historic and urban design context.”

From PAN 71, Conservation Area Management.
www.scotland.gov.uk/Publications/2004/12/20450/49052

HOW TO USE THE APPRAISAL

The analysis of the Merchiston and Greenhill Conservation Area’s character and appearance focuses on the features which make the area special and distinctive. These are considered in terms of:

- Historical Origins and Development;
- Structure and Townscape, which describes and draws conclusions regarding the overall organisation and macro-scale features of the area;
- Key Elements, which examines the smaller-scale features and details which fit within the structure; and
- Management: The Management section outlines the policy and legislation relevant to decision-making in the area. Issues specific to the area are discussed in more detail and recommendations or opportunities identified.

This document is not intended to give prescriptive instructions on what designs or styles will be acceptable in the area. Instead, it can be used to ensure that the design of an alteration or addition is based on an informed interpretation of context. This context should be considered in conjunction with the relevant Local Development Plan (LDP) policies and planning guidance.

HISTORICAL ORIGINS AND DEVELOPMENT

‘When the outbound tram car reaches Churchill, before travelling steeply into the valley at Morningside, that fine view of the Pentlands, the scarred flank of Caerketton ahead, opens up before us, with perhaps a plough-man turning a furrow in the middle-distance, and a shepherd with his dogs, driving white sheep across the dark green background.’ (*Auld Reekie*, Alasdair Alpin MacGregor, 1942).

The Conservation Area consists of the former estates of Greenhill, East Morningside and Merchiston which were located on the historic Burgh Muir, an area of woods and marshland to the south of Edinburgh.

In 1586, the western Burgh Muir was feued and the Greenhill Estate was established. The Estate was in the ownership of the Livingstone family during the

seventeenth century, and the name was possibly coined by John Livingstone, who acquired the Estate in 1636. The name may be descriptive of the cultivated land contrasting with the adjoining heathland of Bruntsfield Links, and the -hill would have been the slight eminence (between Bruntsfield Gardens and Forbes Road) which became the site of the Livingstone's Greenhill House in the latter part of the seventeenth century. The house is depicted as three storeys and attic in traditional style on a stone plaque at the corner of Bruntsfield Gardens and Bruntsfield Place, and is described as a 'gabled manor house'. It was located in extensive grounds at the end of the present-day Forbes Road. The house was demolished in 1884. The mausoleum, reputedly that of John Livingstone, the original owner of the Estate stands within a garden in Chamberlain Road. Churchhill was established after Dr Thomas Chalmers built a house known as Kirkhill (now 1 Church Hill) in 1842.

By 1849, a new road, formed by Bruntsfield Terrace and Greenhill Gardens, connected Bruntsfield Place with the east end of Church Hill. The east end of Chamberlain Road was formed by 1852 and Greenhill Park was developing by 1859. Forbes Road was opened through the policies of Greenhill House in 1864, and the House itself was pulled down in the course of forming Bruntsfield Gardens in 1884. The development of the eastern part of Greenhill began in 1871 with Bruntsfield Crescent and Greenhill Terrace, followed by Strathearn Place and, by 1875, Greenhill Place and St Margaret's Road.

References to Merchiston first appear in the mid-thirteenth century. Alexander Napier, a successful merchant and provost of Edinburgh, acquired Merchiston in 1438, and the Napier family were responsible for the construction of Merchiston Tower in the fifteenth century. John Napier, the inventor of logarithms which made a major contribution to the advancement of science, was born at Merchiston in 1550. The Tower was used as the base for Merchiston Castle School for around 100 years from the 1830s. Following the School's move to new premises at Colinton, the Tower was left unoccupied for most of the period up to its amalgamation into the then Napier College's new building in 1964.

From the 1850s, the Merchant Company sold feus in the land of Merchiston Castle. The development was supervised by David Rhind until 1864, when he was replaced by David MacGibbon. Merchiston Place was begun by 1861, and Merchiston Avenue (1867) replaced an early loan connecting the Burghmuirhead with Fountainbridge. Burghmuirhead was the name applied to the triangle of ground between Colinton Road, Abbotsford Park and Morningside Road. It was feued from the Burgh Muir in 1586 and the name derived from its position at the summit of the Muir.

The Greenhill Estate was feued for building in 1840 and substantial villas were constructed in Greenhill Gardens (1852) and Abbotsford Park (1858). Following the demolition of Greenhill House in 1884, a number of quarries were opened within its grounds, the stone from which was used to construct many of the local tenements.

Whitehouse Loan and Terrace take their names from the ancient Whitehouse estate. The earliest mansion-house was built on the estate in the early sixteenth century, and in the 1830s the house, then dating from 1670, was rebuilt and extended to form St Margaret's Convent. The complex of buildings is now the Gillis Centre. Strathearn Place was originally closed off at its west end by a villa. This was demolished in

1900 when the horse-drawn tramline between Churchill and Marchmont was replaced by a cable car. The sharp corner at Strathearn Place and Greenhill Gardens required a manned set of points, and the small stone building in the garden of 17 Strathearn Place is the attendant's booth. Greenhill Cottage which was located at the east end of Bruntsfield Terrace formed the nucleus for the development of Bruntsfield Hospital in the late nineteenth century, which was converted to flats in 1989.

The spatial layout of the area was well established by the end of the late nineteenth century, affording little opportunity for new development. Change during the twentieth century has mainly been associated with the expansion of educational uses, the conversion of villas into flats, and a degree of infill development and development within garden grounds.

STRUCTURE AND TOWNSCAPE

Essential Character

- The topography accentuates the urban form and landmark buildings.
- Key views to landscape and townscape features throughout the city.
- Solidity, robustness, spaciousness, intimacy and impressive visual variety are derived from the formal and informal layout of blocks of villas, terraces, and other groups of buildings.
- A dominant traditional layout and mature townscape of consistent and human scale.
- The distinctive integration of townscape and landscape.
- Sensitive changes of density and building types, and a consistent domestic grain scale and building mass.
- Generous settings which provide effective separation between changes in urban form, land uses and villa pattern are an important townscape element.
- Permeability and legibility derived from numerous long and short vistas to open spaces, panoramic views, landmarks and focal points.

