

Notice of meeting and agenda

Planning Committee

2.00 pm Wednesday, 31st August, 2022

Dean of Guild Court Room - City Chambers

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

The law allows the Council to consider some issues in private. Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

Contacts

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1. Order of Business

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

2. Declaration of interests

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

3. Deputations

- 3.1 If any

4. Minutes

- 4.1 Planning Committee of 8 June 2022 - submitted for approval as a correct record 7 - 10

5. Business Bulletin

- 5.1 Planning Committee Business Bulletin 11 - 28

6. Development Plan

- 6.1 City Plan 2030 - Development Plan Scheme – Report by the Executive Director of Place 29 - 42

7. Planning Policy

- 7.1 Affordable Housing Policy - Tenures Update – Report by the Executive Director of Place 43 - 50

7.2	Proposed Compulsory Purchase Order - Meadowbank Housing Development Site – Report by the Executive Director of Place	51 - 80
7.3	Edinburgh Urban Design Panel - Annual Review - Update – Report by the Executive Director of Place	81 - 98
7.4	Proposed Changes to Short-Term Let Guidance – Report by the Executive Director of Place	99 - 106
7.5	Changes to Planning Fees – Report by the Executive Director of Place	107 - 138

8. Planning Process

8.1	Training and Awareness Raising Programme – Report by the Executive Director of Place	139 - 142
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9. Planning Performance

9.1 None.

10. Conservation

10.1 None.

11. Motions

11.1 None.

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor James Dalgleish (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor Neil Gardiner, Councillor Euan Hyslop, Councillor Tim Jones, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat, Councillor Kayleigh O'Neill and Councillor Hal Osler

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 in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh and 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 the Council's online [Committee Library](#).

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Minutes

Planning Committee

2.00 pm, Wednesday 8 June 2022

Present

Councillors Dalgleish (Convener), Beal, Booth, Cameron, Gardiner, Hyslop, Jones, Key, Mowat, O'Neill and Osler.

1. Proposed Extension to Leith Conservation Area

a) Deputation – Leith Central Community Council, Leith Harbour & Newhaven Community Council and Leith Links Community Council.

The deputation indicated that they, in December 2021, expressed their full support in response to the initiative by the Council to seek views from the Community about the proposal to extend the Leith Conservation Area to include the arches on Manderston Street & Jane Street along with the former Capitol Theatre, now Bingo Hall. They advised that, in March 2022, they voiced their strongest concerns about the exclusion of the Bingo Hall from the Leith Conservation Area extension report that had been voted on by the Planning Committee on Wednesday 23 February 2022.

They stated that the omission was not only in plain contradiction with Leith Community Councils' joint response to the consultation, but it also raised serious questions about the Conservation Area extension approval process. The deputation asked the Committee to reinstate the Bingo Hall in the proposed Leith Conservation Area extension.

b) Report by the Executive Director of Place

The Committee ruled in terms of Standing Order 30.1(b) that this item, which included a recommendation which, if accepted, would require a change to the Planning Committee item 14 of 23 February, should be considered as the decision was based on erroneous, incorrect or incomplete information.

The committee considered a report that provided justification for the extension to the boundary of the Leith Conservation Area, which was approved by the Planning Committee, on 23 February 2022, following a period of public and stakeholder consultation last year. The report enabled Committee to make a decision on the proposed extension with the benefit of more complete information in relation the rear of the Bingo Hall on Manderston Street.

Motion

- 1) To note the proposed extension to the Leith Conservation Area boundary, as amended following public and stakeholder consultation to ensure alignment with

the Leith Walk/Halmyre Street Place Brief and to reinforce its focus to preserve and enhance the area's unique railway history, was approved on 23 February 2022.

- 2) To acknowledge that concern had been raised by Leith Central Community Council, Leith Harbour and Newhaven Community Council, Leith Links Community Council and a local resident regarding the decision to amend the originally proposed boundary extension which was presented as part of the consultation.
- 3) To accept the further detailed justification provided in this report confirming the reasoning for the proposed amendment to the originally proposed Leith Conservation Area extended boundary extension.
- 4) To agree to proceed with formal conservation area designation procedures and update the Leith Conservation Area Character Appraisal to reflect the boundary extension as approved on 23 February 2022.

- moved by Councillor Dalgleish, seconded by Councillor Cameron

Amendment 1

- 1) To note the proposed extension to the Leith Conservation Area boundary, as amended following public and stakeholder consultation to ensure alignment with the Leith Walk/Halmyre Street Place Brief and to reinforce its focus to preserve and enhance the area's unique railway history, was approved on 23 February 2022.
- 2) To acknowledge that concern had been raised by Leith Central Community Council, Leith Harbour and Newhaven Community Council, Leith Links Community Council and a local resident regarding the decision to amend the originally proposed boundary extension which was presented as part of the consultation.
- 3) To note that the Leith Conservation Character Appraisal emphasised the area's unique and complex character, including the unifying effect of traditional materials and the multiplicity of land use activities.
- 4) To agree that the bingo hall illustrated this complexity of land use in central Leith. As part of the history of the conservation area, the building's fabric has been adapted and added to using traditional materials through its evolution from industrial uses to cinema / bingo hall.
- 5) To note that the Halymyre Street Place Brief (March 2020) included two options for the site, with one including the bingo hall being retained.
- 6) To therefore agree to approve the extension to the Leith Conservation Area as originally consulted, including the rear of the bingo hall within the conservation area extension.

- moved by Councillor Booth seconded by Councillor Gardiner

In accordance with Standing Order 22(12), Amendment 1 was accepted as an addendum to the motion

Amendment 2

To continue consideration of the item to a future meeting of the Planning Committee.

- moved by Councillor Osler, seconded by Councillor Beal

Voting

The voting was as follows:

For the Motion (as adjusted)	-	9 votes
For Amendment 2	-	2 votes

(For the Motion (as adjusted): Councillors Dalglish, Booth, Cameron, Gardiner, Hyslop, Jones, Key, Mowat and O'Neill

For Amendment 2: Councillors Beal and Osler)

Decision

To approve the following adjusted motion by Councillor Dalglish:

- 1) To note the proposed extension to the Leith Conservation Area boundary, as amended following public and stakeholder consultation to ensure alignment with the Leith Walk/Halmyre Street Place Brief and to reinforce its focus to preserve and enhance the area's unique railway history, was approved on 23 February 2022.
- 2) To acknowledge that concern had been raised by Leith Central Community Council, Leith Harbour and Newhaven Community Council, Leith Links Community Council and a local resident regarding the decision to amend the originally proposed boundary extension which was presented as part of the consultation.
- 3) To note that the Leith Conservation Character Appraisal emphasised the area's unique and complex character, including the unifying effect of traditional materials and the multiplicity of land use activities.
- 4) To agree that the bingo hall illustrated this complexity of land use in central Leith. As part of the history of the conservation area, the building's fabric has been adapted and added to using traditional materials through its evolution from industrial uses to cinema / bingo hall.
- 5) To note that the Halymyre Street Place Brief (March 2020) included two options for the site, with one including the bingo hall being retained.
- 6) To therefore agree to approve the extension to the Leith Conservation Area as originally consulted, including the rear of the bingo hall within the conservation area extension.

(References – Planning Committee, 23 February 2022 (item 14); report by the Chief Planning Officer, submitted.)

2. Minutes

Decision

- 1) To approve the minute of the Planning Committee of 23 February 2022 as a correct record.
- 2) To note that the Chief Planning Officer would circulate data on listed buildings as previously agreed in a motion by Councillor Rose.

3. Business Bulletin

The Planning Committee Business Bulletin for 8 June 2022 was submitted.

Decision

- 1) To note the Business Bulletin.
- 2) To note that consideration would be given to how data could be presented to Committee regarding non-determination and details of appeals.


(Reference – Business Bulletin 8 June 2022, submitted.)