The Conservation Area has a prominent location situated on a localised ridgeline between the edge of the city centre and the Braid Burn valley. From the edge of the Old Town, the topography undulates, descending to a low point along the edge of the Meadows. From here the land rises through Bruntsfield Links to a high point close to Holy Corner in the heart of the Conservation Area, before descending again through Morningside down to the Braid Burn. Blackford Hill and Craiglockhart Hill rise to the south in the intervening area creating foreground landscape features against the more distant Braid Hills and Pentland Hills.

As a result of this elevated location there are fine views afforded many of the properties and streets in the area, to the Castle, Arthur's Seat, the Braid Hills, the Pentlands, and as distant as the Moorfoot and Lammermuir Hills. The prominence of the ridgeline also reinforces the visibility of landmark buildings within the area.

Two major roads define the structure of the core of the Conservation Area. Morningside Road connects Merchiston with Greenhill while Colinton Road, largely a tree lined avenue, runs between two distinct parts of Merchiston. Both roads provide

the major entry points to the Conservation Area. They meet at Holy Corner forming one of the most striking and well-known townscape features in the city outside of the central area. The corner is part of the 'high street' running along Morningside Road extending towards Bruntsfield. The four impressive church buildings, together with adjacent houses and tenements, present a cluster of landmarks providing focus, vistas and legibility to considerable parts of the surrounding area.

The most regular pattern of development occurs in the predominantly rectangular grid layout on the north side of Colinton Road between Merchiston Park and Gillsland Road. In contrast, the part of Merchiston to the south of Colinton Road, focused around Albert Terrace, is much more organic with curved roads and building frontages.

There are some small lanes and culs-de-sac within the perimeter blocks which contribute towards a feeling of semi-rural seclusion, intimacy and offer contrast and variety. At the south western end of this section, near George Watson's school, there is a change of layout with substantial villas and semi-detached houses fronting Colinton Road and two terraces at right angles to one another behind.

Churchill has its own varied building types and layout character. Some, such as the terrace in Greenhill Place, are more urban while others, as in Pitsligo Road and Clinton Road, are very low density and unmistakably suburban with very large houses in generous landscape. A contrasting part with a semi-rural feel occurs to the southeast between the villas of Newbattle Terrace and Whitehouse Loan. It is formed by a combination of cottages, very secluded houses, gatehouses, high stone walls and prevailing dense mature vegetation.

The spatial layout of the area was well established by the early years of the twentieth century. Although there have been several significant developments of which the university buildings are the most substantial and prominent. Elsewhere the changes have been small scale and incremental, and the overall spatial structure of the area has remained substantially unchanged for a significant period.

There are very few large public open spaces in the area, although Bruntsfield Crescent has its superb setting facing the Links. Greenhill Gardens contains an important private open space with a strong public dimension. The Union Canal defines the western edge of Merchiston while the private gardens in Merchiston Gardens present a secluded local amenity. The large lawn in front of Watson's College adds to the imposing presence of the building and helps to separate its institutional function from the residential environment.

A number of sites have been redeveloped with modern blocks of flats. This is most evident in the area west of Colinton Road, notably in Ettrick Road. In some instances, their bulk and siting contrasts sharply with the more domestic, elegant setting and fine grain of houses prevailing in the area. The provision of traditional generous separation distances between new mansion blocks of flats and original villas nearby is an important factor in retaining the character and appearance of the area. Large rear gardens are also an important feature of the urban structure.

Over the years, changes in the way the land and buildings have been used have mainly been the result of the conversion of villas and terraced houses into flats. There has also been a limited amount of demolition, infill and backland development in garden grounds.

The largest modern buildings are Napier University and George Watson's College. The university is a dominating presence placed hard against Colinton Road, while the college is well set back, less assertive and well-integrated into its surroundings. Other substantial structures are the Gillis Centre in Whitehouse Loan, the Churchill Theatre, and the Holy Corner churches.

Traditional purpose-built flatted development is restricted to a limited number of places, notably Morningside Road and Merchiston Crescent/ Mardale Crescent. The latter group, with its distinct geometrical layout, fine grain, curved facades, and striking grey stonework, presents an imposing tenement form in the area. These buildings contrast in mass, scale and density with the surrounding predominant villa pattern. However, the contrast is not harsh. Human scale is provided by the clear vertical rhythm expressed in the elevational composition, the picturesque roof profile, the widths of bay windows with low sills, continuous individual and shared access doors flanked by a regular pattern of grouped windows and small enclosed front gardens. In the middle of both these crescents semi-detached and terraced villas create a break of scale and add variation to the grouping. The tenements also offer attractive end vistas to nearby streets providing a clear sense of direction. Their compactness, solidity and durability add to their valuable contribution to the townscape.

Within the predominantly villa areas there are also fine two and three storey Victorian and Edwardian terraces. Some, such as Albert Terrace, are quiet and secluded while others, such as Rochester Terrace and Bruntsfield Crescent are boldly urban. The longest terrace is in Greenhill Place. Its frontage is punctuated by a taller pavilion at its centre and by wider plots at both ends. The terrace is an excellent example of closure of vista to St. Margaret's Road with the entrance to and the highest part of the Gillis Centre containing the vista at the other end. The terrace faces a classic low density and heavily landscaped villa area. Although so different in character they sit in attractive harmony. The integration of the contrasting styles is assisted by high stone walls, the number of mature trees, and green open space which flow around the houses.

The care shown in the design of several other terraces is noteworthy. Merchiston Gardens, for example, shows verticality and subtle variety in height and roof detailing in what seems to be, at first inspection, uniformity. The neighbouring terrace in Gillsland Road also has a pleasant scale, detailing and stepped skyline following the topography.

Morningside Road, and its short continuation into Colinton Road, is the only part with a sizeable number of traditional shops, cafes and restaurants. They occupy the ground floor of three and four storey tenements. This is the most vibrant and busy part of the Conservation Area in close proximity to the university, churches, theatre, cinema and supermarket.

KEY ELEMENTS

Architectural Character

Essential Character

- The architectural significance of individually designed villas and terraces in the area.
- The variety of architectural styles that contribute to the overall character.
- High quality stone-built architecture of restricted height, generous scale and fine proportions enclosed by stone boundary walls, hedges and trees which define the visual and physical seclusion of the villas.
- The significant degree of uniformity resulting from the predominant use of traditional building materials: of local sandstone for buildings and boundary walls and Scots slate for roofs.