Business Bulletin

Planning Committee

2.00pm, Wednesday, 31 August 2022

Planning Committee

Convener:	Members:	Contacts:
<p>Councillor James Dalgleish</p> 	<p>Councillor Alan Beal Councillor Chas Booth Councillor Lezley Marion Cameron Councillor Neil Gardiner Councillor Euan Hyslop Councillor Tim Jones Councillor Amy McNeese-Mechan Councillor Joanna Mowat Councillor Kayleigh O'Neill Councillor Hal Osler</p>	<p>Martin Scott Committee Services martin.scott@edinburgh.gov.uk</p> <p>David Givan Chief Planning Officer and Head of Building Standards david.givan@edinburgh.gov.uk</p>

Housing Need and Demand Assessment 3

The [third Housing Need and Demand Assessment \(HNDA\)](#) for Edinburgh and South East Scotland City Region was given “robust and credible” status by Scottish Government in July 2022.

An HNDA estimates the future number of additional homes required to meet existing and future housing need and demand in a housing market area.

Scottish Government legislation requires local authorities to develop an HNDA every five years, providing an evidence base to inform both housing policy and land use planning. HNDAs are designed to give a broad estimate of what future housing need might be, rather than being precision estimates.

The six local authority City Region partners came together to produce Housing Need and Demand Assessment 3 (HNDA3) covering the City of Edinburgh, East Lothian, Fife (West and Central), Midlothian, Scottish Borders and West Lothian. The HNDA Tool, developed by the Scottish Government, aims to reduce the cost and complexity of the process and to bring sources of national data together to support consistency in how HNDAs are developed across Scotland.

The HNDA tool produces a range of scenarios based on assumptions about affordability, income growth and distribution, house prices and rents:

- Scenario 1: HNDA Tool Default
- Scenario 2 HNDA Tool Default plus LA Existing Need
- Scenario 3: Strong Growth
- Scenario 4: Steady Growth
- Scenario 5: Slow Growth
- Scenario 6: Stalled Growth

The HNDA3 covers the period 2021 to 2040. The results show need for between 78,000 to 105,000 homes across South East Scotland. The City of Edinburgh has a need for between 36,000 to 52,000 homes and it is estimated that between 24,000 to 35,000 of those homes should be affordable housing.

Contact:

Alex Blyth
Senior Housing and Development
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Scottish Planning Policy (SPP) requires development plans to set out housing supply targets (HST) for each housing market area based upon the evidence from the HNDA. While it is expected that there is a clear alignment between the HNDA and the HST the two are not the same and are, therefore, not required to match. The HST takes into account wider economic, social and environmental factors and issues of capacity, resource and deliverability. Consideration of these factors can result in an HST figure which is lower or higher than the housing estimate in the HNDA. It should be noted that the Housing Supply Targets in the proposed City Plan 2030 are based upon the previous HNDA, carried out in 2015.

Response to Scottish Government's consultation on changes to Permitted Development Rights

Over summer 2022, the Scottish Government consulted on changes to permitted development rights in relation to:

- Electric vehicle (EV) charging infrastructure;
- Changes of use in town centres and other locations; and
- Port development.

Permitted development is those forms of development which are granted planning permission through national legislation, meaning they can be carried out without an application for planning permission being submitted to the Council. The consultation proposed to extend permitted development for EV charging, town centres and ports. The Chief Planning Officer responded to the consultation and this is contained in Appendix 1. Key issue points of the response were as follows:

EV charging

If there is an extension of permitted development rights in relation to EV charging in streets, particularly in sensitive areas such as conservation areas, where this is not under planning control, there could be adverse impacts.

Town centres

In relation to the town centre proposals, controlling what happens through planning applications is better than extending permitted development rights. The use of guidance has been successful in recent years in Edinburgh in this regard.

David Givan
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The proposal to introduce permitted development rights for movable furniture for food and drink premises is not supported given the Council's experience during from the covid pandemic.

The proposition that residential development in centres should be plan led rather than consented through permitted development rights is supported.

Ports

In relation to ports, a degree of caution on the proposal which is to bring the Port Development rights into line with those for ports in England is expressed, particularly since the Port of Leith is in proximity to homes.

Building Standards Time Performance Information

The Building Standards service continues to develop to meet service demands.

As restrictions have been lifted, there has been increase in on-site visits, and this is complemented by the use of remote video inspections that were developed during the pandemic. These will continue where appropriate, in conjunction with the Scottish Government's Digital Transformation project to improve customer service.

The national shortage of qualified building standards surveyors remains a challenge. Against this backdrop, the service recently recruited three modern apprentices into its surveying team. These new staff will be developed over the coming months.

The service is still the busiest building standards service in Scotland (by numbers of applications and income).

As indicated in the table below, while the % of first reports delivered within target has dropped slightly during Q1, this was during a period where a very high numbers of warrants were granted. In relation to performance, the service continues to keep the overall times to grant a building warrant at an average of 76 days.

Colin Wishart
Building Standards Operations
Manager
colin.wishart@edinburgh.gov.uk

	2021/22	2022/23			
	Q4	Q1	Q2	Q3	Q4
Number of first reports	1,022	1,295			
% issued within 20 day target	94%	90%			
Number of warrants granted	1,076	1,374			
% issued within 10 day target	95%	91%			

Planning Time Performance Information

Appendix 2 sets out planning time performance for Q1 2022/23 for the Planning service.

The service continues to receive high numbers of applications, particularly in relation to non-householder local applications. Against this backdrop, there have been improvements in average timescales for decision making in householder, non-householder local applications and advertisements. The slight increase in average timescales for listed building consent applications is being monitored closely.

In relation to applications for tree works, there is an improvement to timescales for works to trees that have tree preservation orders. There is a spike in the graph for timescales for tree works for trees that are in conservation areas. However, this is as a result of tackling legacy cases, with the majority of this type of application which have recently been submitted, being decided on average within 2.3 weeks.

There continues to be high numbers of enforcement enquiries being received. The service has closed 175 cases within the last quarter and has issued 24 enforcement notices which is, in comparison with previous quarters, a high number.

In relation to the statistics set out in Appendix 2, this new format for reporting is being automated to save time in preparing this information for the bulletin. It is intended to further refine this for future committees.

David Givan
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APPENDIX 1

Submitted to Review of permitted development rights - phase 2 consultation
Submitted on 2022-08-03 14:23:12

Introduction

Questions 1-2: Wall Mounted EV Chargers

Q1 Do you agree with the removal of restrictions on Class 9E PDR, for wall-mounted EV charging outlets, in the specified areas currently listed in Class 9E(3)?

No

Please explain your answer:

The City of Edinburgh Council (CEC) have some concerns about the expansion of rights under class 9E into the private realm in sensitive areas. Edinburgh encompasses 50 conservation areas which cover a significant area of the city. Whilst we do not oppose the installation of off-street charging infrastructure in such areas, the current controls allow the planning authority to make a detailed assessment of the potential impact of such development and assess whether the wider planning merits of such development is ultimately acceptable on balance.

The current controls also allow us to mitigate the possible visual impact of such developments, such as by requiring a certain colour scheme is used or materials utilised. The requirement for planning permission in restricted areas also affords interested parties such as members of the public and elected members the opportunity to provide their own input into the planning process.

We appreciate and understand the desire of many homeowners to install the necessary infrastructure to transition to electric vehicles. However, we have some concerns that if the current restrictions are removed, there may be an incremental erosion in the character and appearance of sensitive areas within the city as a result.

In addition, the removal of such rights may also lead to a loss of revenue for the Council from a reduction in application fees. Householders can apply for a certificate of lawfulness for written confirmation that a proposed development is permitted development but there is a reduced fee for such applications, and no statutory requirement for an application to be made. The potential loss of fee income may negatively impact on the ability of the planning authority to fulfil its statutory functions.

CEC believes that it would be preferable to maintain the current control for the reasons stated above.

Q2 Should the conditions regarding nameplates be withdrawn from Class 9E on wall-mounted EV charging outlets?

No

Please explain your answer:

No. See answer to Q1

Questions 3-10: EV Charging Upstands

Q3 Do you agree with the removal of current restrictions on Class 9F PDR for EV charging upstands in the specified areas currently listed in Class 9F(3)?

No

Please explain your answer:

See answer to Q1

Q4 Should the conditions regarding nameplates be withdrawn from Class 9F on EV charging upstands?

No

Please explain your answer:

See answer to Q1

Q5 Do you agree with the proposed increase in height allowable for EV charging upstands under Class 9F PDR from 1.6 metres to 2.5 metres in all off-street parking locations, except within the curtilage of a dwelling?

No

Please explain your answer:

The proposed increase in height has the potential to make such features much more prominent in the streetscape. Even if the limit of 1.6 metres in height is maintained for dwellings. Without the safeguard of such development not being permitted within sensitive areas, there is the potential for a significant erosion of the character of such areas.

Q6 Do you agree with the proposal to introduce PDR for solar canopies and related battery storage and equipment housing for EV charging upstands in off-street parking areas?

No

Please explain your answer:

Even though it is noted that there would still be control in place for sensitive areas, four-metre-high canopies and two cabinets each measuring 27 square metres could still form substantial developments with the potential to significantly impact on a streetscape or the character of an area, particularly as in many cases they may need to be in car parks forward of the principal elevation of buildings. CEC believes that it would be preferable for such development to be managed through the plan led system.

Q7 Do you agree with the proposal to introduce PDR for equipment housing for EV charging upstands in off-street areas where solar canopies are not provided?

No

Please explain your answer:

see answer to Q6

Q8 Do you agree with the list of areas within which new PDR for such solar canopies and related battery storage and equipment housing should not apply?

Yes

Please explain your answer:

If such rights are to be introduced, CEC would support an approach where they do not apply in sensitive areas, including the curtilage of dwellinghouses.

Q9 Do you agree with the suggested height limit of 4 metres on PDR for solar canopies for EV charging upstands in off-street parking areas?

Yes

Please explain your answer:

If such rights are to be introduced, then the proposed height limit should be set at 4 metres in order to try and mitigate any amenity impacts.

Q10 Do you agree with the proposal that any new PDR for solar canopies, battery storage and equipment housing for EV charging upstands in off-street parking areas should not apply within 5 metres of a road and 10 metres of the curtilage of a dwelling?

Yes

Please explain your answer:

If such rights are introduced then the proposed minimum distances should be included in order to avoid any amenity/daylight/overshadowing issues for residential properties, or road safety issues for road users/pedestrians.

Questions 11-16: On-street/Kerbside Charging

Q11 Would it be helpful to amend Class 30 PDR for local authorities to make clear they apply to EV charging points and any associated infrastructure?

Yes

Please explain your answer:

CEC has no objection to such a change. However, we would highlight that at present our Roads Authority do not adopt EV charging points once they are installed. We could not therefore comment as to whether we would widely make use of such an expanded class at the current time.

Q12 Do local authority PDR need to be amended to take account of emerging models for financing, delivering and operating EV charging infrastructure, and the changing nature of private sector involvement?

No

Please explain your answer:

If such rights are to be introduced, it is not clear how financing models would be incorporated effectively into PDR rights. CEC would caution that including financing models within PRD should be analysed very carefully before proceeding.

Q13 Should PDR for EV charging infrastructure in roads apply to parties other than local authorities?

No

Please explain your answer:

CEC has significant concerns over the potential expansion of PDR for on street charging infrastructure in the public realm to third parties. CEC believes that the wider issue of both off-street and on-street charging is a complex matter with a wide body of both local and national considerations. While in general we would caution against an expansion in PDR for such development, our position takes account of several important factors which are detailed as follows.

CEC is currently in the process of developing a proactive and coordinated city wide approach to EV charging and modal shift towards public transport and active travel through our City Mobility Plan (CMP). CMP seeks to proactively ensure that the location of EV chargers is both accessible through its coordinated on-street charger roll out programme (particularly focussed on tenemental areas with limited opportunity for installing individual charging points in driveways etc), and a hub-based approach where EV charging can be co-located with other facilities, such as within mobility hubs and park & ride sites, to ensure coordinated city-wide provision especially in high demand areas. Ultimately the location of charging points is and needs to continue to be carefully planned to encourage public transport and active travel choice through a carefully planned and strategic programme.

In addition, CEC has over 50 conservation areas within our local authority area, in addition to two World Heritage Sites. We have concerns that the removing the controls currently in place for on-street charging infrastructure will lead to an erosion in the unique character of many of our conservation areas, without providing the planning authority to make a balanced assessment as to whether the installation of such infrastructure is justified in planning terms or apply any remedial controls (such as requiring the infrastructure to be a certain colour or material). Members of the public and concerned parties would also lose their opportunity to actively contribute and make their views known on such developments.

There is also a potential issue with regards to the impact on public realm areas and accessibility. The cumulative impact of multiple on street charging points and infrastructure may result in a reduction in the amount of available public realm space in certain areas. An unchecked reduction in the width of pavements could create problems for individuals relying on wheelchairs, mobility vehicles or pushing buggies and prams.

CEC notes the Scottish Governments (SG) suggestion that such expanded PDR rights can still be removed in conservation areas using article 4 directions. However, each of our conservation areas would require a separate individual article 4 direction to be implemented. Undertaking and implementing such directions involves the use of considerable staff time and resources, which has the potential to place a burden upon existing staffing resources and divert such resources away from other matters.

Q14 If so, would such PDR for other parties need to be linked to some arrangement with local authorities or other form of authorisation?

Yes

Please explain your answer:

If such rights are to be introduced, there would be a need to ensure that the final authorisation of the planning authority is ascertained before any works progress. However, this raises problems. Our experience of prior approval in relation to telecommunications applications under class 67 of the GPDO has been that it creates a high degree of confusion amongst members of the public, particularly as it involves neighbour notification.

Q15 What conditions and limitations would need to be placed on any additional PDR for EV charging infrastructure in roads?

Please explain your answer:

If such rights are to be introduced, they should not apply in sensitive areas.

Q16 In relation to extending PDR for EV charging infrastructure in roads, what issues need to be considered regarding existing PDR, and rights to access the roads network, for infrastructure which are available to other sectors, such as electricity undertakers?

Please explain your answer:

If such rights are to be introduced, they should include a requirement for the organisation responsible for installation to consult directly with the relevant statutory undertakers such as Scottish power, Scottish Gas and BT before undertaking the installation to ensure that existing infrastructure will not be affected.

Questions 17-18: Existing Petrol Stations

Q17 Do you agree in principle with having PDR for changing existing petrol/diesel stations to EV charging only?

Yes

Please explain your answer:

Yes. It is unlikely that such changes in the use of petrol stations would significantly affect their existing appearance to any notable degree.

Q18 If so, what, if any, further specification of the conditions and limitations identified, or additional ones, would be required for such?

Please explain your answer:

We would highlight possible issues with regards to solar glare impacting on flight paths and aviation safety in the event such EV charging stations incorporate solar panels. Edinburgh Airport have previously raised some issues with solar panel glare affecting their flightpaths. The SG should consider a requirement for anyone seeking to undertake such development within the vicinity of an aerodrome to notify the Civil Aviation Authority before proceeding.

Questions 19-22: Use Classes Order

Q19 Do you consider that a merged use class bringing together several existing classes would help to support the regeneration, resilience and recovery of Scotland's centres?

No

Please explain your answer:

CEC recognises the significant importance of supporting the long-term sustainable regeneration and recovery of commercial centres. However, we believe that there are more effective ways of ensuring the continued adaptation and development of commercial centres through the plan led system, without significantly amending the GPDO.

CEC has had success in proactively managing and adapting a fast-changing commercial climate through our approach of producing supporting guidance for specific designated town centres throughout the city, and the city centre retail core. Producing detailed supplementary guidance which is tailored to the specific characteristics of each commercial area has allowed us to balance the need to encourage the re-use of long-term redundant retail units while also ensuring that, where possible, enough of such units remain in retail use to maintain the retail-based character of such areas. Our preference would be that the regeneration and recovery of commercial centres is managed and encouraged through supplementary guidance and the local plan process, rather than an amendment to the GPDO to create a new class.

Q20 What do you consider to be the key risks associated with such a merged use class, and do you think that non-planning controls are sufficient to address them?

Please explain your answer.:

A merged class carries significant risks. Principle amongst these is the potential for relatively low scale commercial uses such as retail to change to more intensive uses such as cafes/takeaways/crèches; all of which may have a much more significant impact on the amenity of nearby residents. CEC has a large city centre residential population who live near commercial centres. At present, where changes of use are proposed which may significantly impact on the amenity of residents, the impact of these changes can be suitably assessed and, if possible, adequately mitigated by conditions or design improvements through the planning process.