The architectural character of the area is dominated by Victorian villas interspersed with substantial terraces of outstanding quality. The buildings are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Architectural unity is also emphasised by the location of properties within predominantly generous feus which gives the area a generally low density. The stone boundary walls, which typify boundary treatments, contribute to the visual and physical seclusion of the villa development, give definition to the street layout and create a clear distinction between public and private spaces.

Tenement development is restricted to Morningside Road which separates the two main villa areas, and contains the notable grouping of churches at 'Holy Corner', an important part of the area's character. The tenement buildings contrast in mass, density and scale with the main area of villa development. A number of good quality timber shop fronts are included within the tenement group.

The fine collection of spacious and stylish, mainly Victorian villas incorporate buildings of distinguished architectural character. The diversity of styles ranges from restrained classical through the picturesque to the exuberance of Victorian eclecticism. Villa development also afforded the opportunity for architectural enrichment. Finials, trellises, towers, gazebos and campaniles are evident throughout the area and all contribute to the overall character. Despite this variety, a significant degree of unity is achieved by the predominant use of local grey sandstone for buildings and garden walls and natural slates for roofs.

Significant buildings in the area include:

- The succession of elaborate French-style villas by Edward Calvert around Spylaw Road.

- The baronial St Bennet's on Greenhill Gardens with its crowsteps and corner tower which dominates the 'Arcadian formality' of Greenhill Gardens, and is adjoined by the distinctive copper domed Greek-looking archiepiscopal chapel.
- Lammerburn at 10 Napier Road is a two-storey villa designed in 1860 by Sir James Gowans. It is an example of Gowans' eccentric style with a roofscape of strongly projecting bracketed eaves and walls of variegated stonework. Gowans' Rockville, which stood opposite on Napier Road, was demolished in 1966 and replaced with flatted blocks - only the boundary walls now survive.
- The original East Morningside House on Clinton Road, home of Susan Ferrier, the Georgian novelist, which is complete with an old stone lectern dovecote.
- The mid-seventeenth century burial enclosure in Chamberlain Road is the only remaining relic of the Greenhill estate.
- 'Holy Corner' is a crossroads, a well-known local landmark and an architectural focal point within the Conservation Area. The four churches which make up 'Holy Corner' are all category 'B' Listed Buildings of Special Historical or Architectural Interest:

North Morningside Church stands on the corner of south east corner of Chamberlain Road and Morningside Road. It dates from 1879. It is a large Romanesque aisled church with church hall and vestry, orientated to the south with a tower to the north west. It is finished in grey sandstone, squared and snecked rubble with ashlar dressings. It is no longer in ecclesiastical use, having been converted to the Eric Liddell Centre in the early 1990s. It is named for Eric Liddell, the Olympic runner and missionary whose life was featured in the film, 'Chariots of Fire'. The centre is used for a variety of community care and education projects, and has a bookshop and coffee house. The building retains fine quality stained glass work.

Morningside United, originally Morningside Congregational Church, on the north corner of Chamberlain Road and Bruntsfield Place. Designed in an Early Christian Revival style in 1927 by James McLachlan, it replaced an earlier church built in 1863. It is a small elaborately composed Art Deco-Romanesque building finished in a pinkish rough stone with a red pantiled roof, a series of arcades along the side of Chamberlain Road, and an attractive small-scale campanile or bell-tower.

Christ Church dates from 1875 and was designed by Hippolyte Jean Blanc in a cruciform-plan French Gothic style with a tall elegant ashlar spire which dominates the north-west quadrant. It is finished in cream sandstone, and squared and snecked rubble with ashlar dressings. There are low rubble boundary walls, with octagonal ashlar gatepiers and cast-iron railings with fleur-de-lis heads.

The Baptist Church was designed by MacGibbon & Ross in 1872 for the Free Church and opened in 1894. The church, designed in a Gothic style, has a tall pinnacle south-east steeple. The church hall and offices are to the north west, with modern additions flanking to the south and north. It is finished in cream sandstone, and squared and snecked stugged rubble with ashlar dressings. The low rubble wall

to the front has octagonal coped gatepiers. The church was built in the old area of Burghmuirhead within the lands of Greenhill.

Other prominent non-ecclesiastical buildings at 'Holy Corner' include the curved corner tenement block with a mansard French pavilion roof and ground floor shops on the south west quadrant and the Classical building designed by Peddie & Kinnear on the north west quadrant. Beyond, down Colinton Road and visible above the trees, is the modern seven-storey block of Napier University.

Significant public buildings include:

- Napier College which dates from 1962 and is designed around Merchiston Castle, a fifteenth century L-plan tower house which is a Scheduled Ancient Monument. The eastern block is seven storeys of brickwork with other elevations in quartz-faced slabs.
- George Watson's College on the south side of Colinton Road.
- The Church Hill Theatre was originally built as the Morningside Free Church and dates from 1892. It has a substantial rectangular plan in a Renaissance style finished in red ashlar sandstone, and was converted for use as a theatre in 1962-5.
- The category 'A' listed Gillis Centre complex of buildings on Whitehouse Loan including the neo-Norman chapel and the pink and cream sandstone rubble main Convent buildings with their high coped boundary walls and distinctive ashlar gatepiers with ball finials to Whitehouse Loan.
- The red sandstone former Warrender Church on Whitehouse Loan which was converted to residential use in the 1980s.

Napier House is a rare example in Scotland of the American-influenced mansion flats, designed in the mid-1930s by the Arts & Crafts architect John Jerdan. It is a five-storey block of horizontally proportioned flats in yellow harling with strong red brick string courses, plinth and parapet. Typical 1930's details include the horizontally proportioned modern styling and windows.

Activities and Uses

Essential Character

- The predominance of residential uses within the area.
- The proximity to the Morningside neighbourhood shopping centre.
- The contrast between activity on the through routes and general tranquillity in the main villa areas.
- The concentration of educational establishments in the area.

The area is principally residential with a range of shops and other commercial activities occupying ground floor units on Morningside Road. A limited number of villas are used for non-residential uses such as schools and offices. The area also

contains a theatre and three major educational institutions at Napier University, Gillis Centre and George Watson's College. Morningside Road and Colinton Road act as through routes to the south and west.