CEC's Environmental Protection department have raised concerns that the powers which they possess to mitigate against adverse impacts under their own legislative regime do not have the same strength as the powers conferred under the planning acts. If the ability to impose suitable conditions via the planning process is not in place, the potential exists for a reduction in standards of amenity. CEC would also raise questions about whether a reliance on the licensing regime to safeguard amenity is sufficient.

In addition to residential amenity, the creation of such a use class may lead to drastic change in the character of commercial centres without any substantive assessment of the wider impacts. Such a class may result in a complete erosion of retail provision within certain locations to the detriment of residents. We are currently in the process of developing our 20-minute neighbourhood strategy which seeks to try and ensure that all residents can access to necessary services within a 2-minute round trip on foot or by public transport. This strategy may be compromised by the introduction of the proposed PDR.

CEC would also highlight the potential conflict with wider government policy on ensuring the right to food for all citizens. Removal of local retail provision may make it more difficult to provide good food to those individuals with limited means of access to larger out of centre retail units, or those who lack proficiency to order their shopping online.

CEC would comment that if such a combined class is introduced, at a minimum it should be made clear that such PDR only relate to the use of the premises, and that other associated matters such as alterations to shop frontages and the installation of plant/ventilation machinery still require full planning permission. Where the installation of plant machinery is required as part of a change of use application, our current approach involves requesting details of the machinery as part of the application so that it can be assessed before any consent is granted.

Q21 Are there any other changes to the UCO which you think would help to support Scotland's centres?

No

Please explain your answer:

The UCO and GPDO already provide good flexibility for changing the use of a building. CEC does not believe that any further wide-ranging changes are required at the current time.

Q22 Do you agree that MCA could be a useful tool to provide more flexible planning freedoms and flexibilities in Scotland's centres?

Yes

Please explain your answer:

MCA's could be beneficial in providing freedoms to Scotland's centres. However, we would highlight our success in using the existing plan-led system to improve existing commercial centres.

Questions 23-26: Workspaces

Q23 Do you think that a PDR providing for a change of use to Class 4 (business) would help to support the regeneration, resilience and recovery of centres – as well as the establishment of 20-minute neighbourhoods?

Yes

Please explain your answer:

CEC recognises the important role which small scale offices will have in a future where flexible working becomes more established and there is less demand for permanent large scale office development as a result. Smaller scale offices closer to workers places of residence would also serve to encourage a move to sustainable travel modes such as walking and cycling, and such uses often do not raise the same kind of amenity or vehicle movement concerns as larger offices.

Q24 If a PDR of this nature were taken forward, what existing uses should it apply to?

Please explain your answer:

CEC believes that it would be legitimate for uses other than class 1 and class 5 to be included. In addition to our desire to manage loss of retail through the plan led system, sections of the city are covered in our current LDP with specific policies which seek to limit the loss of industrial floorspace (class 5), and many such uses are situated in out of centre locations which are not widely accessible by public transport. Our preference would be to maintain the change of use of class 5 premises through the plan led system.

Q25 Would 300 square metres be an appropriate maximum floorspace limit?

Yes

Please explain your answer:

While smaller scale offices would be appropriate, larger scale developments could result in disruption to the character of an area.

Q26 What (if any) additional conditions or limitations should such a PDR be subject to?

Please explain your answer:

We would agree with the SG assertion that changes of use from class 1 to class 4 should not be included as this would raise the potential for the creation of out-of-town offices in existing retail parks which do not all benefit from large scale public transport links. We would also exclude class 5 for the reasons stated above.

Questions 27-30: Moveable Outdoor Furniture

Q27 Do you agree with the proposed introduction of a PDR for moveable furniture placed on the road outside of (Class 3) food and drink premises?

No

Please explain your answer:

CEC would welcome clarification as to what the Scottish Government believes constitutes 'moveable furniture'. Tables and chairs do not constitute development under the 1997 act and so we do not control such features. The erection of moveable tables and chairs on adopted pavements is regulated separately through tables and chairs permits.

CEC has encountered a notable number of 'pop up' structures being erected on adopted roads and pavements next to class 3/takeaway/pub premises during the pandemic. Such structures predominantly take the form of decked platforms. In accordance with government guidance and recognising their commercial importance in such unique circumstances, we did not seek their removal while the pandemic was ongoing. However, we are now having to expend significant resources handling retrospective applications and pursuing formal enforcement action against operators who wish to keep these structures in place. We would not support any loosening which would allow such structures to be built under PD as opposed to going through the planning system

Q28 Are there any conditions or limitations that you think such a PDR should be subject to?

Yes

Please explain your answer:

If such a PDR is to be introduced, then it should not apply in sensitive areas.

Q29 Are there any uses other than (Class 3) food and drink premises which you consider such a PDR should apply to?

No

Please explain your answer:

Q30 Do you agree that important matters such as safety and inclusive access could continue be controlled through other regimes that would continue to apply?

Yes

Please explain your answer:

It may be possible to control issues such as pavement width and vehicle access through the Roads Authority and the granting of a road occupation permit. However, this would not involve an assessment of the wider impacts on amenity or character. We do not believe that relying on other regimes to control the development described above would be appropriate.

Questions 31-32: Residential Accommodation

Q31 Do you agree that new residential development in Scotland's centres should be plan-led rather than consented through new PDR?

Yes

Please explain your answer:

CEC strongly supports the continued use of a plan-led approach to residential development. There is clear evidence to show that the experience in England, where PD rights were loosened to allow commercial offices to change to residential under PD, has resulted in poor quality homes. CEC has worked constructively to develop floorspace, daylighting and amenity standards for new residential development in our Edinburgh Design Guidance which seek to ensure good quality residential homes are developed across the city.

Q32 Are there any other PDR changes which you think could support the regeneration, resilience and recovery of centres?

No

Please explain your answer:

Not at the current time.

Questions 33-36: Ports

Q33 Do you agree that, with respect to the PDR, there should be a level playing field between English and Scottish ports?

Yes

Please explain your answer:

The CEC area includes the Port of Leith which is managed by Forth Ports, and which is significant to the economy of the city and the country. The Port of Leith forms part of the combined Forth Green Freeport bid. CEC supports the need to ensure that there is a relative balance between freeports/green freeports across the United Kingdom to ensure that no specific region or constituent country is unnecessarily disadvantaged. However, any such expansion in PDR rights should be considered carefully before being implemented as widespread changes could have significant impacts.

CEC would wish to also draw attention to the fact that the Port of Leith exists near a large residential population. Wholesale expansion of PDR rights may result in an intensification in activity within the port which could have a significant impact on the amenity of neighbouring residents.

Q34 With respect to the amendments in England (see Box 5), what do you think the practical effect of making an equivalent change to Class 35 PDR would be – in terms of developments/activities that would be permitted which are not currently?

Please explain your answer:

The proposed expansion in PD rights to allow the same level of development under the GPDO as which exists in England would significantly enhance the existing PD rights which are in place for ports. However, the wording of the English order is unhelpfully ambiguous in places and should not be adopted ad verbatim. The use of the phrase 'consult with the planning authority' is particularly ambiguous as it does not give the planning authority any explicit rights to block development which is not acceptable, nor does it explain what form any such consultation should take.

The inclusion of development which includes 'the provision of services and facilities' within GPDO could be particularly significant. A wide variety of industrial operational buildings could be constructed under this definition. In addition, it is not clear what organisations would be classed as 'agents of development'.

Our existing port facilities in Leith have been redeveloped extensively since the 17th century. They include scheduled monuments and sites of archaeological significance. We would be concerned about the potential development of such sites without any need to undertake recording and, if

necessary, preservation of important archaeological remains.

Q35 Do you think there is potential to widen the scope of Class 35 PDR further?

No

Please explain your answer:

Class 35 already affords operators an extensive ability to undertake ports development under PDR.

Q36 Do you agree that MCA could be a useful tool to provide more extensive planning freedoms and flexibilities in Scotland's ports?

Yes

Please explain your answer:

Masterplan Consent Areas provide an extensive amount of freedom for the development of ports while also affording the opportunity for a co-operation and constructive working between various parties before being implemented. The use of MCA's rather than a wholesale expansion in PD rights would ultimately be preferable as it would allow a much greater degree of input from the planning authority while also providing the operator with the certainty of having a consent at the end of the process.