The general atmosphere of most of the area is of high amenity and serenity. However, this contrasts with the main through routes which are characteristically places of activity in terms of social and commercial activities, and traffic movement.

Natural Heritage

Essential Character

- Limited public open spaces.
- Private open space as the setting to buildings is essential in maintaining the character of the area.
- Importance of natural heritage features forming the boundary to the Conservation Area, the Union Canal and Bruntsfield Links.

There are few public open spaces within the Conservation Area. Those that exist are formal in nature, bowling greens, gardens etc. Open spaces, although not public, are provided by the extensive private gardens.

Examples of open spaces which are important to the character of the Conservation Area include:

- The ground on the corner of Thirlestane Road and Whitehouse Loan which is bounded by the original high stone boundary wall that formed the boundary to the Gillis Centre.
- The central green space on Greenhill Gardens. It is said that this small garden area was an ancient burial ground for plague victims.
- The bowling green/ tennis courts at the corner of Polwarth Terrace, which form an important green space on the approach to the town centre. It is also on the edge of the Conservation Area and forms an important node/confluence in the surrounding townscape.
- The private gardens on Merchiston Gardens, forming the setting to the surrounding terrace and George Watson's Upper primary School.

Public open spaces influence the boundaries to the Conservation Area, Bruntsfield Links to the north and the Union Canal to the west. These spaces are important to the overall setting of the Conservation Area. The scale of these open spaces and the diverse landscape structure are important for biodiversity.

Significant tree specimens are apparent along Strathearn Place, Clinton Road and Napier Road. These were once tree lined avenues or boundaries to estates in the area that were incorporated into development plots at a later stage. Since then the tree cover in the area has been developed substantially within individual plots and gardens giving an extensive landscape framework to the built development.

Within the majority of the Conservation Area the scale of the plots has allowed trees to become features of both the rear and front gardens. The trees help to integrate the built development throughout the area.

Four Tree Preservation Orders (TPOs) have been applied in the Conservation Area:

- Area TPO 14 Merchiston Crescent
- Individual TPO Napier Road (The Limes)
- Group TPO 9 Merchiston Park
- Woodland TPO Cranley School (Spylaw Road and Colinton Road)

Individual trees within gardens play a significant role in creating the character of the Conservation Area. Particular attention should be given to existing trees when considering changes to any development layout in the area. Opportunities for introducing further trees and replacing trees that are lost to age should be considered throughout the area. The long-term management of trees in these situations is of paramount importance.

MANAGEMENT

Legislation, policies and guidance

Conservation Areas

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation Areas are 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local authorities have a statutory duty to identify and designate such areas.

Special attention must be paid to the character and appearance of the Conservation Area when planning controls are being exercised. Conservation Area status brings several special controls:

- The demolition of unlisted buildings requires Conservation Area Consent;
- Some permitted development rights, which allow improvements or alterations to the external appearance of dwelling houses and flatted dwellings, are removed; and
- Works to trees are controlled (see Trees for more detail).

The removal of buildings which make a positive contribution to an area is only permitted in exceptional circumstances, and where the proposals meet certain criteria relating to condition, conservation deficit, adequacy of efforts to retain the building and the relative public benefit of replacement proposals. Conservation Area Character Appraisals are a material consideration when assessing applications for development within Conservation Areas.

Alterations to windows are also controlled in Conservation Areas in terms of the Council's guidelines. uPVC windows are not considered acceptable in the Conservation Area in terms of the Council's Guidance on Replacement Windows.

Listed buildings

A significant number of buildings within the Conservation Area are listed for their special architectural or historic interest and are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Listed building consent is required for the demolition of a listed building, or its alteration or extension in any manner which would affect its special character.

Planning guidance

More detailed, subject-specific guidance is set out in Planning Guidance documents. Those particularly relevant to the Merchiston and Greenhill Conservation Area are:

- Guidance for Householders;
- Guidance for Businesses;
- Listed Buildings and Conservation Areas;
- Developer contributions and affordable housing;
- Edinburgh Design guidance;
- Communications Infrastructure; and
- Street Design Guidance.

In addition, several statutory tools are available to assist development management within the Conservation Area.

Article 4 Direction Orders

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, amended 2012, (abbreviated to GPDO), restricts the types of development which can be carried out in a Conservation Area without the need for planning permission. These include most alterations to the external appearance of dwelling houses and flats. Development is not precluded, but such alterations will require planning permission and special attention will be paid to the potential effect of proposals.

Under Article 4 of the GPDO, the planning authority can seek the approval of the Scottish Ministers for Directions that restrict development rights further. The Directions effectively control the proliferation of relatively minor developments in Conservation Areas which can cumulatively lead to the erosion of character and appearance. The Merchiston and Greenhill Conservation Area has Article 4 Directions covering the following classes of development:

- 7 The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure;
- 38 water undertakings;
- 39 development by gas suppliers; and
- 40 development by electricity undertakers.

Trees

Public and private mature trees contribute to the character of the Conservation Area. Larger trees are also complementary to the scale of Merchiston and Greenhill's wide streets and large villa grounds. Loss of mature trees and the planting of trees of an inappropriate scale have a significant impact on the character of the Conservation Area.

Trees within Conservation Areas are covered by the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Act 2006. This Act applies to the uprooting, felling or lopping of a tree having a diameter exceeding 75mm at a point 1.5m above ground level. The planning authority must be given six weeks' notice of the intention to uproot, fell or lop trees. Failure to give notice will render the person liable to the same penalties as for contravention of a Tree Preservation Order (TPO).

Tree Preservation Orders are made under planning legislation to protect individual and groups of trees considered important for amenity or because of their cultural or historic interest. When assessing amenity, the importance of trees as wildlife habitats will be taken into consideration. There is a strong presumption against any form of development or change of use of land which is likely to damage or prejudice the future long-term existence of trees covered by a Tree Preservation Order. The removal of trees for arboriculture reasons will not imply that the space created by their removal can be used for development.

Appropriate planting is encouraged in areas which have lost a substantial number of large trees or would benefit from such planting, particularly on corner sites where large trees could easily be accommodated. Tree maintenance which preserves the scale, character and outline of the tree will be promoted. Replacement trees should be selected to form appropriate settings for individual houses and contribute to an integrating framework for the whole area. Framework trees should be substantial, long lived, hardy, and interesting in form. They should be in scale with and provide a setting for the buildings.