Q37-39: Assessments

Q37 What are your views on the findings of the Update to the 2019 Sustainability Appraisal Report at Annex A? (Respondents are asked to avoid restating their views on the November 2019 and Phase 1 consultations, as these views have already been taken into account)

Please explain your views:

/

Q38 Do you have any comments on the partial and draft impact assessments undertaken on these draft Phase 2 proposals?

No

Please explain your answer:

/

Q39 Do you have any suggestions for additional sources of information on the potential impacts of the proposals that could help inform our final assessments?

No

Please explain your answer:

/

About you

What is your name?

Name:

James Allanson

What is your email address?

Email:

james.allanson@edinburgh.gov.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

City of Edinburgh Council as Planning Authority

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

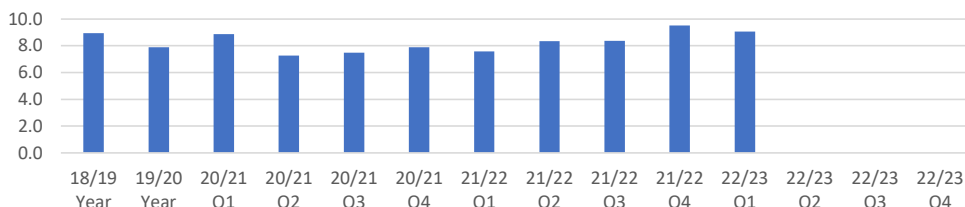
Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.:

Appendix 2 - Planning Time Performance Quarterly Bulletin - Q1 2022/23

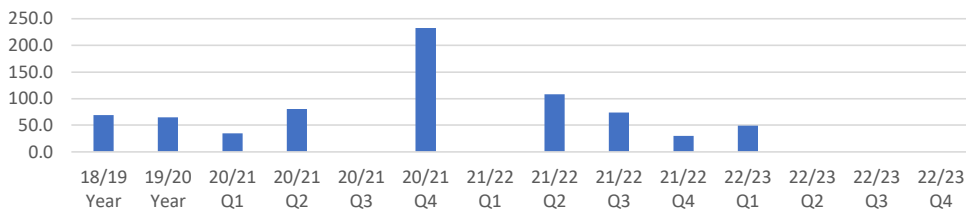
Householder														
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Average Time (weeks)	8.9	7.9	8.9	7.3	7.5	7.9	7.6	8.4	8.4	9.5	9.1			
Sub	1627	1695	345	435	530	546	618	502	476	470	423			
Dec	1490	1598	305	314	481	484	546	485	417	360	461			
6 Month Totals:	Sub: 780 Dec: 619		Sub: 1076 Dec: 965		Sub: 1120 Dec: 1031		Sub: 946 Dec: 777		Sub: 423 Dec: 461		Sub: 0 Dec: 0			
12 Month Totals:	Sub: 1856 Dec: 1584						Sub: 2066 Dec: 1808				Sub: 423 Dec: 461			
Decided over 2 months (no agreemets / extensions)			133	51	70	74	78	126	111	155	204			
Appeals against non determination			0	0	0	0	0	1	2	0	0			



Commentary:

There has been an improvement in Householder performance in the last quarter (Q1 22/23) with the number of applications being decided rising, while the average number of weeks for determination of those applications that do not have an agreed extension of time falling in comparison with Q4 21/22.

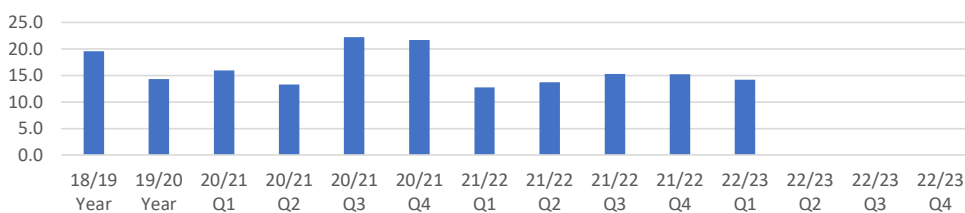
Major														
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Average Time (weeks)	68.9	64.8	35.1	81.0		232.5		107.9	73.8	30.1	49.1			
Sub	26	25	3	3	6	5	2	8	4	3	6			
Dec	11	14	2	3	0	2	0	4	7	2	1			
6 Month Totals:	Sub: 6 Dec: 5		Sub: 11 Dec: 2		Sub: 10 Dec: 4		Sub: 7 Dec: 9		Sub: 6 Dec: 1		Sub: 0 Dec: 0			
12 Month Totals:	Sub: 17 Dec: 7						Sub: 17 Dec: 13				Sub: 6 Dec: 1			
Decided over 2 months (no agreemets / extensions)			2	3	0	2	0	4	6	2	1			
Appeals against non determination			0	0	0	1	0	1	0	1	0			



Commentary:

The application that was determined in Q1, was decided by Committee within a 4 month period. The legal agreement was complex and as a result, took several months to resolve.

Local (Non-Householder)														
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Average Time (weeks)	19.6	14.4	15.9	13.3	22.2	21.7	12.7	13.8	15.3	15.2	14.2			
Sub	796	745	116	166	185	191	212	189	196	306	249			
Dec	732	623	98	121	139	155	173	149	147	162	189			
6 Month Totals:	Sub: 282 Dec: 219		Sub: 376 Dec: 294		Sub: 401 Dec: 322		Sub: 502 Dec: 309		Sub: 249 Dec: 189		Sub: 0 Dec: 0			
12 Month Totals:	Sub: 658 Dec: 513						Sub: 903 Dec: 631				Sub: 249 Dec: 189			
Decided over 2 months (no agreemets / extensions)			61	54	68	64	76	77	93	106	117			
Appeals against non determination			1	0	0	0	3	0	0	0	3			



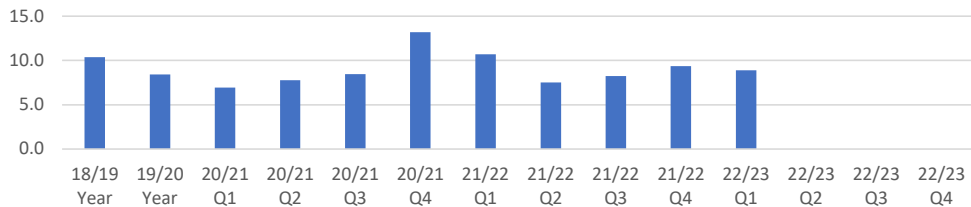
Commentary:

There has been an improvement in the average timescale for determining advertisement applications. With 73 determined, there has been the highest number determined for any of the previous 8 quarters.

Appendix 2 - Planning Time Performance Quarterly Bulletin - Q1 2022/23

Advertisements																
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4		
Average Time (weeks)	10.4	8.4	6.9	7.8	8.5	13.2	10.7	7.5	8.2	9.4	8.9					
Sub	237	239	33	52	34	43	45	53	47	65	68					
Dec	235	243	33	39	29	51	44	47	51	39	73					
6 Month Totals:			Sub: 85 Dec: 72			Sub: 77 Dec: 80			Sub: 98 Dec: 91			Sub: 112 Dec: 90		Sub: 68 Dec: 73		Sub: 0 Dec: 0
12 Month Totals:			Sub: 162 Dec: 152						Sub: 210 Dec: 181				Sub: 68 Dec: 73			
Decided over 2 months (no agreements / extensions)			4	8	4	22	14	13	12	19	21					

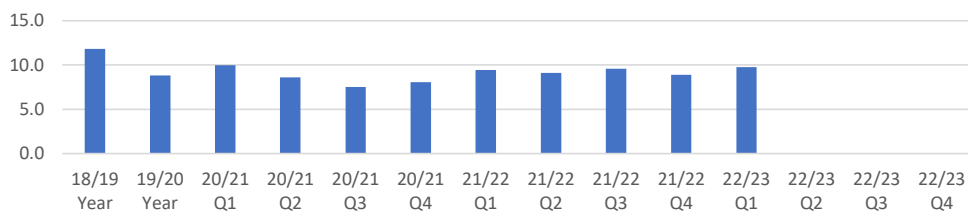
Total Time (excluding EOT / PPA) 2434 2039 229 303 245 674 470 352 419 365 648 298 0 0



Commentary:

There has been an improvement in the average timescale for determining local non-householder applications. This is against a backdrop of continued high numbers of these applications in Q4 21/22 and Q1 22/23. There has been an increase in the number of applications being determined this quarter with 189 determined against the 2 year average of 143.