Trees in the City contains a set of policies with an action plan used to guide the management of the Council's trees and woodlands.

Assessing Development within the Conservation Area

The richness of Merchiston and Greenhill's built heritage is considerable. It is this complexity and diversity which make it attractive yet make these qualities hard to define. It also has a fragility and human scale which often does not sit easily with the demands of present-day development requirements. These are qualities and conflicts that must be resolved if the character of the Conservation Area is to be sensitively interpreted and enhanced.

General Criteria

General issues to be considered in assessing development proposals in the Conservation Area include the appropriateness of the overall massing of development, its scale (the expression of size indicated by the windows, doors, floor heights, and other identifiable units), its proportions and its relationship with its context i.e. whether it sits comfortably. Development should be in harmony with, or

complimentary to, its neighbours having regard to the adjoining architectural styles. Villas set in enclosed spacious garden grounds, which are a feature of parts of the Conservation Area and make a significant contribution to its character should be protected from the loss of boundary walls, additional hardstanding, ancillary buildings and side extensions where they impact on views through to the rear garden. The use of materials generally matching those which are historically dominant in the area is important, as is the need for the development not to have a visually disruptive impact on the existing townscape. It should also, as far as possible, fit into the “grain” of the Conservation Area, for example, by respecting historic layout, street patterns or existing landform. It is also important where new uses are proposed that they respect the unique character and general ambience of the Conservation Area, for example certain developments may adversely affect the character of a Conservation Area through noise, nuisance and general disturbance. Proposals outside the boundaries of the Conservation Area should not erode the character and appearance of Merchiston and Greenhill. The natural environment along the Water of Leith should be protected, conserved, enhanced and managed.

New Buildings

Where new development does not have an adverse impact on the character of the Conservation Area and is considered acceptable, it should be of good contemporary design that is sympathetic to the spatial pattern, scale, massing, proportions, building line and design of traditional buildings in the area. Any development, either within or outside the Conservation Area, should be restricted in height and scale in order to protect the key views of the Conservation Area. New development should protect the setting of individual buildings and the historic context. The quality of alterations to shop fronts, extensions, dormers and other minor alterations should also be of an appropriately high standard.

The development of new buildings in the Conservation Area should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Therefore, while development of a gap site in a traditional terrace may require a very sensitive design approach to maintain the overall integrity of the area; in other cases, modern designs sympathetic and complimentary to the existing character of the area may be acceptable.

Alterations and Extensions

Proposals for the alteration or extension of properties in the Conservation Area will normally be acceptable where they are sensitive to the existing building, in keeping with the character and appearance of the particular area and do not prejudice the amenities of adjacent properties. Extensions should be subservient to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. Very careful consideration will be required for alterations and extensions affecting the roof of a property, as these may be particularly detrimental to the character and appearance of the Conservation Area.

Definition of ‘Character’ and ‘Appearance’

Conservation Areas are places of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.

The character of an area is the combination of features and qualities which contribute to the intrinsic worth of an area and make it distinctive. Special character does not derive only from the quality of buildings. Elements such as the historic layout of roads, paths and boundaries, paving materials, urban grain and more intangible features, such as smells and noises which are unique to the area, may all contribute to the local scene. Conservation Area designation is the means of recognising the importance of all these factors and of ensuring that planning decisions address these qualities.

Appearance is more limited and relates to the way individual features within the Conservation Area look.

Care and attention should be paid in distinguishing between the impact of proposed developments on both the character and appearance of the Conservation Area.

OPPORTUNITIES FOR DEVELOPMENT

Development opportunities for infill or replacement may arise within the area and will be considered in terms of the relevant guidance. The Edinburgh Design Guidance, Guidance for Householders and Listed Buildings and Conservation Areas explain the Council's approach to design in historic contexts.

The unsympathetic subdivision of garden grounds can erode the quality of a building's form and proportion, and the historic relationship between buildings.

OPPORTUNITIES FOR ENHANCEMENT

The character appraisal emphasises the more positive aspects of character in order that the future can build on what is best within the Conservation Area. The quality of urban and architectural design needs to be continuously improved if the character of the Conservation Area is to be enhanced. The retention of good quality buildings (as well as listed buildings) and the sensitive interpretation of traditional spaces in development are of particular importance.

Streetscape

Careful consideration should be given to floorscape which is an essential part of the overall appreciation of Merchiston and Greenhill's rich townscape heritage. Repair and renewal work to street surfaces should be carefully detailed and carried out to the highest standards using quality natural materials.

High Buildings

The buildings within the Conservation Area have generally consistent heights and the character of the area is particularly susceptible to buildings that break the prevailing roof and eaves height and impinge on the many important views. It is also important to protect the character of the Conservation Area from the potentially damaging impact of high buildings outside the Conservation Area.

Repair, Maintenance and Alterations

The character of the Conservation Area is maintained through regular maintenance of the built fabric in appropriate quality materials. Alterations should maintain the character and appearance. The reinstatement of boundary enclosures to the original pattern would benefit the overall architectural character of the area.

Boundary Treatments

Stone boundary walls are a key feature within the Conservation Area. They should be repaired and reinstated where appropriate.

REFERENCES

Smith, Charles. Historic South Edinburgh.
Harris, Stuart. Street Names of Edinburgh.
J. Gifford, C. McWilliam & D. Walker. Buildings of Scotland: Edinburgh., Penguin, 1984.

Appendix 3: Merchiston and Greenhill Conservation Area Character Appraisal: Consultation Results.

The consultation ran for six weeks from 19 November 2022. Five responses were submitted.

How clearly does the appraisal set out the issues within the Merchiston and Greenhill Conservation Area?

- 1 Very Clear
- 4 Somewhat Clear

To what extent you agree or disagree with the proposed revised appraisal of the Merchiston and Greenhill Conservation Area?