Listed Building Consents																
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4		
Average Time (weeks)	11.8	8.8	10.0	8.6	7.5	8.0	9.4	9.1	9.6	8.9	9.8					
Sub	1078	1101	164	195	271	307	317	239	244	322	306					
Dec	1033	964	187	130	239	246	306	247	222	211	334					
6 Month Totals:			Sub: 359 Dec: 317			Sub: 578 Dec: 485			Sub: 556 Dec: 553			Sub: 566 Dec: 433		Sub: 306 Dec: 334		Sub: 0 Dec: 0
12 Month Totals:			Sub: 937 Dec: 802						Sub: 1122 Dec: 986				Sub: 306 Dec: 334			
Decided over 2 months (no agreements / extensions)			92	39	53	62	78	86	65	63	132					
Appeals against non determination			1	0	0	0	3	0	0	0	0					

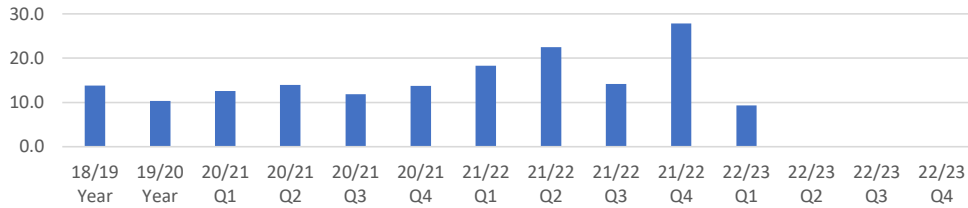


Commentary:

While there has been an increase in average timescales for determining listed building consent applications in quarter 1, this is against a backdrop of an increase in the number of listed building consents determined with 334 being the highest number determined for the last 8 quarters.

Appendix 2 - Planning Time Performance Quarterly Bulletin - Q1 2022/23

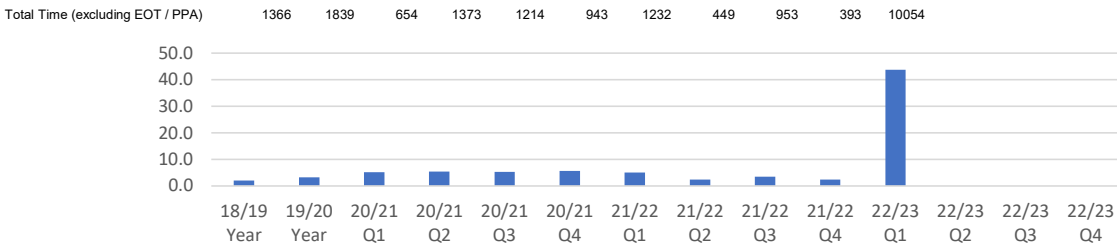
Tree works to Tree Preservation Order Tree														
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Average Time (weeks)	13.8	10.3	12.5	14.0	11.9	13.7	18.3	22.5	14.1	27.8	9.2			
Sub	78	125	23	34	31	31	38	27	27	25	38			
Dec	95	103	22	26	21	30	30	37	26	50	42			
6 Month Totals:	Sub: 57 Dec: 48		Sub: 62 Dec: 51		Sub: 65 Dec: 67		Sub: 52 Dec: 76		Sub: 38 Dec: 42		Sub: 0 Dec: 0			
12 Month Totals:	Sub: 119 Dec: 99						Sub: 117 Dec: 143				Sub: 38 Dec: 42			
extensions)			21	0	0	0	0	0	0	0	0			
Appeals against non determination														



Commentary:

There has been a significant improvement in the time taken to determine applications for tree works for those trees that have a tree preservation order this quarter, while the number of applications determined during the quarter remains above average.

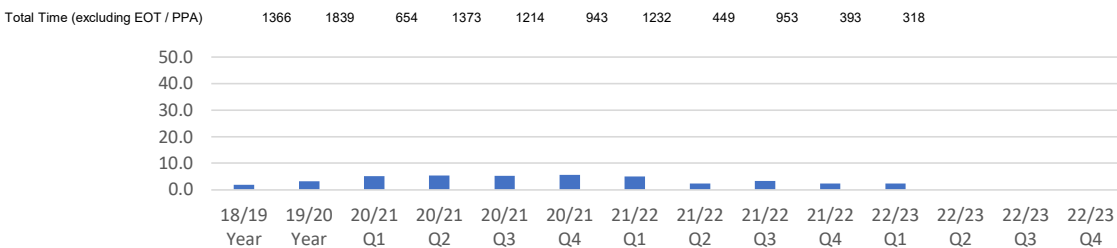
Tree works to Conservation Area Tree														
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Average Time (weeks)	2.0	3.2	5.2	5.4	5.3	5.5	4.9	2.4	3.4	2.3	43.7			
Sub	698	635	190	258	233	219	196	235	217	176	135			
Dec	694	578	126	256	230	170	249	190	284	173	230			
6 Month Totals:	Sub: 448 Dec: 382		Sub: 452 Dec: 400		Sub: 431 Dec: 439		Sub: 393 Dec: 457		Sub: 135 Dec: 230		Sub: 0 Dec: 0			
12 Month Totals:	Sub: 900 Dec: 782						Sub: 824 Dec: 896				Sub: 135 Dec: 230			



Commentary:

There is a spike in the overall average timescales for determining applications for tree works for trees that are protected by virtue of being in a conservation area. This is because legacy cases are being cleared. The table below shows the same info but with legacy cases removed.

Tree works to Conservation Area Tree														
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Average Time (weeks)	2.0	3.2	5.2	5.4	5.3	5.5	4.9	2.4	3.4	2.3	2.3			
Sub	697	606	181	252	198	212	195	235	217	176	135			
Dec	694	578	126	256	230	170	249	190	284	173	138			
6 Month Totals:	Sub: 433 Dec: 382		Sub: 410 Dec: 400		Sub: 430 Dec: 439		Sub: 393 Dec: 457		Sub: 135 Dec: 138		Sub: 0 Dec: 0			
12 Month Totals:	Sub: 843 Dec: 782						Sub: 823 Dec: 896				Sub: 135 Dec: 138			



Commentary:

Once the legacy cases are removed from the numbers, it can be seen that the average timescale for determining applications for tree works to trees within conservation areas is the same as the previous quarter (2.3).

Appendix 2 - Planning Time Performance Quarterly Bulletin - Q1 2022/23

Enforcement	Overall													
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Received	745	934	116	267	188	160	260	225	169	156	198			
Closed	460	352	39	69	94	57	137	108	198	179	175			
Notices served	82	84	0	0	3	0	14	10	14	27	24			
Served within target time	27	47	0	0	3	0	10	7	1	10	19			
% in target time	33%	56%			100%		71%	70%	7%	37%	79%			

Enforcement	Short-term Lets													
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Received	134	231	6	64	19	6	26	52	19	13	31			
Closed	47	72	16	5	19	6	5	12	26	41	12			
Notices served	20	41	0	0	3	0	11	10	0	18	13			
Served in 6 month target	14	31	0	0	3	0	9	7	0	9	13			
% in target time	70%	76%			100%		82%	70%		50%	100%			

Enforcement	Other cases - not short-term lets													
	18/19 Year	19/20 Year	20/21 Q1	20/21 Q2	20/21 Q3	20/21 Q4	21/22 Q1	21/22 Q2	21/22 Q3	21/22 Q4	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4
Received	611	703	110	203	169	154	234	173	150	143	167			
Closed	413	280	23	64	75	51	132	96	172	138	163			
Notices served	62	43	0	0	0	0	3	0	14	9	11			
Served in 3 month target	13	16	0	0	0	0	1	0	1	1	6			
% in target time	21%	37%					33%		7%	11%	55%			

Commentary:

There are high numbers of enforcement cases being closed this quarter with continued high numbers of notices served.