- 2 Strongly Agree
- 3 Somewhat Agree

Comments and Responses

Comment	Response
The Cockburn Association would wish to support this new Character Appraisal and welcomes its updating.	Noted
The appraisal is well structured and easy to understand. I found myself agreeing with the general description and context etc. It reads as a generally satisfactory description of the area and highlights the most important features of it.	Noted
A factual error was noted.	This has been corrected.
<p>We are denied the right to place solar panels on our roof when they cannot be seen from the road. Surely decarbonisation will require some changes to the management of our very special environs.</p> <p>I strongly support the observation that traditional materials should be used for repairs and new build in the area. Sadly, however, I understand that the current City of Edinburgh Planning Department do not share this view and discourage what they describe as 'pastiche' extensions.</p> <p>I am particularly distressed by the fact that a neighbouring 1830s old stone farm house is due to have a replacement extension constructed with significant metal walls. It is good news that the existing extension -</p>	These comments relate to particular applications and are not directly relevant to the contents of the appraisal.

<p>and ugly disproportionate harled 1900 building is being demolished - but sad that it is not being replaced by sandstone to link with the original house and a relatively recent (2010) extension at the other side of the house added by the previous owners.</p>	
<p>The character of our environs has been severely devalued by the vulgar, amateurish and ill thought out modifications to our roads albeit under the dubious reasoning that roads are thereby made safer for a minority of road users (cyclists). Meantime, congestion increases elsewhere and with it pollution, frustration from the trading areas of our area and pointless hazards placed in our already narrow streets threatening the visually challenged and confusing pedestrians as they stagger over numerous kerbs whilst avoiding anarchic cyclists seeking to share ambiguously labelled areas.</p>	<p>This comment relates to a particular Council initiative and is not directly relevant to the contents of the appraisal.</p>
<p>The approach to trees is too open to interpretation and too focussed on trees in private gardens. Protection of trees should be required, not “encouraged” as stated, which would better reflect the statutory protection given to trees in a Conservation Area. For example, on Newbattle Terrace, several trees have been felled with only stumps remaining. It is clear that the design of the street and therefore part of the character and appearance of the Conservation Area is the planting layout integrated into the design and construction of the roadway</p>	<p>The appraisal specifies that public and private mature trees contribute to the character of the Conservation Area and should be retained.</p>
<p>The area around Holy Corner is much livelier that it would have been when the previous character appraisal was published. There are a few examples of pavements being appropriated with a deleterious effect. The document should make much stronger statements about what is, and isn't, acceptable, in the streetscape.</p>	<p>The character appraisal notes the contrast between the high amenity and serenity of most of the area and the main through routes which are characteristically places of activity in terms of social and commercial activities, and traffic movement.</p>

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Planning Committee

2.00pm, Wednesday 23 February 2022

Proposed extension to the Leith Conservation Area

Executive/routine	Executive
Wards	12– Leith Walk
Council Commitments	<u>15</u>

1. Recommendations

- 1.1 It is recommended that Committee approves the boundary extension to the Leith Conservation Area and the updating of the current Leith Conservation Area Character Appraisal to reflect the boundary extension.

Paul Lawrence

Executive Director of Place

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Proposed extension to the Leith Conservation Area

2. Executive Summary

- 2.1 On [14 May 2015](#), the Planning Committee approved the revised Leith Conservation Area Character Appraisal. This report presents a proposed boundary extension to the Leith Conservation Area.
- 2.2 The proposed boundary extension has been the subject of an online consultation and letters sent to local property owners.
- 2.3 This report provides an assessment of an area proposed as an extension of the Leith Conservation Area and concludes that the historic and architectural character of the area is sufficient to merit its inclusion in the Conservation Area.

3. Background

- 3.1 It is a statutory requirement in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 for local authorities to periodically review conservation area boundaries and consider whether new conservation area designations are appropriate.
- 3.2 The Leith Conservation Area was reviewed in 2015. Since then, there have been enquiries concerning the potential inclusion of the former railway arches on Manderston Street and Jane Street.

4. Main report

- 4.1 The Leith Conservation Area was designated in February 1998. It comprises the former Madeira and Old Leith Conservation areas with extensions at Leith Walk, Kirkgate, Albert Dock and the Citadel. The Old Leith Conservation Area was designated in 1977, with several subsequent amendments and the Madeira Conservation Area was designated in 1975. The Conservation Area boundary was amended on 30 August 2013 to transfer part of Leith Walk and Pilrig Street to the Pilrig Conservation Area.

- 4.2 Conservation areas are designated under the Planning Listed Buildings and Conservation Areas (Scotland) Act 1997. Conservation areas are areas which have special architectural or historic interest that are considered worthy of protection.
- 4.3 National planning policy sets out that local authorities are expected to ensure that local development plans and supplementary guidance provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. In this regard, local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed Article 4 Directions. This should be supported by Conservation Area Appraisals and Management. As part of this process, planning authorities are encouraged to undertake a thorough appraisal of any area before designation to ensure that its character or appearance is understood.
- 4.4 Historic Environment Scotland's 'Managing Change in the Historic Environment' 'Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent' states that it is the character of an area, either architectural or historic, created by buildings and open spaces and their relationship with one another which the designation of a conservation area seeks to preserve. Elements such as the street layout, open spaces and the public realm all contribute to an area's special character. To be designated as a conservation area it must meet the criterion of 'special architectural or historic interest the character or appearance of which is desirable to preserve or enhance', as set out in Section 61 of the 1997 Act. Areas of 'special architectural or historic interest' will be selected based on a range of factors which may include:
- 4.4.1 Areas of significant architectural or historic interest in terms of specific listed buildings and/or ancient monuments;
 - 4.4.2 Areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or ancient monuments, and open spaces which they abut;
 - 4.4.3 Areas with features of architectural or historic interest such as street pattern planned towns and villages and historic gardens and designed landscapes; and;
 - 4.4.4 Other areas of distinctive architectural or historic character.
- 4.5 The designation of a conservation area must, therefore, be based on the historic and architectural interest of an area. Conservation area status is not intended to act simply as a means of controlling development.
- 4.6 In April 2020, an enquiry was submitted requesting that consideration be given to an extension of the Leith Conservation Area to include areas to the east and west of Leith Walk, on Manderston Street and Jane Street. The buildings comprise the railway arches associated with the former Leith Walk West Goods Yard and the abutment of the former railway bridge over Leith Walk (as shown in Appendix 1). It was considered that this would assist in securing the long-term future of Stead's Place and protect the railway heritage of Leith.