Planning Committee

2.00pm, Wednesday 31 August 2022

City Plan 2030 – Development Plan Scheme

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

1.1 It is recommended that Committee:

1.1.1 Approves the new Development Plan Scheme (Appendix 1) for publication.

Paul Lawrence

Executive Director of Place

Contact: Iain McFarlane, Programme Director City Plan

E-mail: iain.mcfarlane@edinburgh.gov.uk |

City Plan 2030 – Development Plan Scheme

2. Executive Summary

- 2.1 The purpose of this report to seek Committee approval of a new Development Plan Scheme (DPS). Planning authorities have to publish a scheme at least once a year, to set out their programme for preparing their Local Development Plan (LDP). The last scheme was reported and published in September 2021. The appended DPS sets out the work carried out so far for the main stages in the project to prepare a replacement LDP, entitled City Plan 2030, and sets out a revised timetable for submission for Examination and for adoption.

3. Background

- 3.1 The City Plan 2030 preparation commenced in 2018. At its meeting on [30 May 2018](#), Committee noted a report referred from the Housing and Economy Committee which set out an overview of the new LDP project. A subsequent report to the Housing and Economy Committee, on [7 June 2018](#), set out arrangements for elected member involvement in the project.
- 3.2 It is important that all stakeholders, including individual members of the public and community groups, have opportunities to influence the content of a LDP. There are several stages in the preparation when anyone can make statutory written representations to the Council. Councils need to give all parties advance notice of when these engagement periods will take place. Accordingly, councils have to publish a development plan scheme at least once a year.
- 3.3 Choices for City Plan 2030, the Main Issues Report stage of the plan was reported and consulted on in early 2020. The Proposed Plan for Representation was reported in September 2021 and the Period of Representation ended 20 December 2021. The next stage will be to bring the Proposed Plan back to Committee with consideration of the representations made.

4. Main report

Purpose and Timetable

- 4.1 The purpose of a DPS is to set out publicly a planning authority's programme for preparing its development plan. This is intended to help communities, individuals

and organisations know in advance about formal opportunities to engage with the planning process. A DPS must include a ‘participation statement’ for that purpose.

- 4.2 A new DPS is attached for approval (Appendix 1).
- 4.3 The August 2022 DPS:
 - 4.3.1 Explains its purpose, and what development plans are;
 - 4.3.2 Describes the context in which the new plan is being prepared;
 - 4.3.3 Sets out a timetable and dates for the new plan project;
 - 4.3.4 Sets out a Participation Statement, which is described in more detail below; and
 - 4.3.5 Provides contact details for further information including social media details to help people follow planning activities.
- 4.4 LDPs cover a 10 year period. The current statutory target is to replace a LDP within five years of adoption. In Edinburgh’s case this was November 2021. From that point, the existing LDP may be considered out-of-date under national policy, with potential implications for decisions on applications.
- 4.5 The new plan will have to be consistent with the current SDP, which was approved in 2013. This follows the rejection of its replacement – SDP 2 – by Scottish Ministers, in May 2019.
- 4.6 It also requires to be consistent with the National Planning Framework (NPF). The current NPF3 is under review and a range of engagement and consultation activities, including the publication of draft NPF4 have been carried out by the Scottish Government. It is anticipated that NPF4 will be in place before the end of 2022 after several delays.
- 4.7 This shift from the anticipated SDP context, and the review of NPF have created some uncertainties at stages in the plan process. The impact of Covid-19 and a serious cyber-attack on the Scottish Environment Protection Agency (SEPA) as a key consultee have also had impacts on the process. Updates to the DPS have been made appropriately in response to the changing context.
- 4.8 The timeline diagram and table on pages 5 and 6 of Appendix 1 show the main stages of the project.
- 4.9 Following the statutory consultation and Proposed Plan for Representations stages, the next requirement is to seek Planning Committee approval of the Proposed Plan, with consideration of the representations made, to be submitted to Scottish Ministers for Examination.
- 4.10 The following diagram shows the relationship of successive City Plans to the 2050 City Vision:



- 4.11 The frequency of review for LDPs is a matter which has been under consideration in the review of planning legislation. The Planning (Scotland) Act 2019 includes a switch from five year to 10 year reviews, with scope for exceptions where circumstances justify. Accordingly, and subject to changes at national level, there may in practice be a need for a ‘City Plan 2035’ and ‘City Plan 2045’ in between the above documents.
- 4.12 The draft Development Planning Regulations, including proposed Transitional Arrangements were consulted on in the first quarter of this year. The draft Transitional Arrangements set out that where a Proposed Plan has been approved prior to June 2022 then that Plan should continue under the existing (2006) legislation. Proposed City Plan 2030 was approved in September 2021. The Transitional Arrangements are intended to be published when NPF4 is approved and it is expected they will be updated to reflect the delays to that process.
- 4.13 Accordingly, City Plan 2030 is being prepared under the existing legislation. The appended DPS provides clarification on this for the benefit of its intended general audience.

Representations and Examination

- 4.14 The appended DPS sets out the engagement process to date, including meeting statutory requirements.
- 4.15 The next stage is to prepare the representations in the ‘Schedule 4’ format required for Examination. This requires the representations to be summarised whilst retaining the substance of the points of representation made, followed by the Council’s response in terms of any changes to be made to the Proposed Plan or not. All unresolved representations will be examined by the Reporter.

5. Next Steps

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

6. Financial impact

- 6.1 There are no direct financial impacts arising from the approval of this report. The costs of circulating the DPS and delivering the consultation activities it describes will be met from existing budgets. The report on the Proposed Plan for Examination will provide information on the financial considerations of the Plan.

7. Stakeholder/Community Impact

- 7.1 The formal consultation stages are set out in statute and focus on the main issues report and proposed plan stages.
- 7.2 The appended DPS sets out the statutory participation statement. This specifies the minimum consultation activities for the plan for the main issues report stage – Choices for City Plan 2030 and the Proposed Plan for Representation. A new DPS will be reported and published in due course as an update on the Examination process.
- 7.3 Detailed project governance arrangements and controls have been informed by the findings of an internal audit. The recommendations of this audit were referenced in a report to the Governance, Risk and Best Value Committee on [16 January 2018](#). Project governance arrangements include regular monitoring and management of identified risks.
- 7.4 A Strategic Environmental Assessment (SEA) is carried out as an integral part of the plan project and updated at each key stage. The ability of the Council to successfully manage the impacts arising from the growth of the city is critical to achieving sustainable development.

8. Background reading/external references

- 8.1 Local Development Plan – Elected Member Involvement, Report to Housing and Economy Committee, [7 June 2018](#).
- 8.2 Edinburgh Local Development Plan 2 – Project Overview, Report to Housing and Economy Committee, [22 March 2018](#).
- 8.3 Community Engagement in Planning – detailed proposals, Report to Planning Committee, [14 March 2018](#).
- 8.4 Programme for the Capital – The City of Edinburgh Council 2017-2022, Report to Full Council, [24 August 2017](#).
- 8.5 Edinburgh Local Development Plan - Adoption, Report to Full Council, [24 November 2016](#).
- 8.6 SESplan Strategic Development Plan (2013), approved plan, available at: <https://esescityregiondeal.org.uk/sesregionalplanning>.
- 8.7 [Scottish Government Circular 6/2013: Development Planning](#).
- 8.8 [Choices for City Plan 2030](#).
- 8.9 [Proposed City Plan 2030 and supporting documents](#).

8.10 [Local Development Planning – Regulations and Guidance Consultation.](#)

9. Appendices

9.1 Appendix 1 – Development Plan Scheme.

APPENDIX 1 - Development Plan Scheme, August 2022

Contents:

- **Background**
 - What is a Development Plan Scheme?
 - What is a Development Plan?
 - The bigger picture – development plans and other strategies
 - A new plan – City Plan 2030

- **Participation Statement**
 - Early Engagement
 - Choices for City Plan 2030 Consultation
 - The Proposed Plan – Representations
 - How to stay informed

What is a Development Plan Scheme?

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

- an explanation of what a development plan is,
- a timetable for preparing the next local development plan, and
- details on how to get involved.