- 4.7 The former Leith Walk West Goods Yard was on the Caledonian Railway's *Leith New Lines* from Newhaven to Leith Docks. The goods yard occupied a large area to the south of Jane Street. Built because of intense rivalry with the North British Railway, it was opened for goods traffic in 1903. Stations were partly built at Newhaven, Ferry Road and Leith Walk but by then street tramway competition had removed the chance of passenger services being viable and they were never completed. By 1917 the line had been single-tracked and became in effect a long and underused goods siding.
- 4.8 Threading through a mainly built-up area involved expensive heavy engineering. The buildings fronting Leith Walk formed the abutments of one of the three massive lattice girder bridges on the line. The bridge was removed in 1980. Considerable demolition was also involved; in this case, the row of tenements which fronted 106–154 Leith Walk and the entire south side of Manderston Street. (Historic maps of the area, images of the bridge, and an aerial view of the site are included in Appendices 2, 3 and 4).
- 4.9 The arches are now occupied by a variety of uses. The present bingo hall at 24 Manderston Street was formerly the Leith Capitol Theatre and Cinema. It was the largest cinema in Edinburgh, seating 2,300, when it was opened in September 1928 by Gaumont British Theatres/General Theatre Corporation. The architects were J.M. Johnston and J.A. Ross. The entrance is through one of the railway arches, which leads to the auditorium. The cinema closed and reopened as a bingo hall in July 1961. It was then converted to a Top Rank Bingo Club and is now a Mecca Bingo Hall. The building retains elements of the original interior Art Deco decoration. (Images of the buildings within the proposed extended area are included in Appendix 5).
- 4.10 The buildings reflect Leith's railway history and are considered to be of sufficient architectural and historic character to merit designation as an extension to the Leith Conservation Area in terms of the criteria specified by Historic Environment Scotland's 'Managing Change in the Historic Environment' 'Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent'.
- 4.11 The proposed extension to the Leith Conservation Area was also the subject of a public consultation for six weeks from 7 November 2021. An on-line questionnaire was set up on the consultation hub to capture views on the proposed extension to the Conservation Area. Letters detailing the proposals were also sent to 29 local owners within and in the immediate area of the proposed extension.
- 4.12 The consultation generated 102 responses via the online survey. Appendix 6 details the responses. 99 (97%) respondents considered the appraisal was either very clear or somewhat clear, with three being unsure. 95 (93%) respondents strongly agreed with the proposal to extend the conservation area and seven somewhat agreed. The majority of comments received note that the proposed extension to the Conservation Area reflect the railway heritage of Leith and are supportive of the proposals. The consultation indicates that there is substantial support for the extension of the Conservation Area.

- 4.13 The Leith Walk/Halmyre Street Place Brief, which was approved in September 2020, proposes a new vehicular access to the rear of the bingo hall on Manderston Street (Appendix 7). It is, therefore, recommended that the rear extension to the bingo hall, which was originally within the proposed extended Conservation Area, is not included. The amended boundary is shown in Appendix 8. This revised boundary would be more focused on the arches of the historic railway line.

5. Next Steps

- 5.1 Once approved, the proposed extension to the Leith Conservation Area will be initiated through formal designation procedures and the current character appraisal will be updated.

6. Financial impact

- 6.1 There are no immediate financial implications for the Council arising from this report.

7. Stakeholder/Community Impact

- 7.1 The proposed extension to the Leith Conservation Area was the subject of an online consultation and 29 local owners were informed of the proposal by letter.

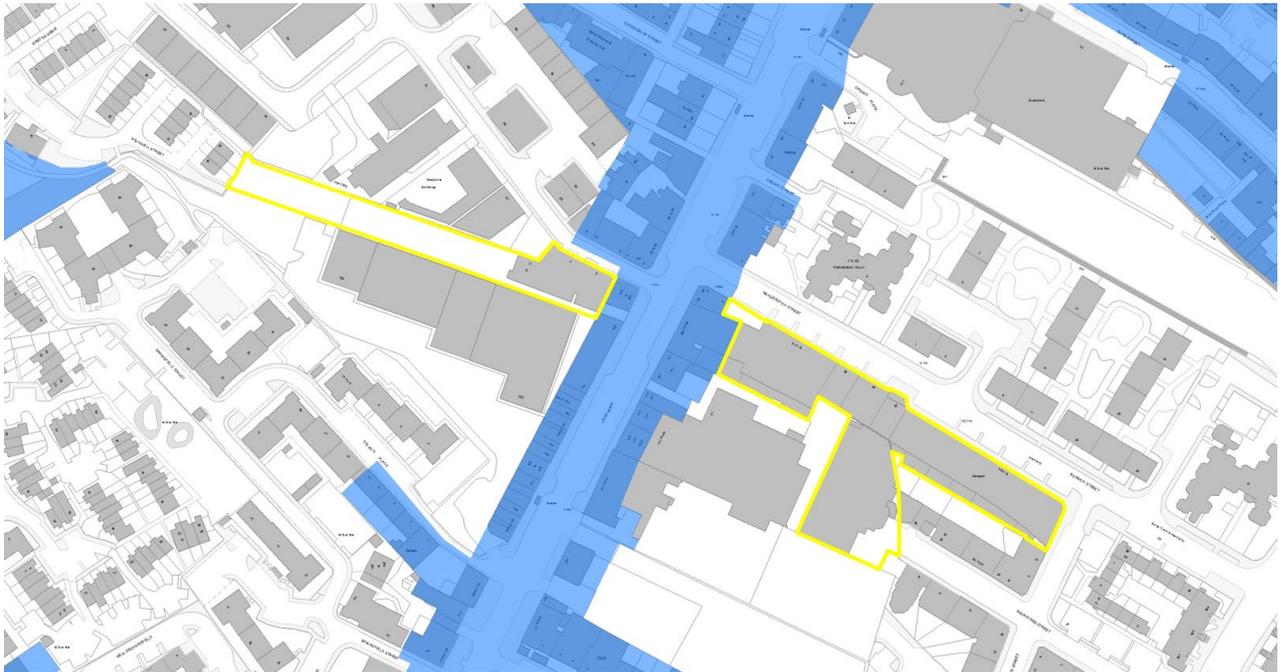
8 Background reading/external references

- 8.1 [Report to Planning Committee of 22 August 2018, Review of Conservation Area Character Appraisals.](#)

9. Appendices

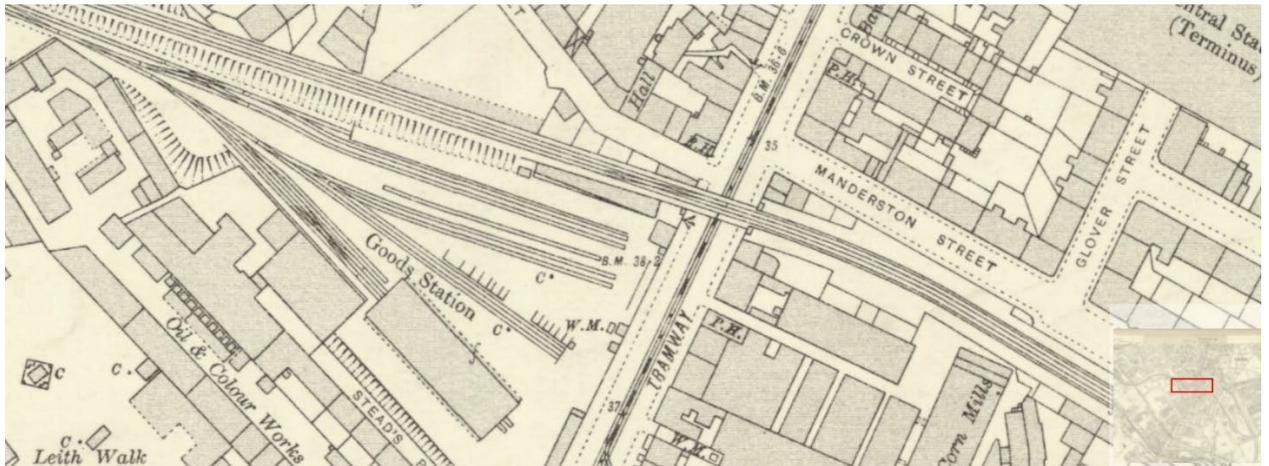
- 9.1 Appendix 1: Plan of originally proposed extension to the Conservation Area.
- 9.2 Appendix 2: Historic Maps of the area.
- 9.3 Appendix 3: Images of Bridge.
- 9.4 Appendix 4: Aerial view of the site.
- 9.5 Appendix 5: Images of the buildings proposed for inclusion in the Conservation Area.
- 9.6 Appendix 6: Consultation responses.
- 9.7 Appendix 7: Plan from the Leith Walk/Halmyre Street Place Brief.
- 9.8 Appendix 8: Recommended revised boundary of the extended Conservation Area.

APPENDIX 1 - PLAN SHOWING ORIGINALLY PROPOSED EXTENSION TO LEITH CONSERVATION AREA

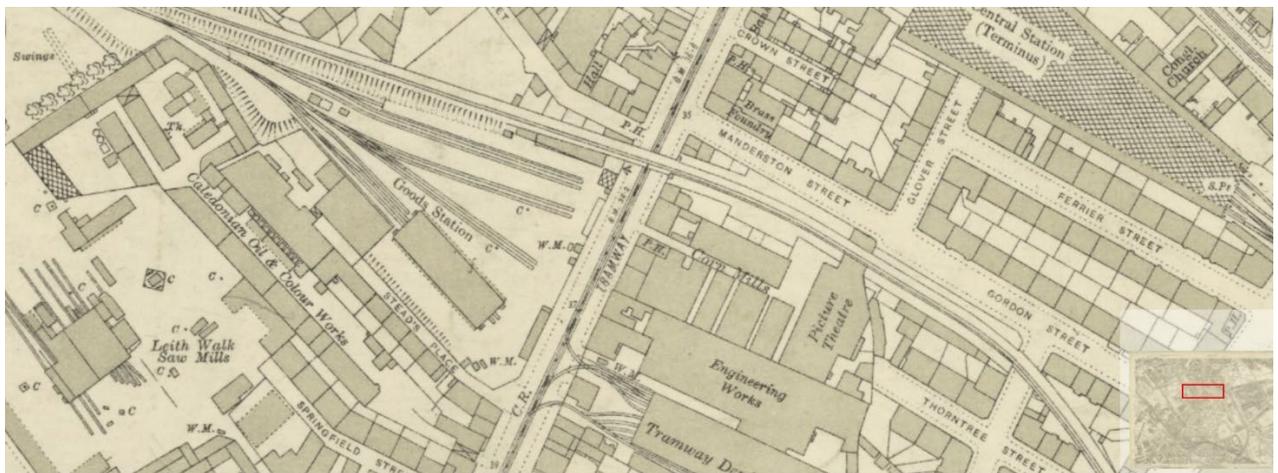


Existing Leith Conservation Area shown in blue.
Originally proposed extension outlined in yellow.

APPENDIX 2 - HISTORIC MAPS OF THE AREA



1912



1933



1944

APPENDIX 3 – IMAGES OF BRIDGE



APPENDIX 4 - AERIAL VIEW OF SITE



Source: Google Street View

APPENDIX 5 – IMAGES OF THE BUILDINGS PROPOSED FOR INCLUSION IN THE CONSERVATION AREA



Manderston Street



Jane Street

APPENDIX 6 - PROPOSED LEITH CONSERVATION AREA EXTENSION: CONSULTATION RESPONSES

102 Responses were received.

1 How clearly does the report set out the issues that have led to the proposal to extend the Leith Conservation Area?

Very clear **47**

Somewhat clear **52**

Don't know/Unsure **3**

Somewhat unclear

Very unclear

2 To what extent do you agree or disagree with the proposed extension to the Leith Conservation Area?

Strongly agree **95**

Somewhat agree **7**

Don't know/Unsure

Somewhat disagree

Strongly disagree

APPENDIX 7 – PLAN FROM THE LEITH WALK/HALMYRE STREET PLACE BRIEF



APPENDIX 8 - RECOMMENDED REVISED BOUNDARY OF THE EXTENDED CONSERVATION AREA



Existing Leith Conservation Area shown in blue.

Proposed extension outlined in yellow.

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