The Council needs to publish a development plan scheme at least once a year. The Council's last development plan scheme was published in September 2021.

What is a Development Plan?

The planning system impacts on everyone. Our lives are shaped by the places where we live, work and visit and these places are shaped by planning decisions. Development plans set out the strategy and policies to guide.

Scottish Government legislation requires Councils to prepare a local development plan for their area. A local development plan contains a 10-year strategy for the future development of an area and set out policies and proposals to guide decision making on planning applications.

A local development plan needs to take account of the following statutory documents:

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

A replacement fourth national planning framework (NPF4) was published in draft in November 2021. Consultation has taken place and a summary of consultation responses has been published. Scottish Ministers have indicated that NPF4 is expected to be finalised and come into force in 2022.

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

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

The adopted plan is accompanied by 12 Supplementary Guidance documents. These also form part of the overall development plan. They cover the following matters:

- Town Centres, guidance covering 9 town centres including the City Centre Retail Core;
- Developer Contributions and Infrastructure Delivery (finalised);
- Edinburgh BioQuarter and Little France Park (finalised); and

- Heat Opportunities Mapping.

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

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

Changes to the Planning System

A Planning Bill was passed by the Scottish Parliament in June 2019. Its full provisions have not yet taken effect because secondary legislation, guidance and transitional arrangements all need to be put in place by the Scottish Government. Accordingly, City Plan 2030 is being prepared under the existing legislation. Further information on changes to the planning system is available on the Scottish Government [webpage](#).

The Bigger Picture

City Plan 2030 is the name for Edinburgh's next local development plan. It plans **for a 10 year period and beyond**. The plan is being prepared at a time when the long-term future of Edinburgh is being considered.

- Edinburgh 2050 City Vision – an ongoing project in which residents, businesses and organisations define how they want the city to be in 2050;
- The Council Business Plan 2021/24 - this sets out the Council's commitments and priorities over a five-year period, several of which are relevant to the new LDP;
- Community Planning – Four Locality Improvement Plans have been prepared – one for each part of the Council's area. In addition, an overall Community Plan has been prepared to coordinate services across the public and voluntary sector;
- City Mobility Plan – a new transport strategy has been approved and links to other projects to deliver City Centre Transformation and a Low Emissions Zone;
- City Housing Strategy – a regularly updated strategy to deliver new affordable housing; and
- Edinburgh Economy Strategy – a strategy approved in 2021 which aims to enable good growth for Edinburgh's economy, based on inclusion, innovation and collaboration.

Timetable



Project Stage	Timeframe
Choices for City Plan consultation	<i>Consultation took place January to March 2020, responses accepted to end April 2020 due to Covid-19 pandemic</i>
Proposed Plan reported to Planning Committee	<i>Proposed City Plan 2030 was reported to committee in September 2021</i>
Period for representations on Proposed Plan	<i>Period for Representations took place from 7 November to the 20 December 2021</i>
Submit Plan and representations to Scottish Ministers	Submission is anticipated by the end of 2022
Examination and Report of Examination	January 2023 – September 2023
Plan as Modified	Late 2023 onwards
Notify Scottish Ministers of intention to adopt	
Adoption	

PARTICIPATION STATEMENT

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

Early Engagement (up to Autumn 2019)

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

This engagement has included the following:

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

Choices for City Plan 2030 Consultation

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

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

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

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

- 5 consultation hub surgeries to enable people to ask detailed questions and complete the survey online.

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

The Proposed Plan

The Proposed Plan was reported to the Planning Committee in September 2021, accompanied by a summary of responses and a report summarising how the Choices main issues consultation responses have been taken into account.

Proposed Plan Representation Period

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

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

The Covid-19 pandemic and continued restrictions had an impact on the activities to support the period of representations. The Chief Planner wrote to all Local Authorities on the 3 April 2020, encouraging progress on delivering LDPs.

Continued government regulations and guidance meant that the promotion of the period of representation was made through on-line events and social media in addition to the statutory requirements for publicising it.

The following activities were used to raise awareness and encourage people to have their say on the proposed plan:

- Launch of proposed plan;
- Publicity to raise awareness of proposed plan, including statutory adverts, lamppost wrap adverts and online adverts;
- Statutory neighbour notification, some 13,500 notification letters;
- Statutory availability of documents in Libraries and Council offices;
- Notification to those groups and individuals on the project mailing list telling them how to comment;
- Eight staffed on-line discussion groups and drop in sessions to raise awareness and opportunities to find out more about the Proposed Plan;
- Best practice online/digital engagement (as guided by the Scottish Government's digital planning programme) which included a planning engagement hub, consultation hub, guide to the plan and submitting a representation and social media advertising on Twitter, Facebook, Spotify and podcasts; and

- Non-digital engagement - including opportunities to ask informal questions, telephone surgeries, printed newsletters, hard copies of documents, paper letters and engagement via other council services.

How to stay up to date

Follow us on Twitter: [@planningedin](https://twitter.com/planningedin)

Blog: planningedinburgh.com

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

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

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

Contact us by post:

City Plan 2030, G3, Freepost CITYPLAN

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

You can get this document on tape, in Braille, large print and various computer formats if you ask us. Please contact Interpretation and Translation Service (ITS) on 0131 242 8181 and quote reference number 20-6678. ITS can also give information on community language translations.

Planning Committee

2.00pm, Wednesday, 31 August 2022

Affordable Housing Policy - Tenures Update

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 It is recommended that Planning Committee:
 - 1.1.1 Notes the affordability of Mid Market Rent (MMR) and Intermediate Rent (IR) homes as set out at 4.10 and 4.11 of this report, and that the Golden Share (GS) tenure continues to assist households with average or below average household income to purchase homes;
 - 1.1.2 Note that the affordability of GS homes will continue to be monitored as house price increases are outpacing increases in household income;
 - 1.1.3 Agrees the content of this report discharges the motion approved at Planning Committee on 1 December 2021 to report back in Summer 2022 with an assessment of the impact of Low Cost Home Ownership (LCHO) and Below Market Rent (MMR and IR);
 - 1.1.4 Agrees that an Affordable Housing Policy Update will be provided to Planning Committee in Spring 2023; and
 - 1.1.5 Refers this report to Housing, Homelessness and Fair Work Committee for information.

Paul Lawrence

Executive Director of Place

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Affordable Housing Policy - Tenures Update

2. Executive Summary

- 2.1 This report provides an assessment of the impact of affordable tenures including LCHO and Below Market Rent (MMR and IR) delivered through the Affordable Housing Policy.
- 2.2 Market rents average between £830 per month for a one-bedroom home and £1,611 per month for a three-bedroom home. This means that renting an MMR or IR home could save a household between £1,700 and £6,200 per year compared to renting on the private market.
- 2.3 New build affordable homes are energy efficient, low carbon homes that minimise carbon emissions and reduce energy demand, which can help tenants to save on energy costs compared to older homes. Affordable Housing providers are professional landlords and can offer security of tenure, affordable rents, efficient modern homes and well managed places.

3. Background

- 3.1 In 2000, Edinburgh was the first local authority to introduce an Affordable Housing Policy (AHP) in Scotland. The AHP is a planning policy which ensures that 25% of homes on all housing sites with 12 homes or more, are affordable. The policy requires private housing developers to transfer a proportion of a housing site/land to affordable housing providers to build affordable homes.
- 3.2 The AHP provides an important source of land to support the delivery of the new supply of affordable housing. AHP land can be used to deliver any of the affordable tenures set out in the [Council's Affordable Housing guidance](#). The guidance set out the affordable housing tenures in priority order; with social rented housing as the highest priority need.
- 3.3 On [19 May 2021](#), Planning Committee approved the recommendations of the AHP update report. The report set out that the AHP was enabling the delivery of affordable housing with nine out of ten planning applications of 20 or more homes resulting in delivery of on-site affordable homes. In addition to this, commuted sums had assisted the delivery of 195 affordable homes since March 2018. The majority of affordable homes provided through the AHP are for affordable rent, either social rent or mid market rent.

- 3.4 On [29 September 2021](#), Planning Committee approved the recommendations of the City Plan 2030 - Approval of Proposed Plan for Statutory Representation Period report. The proposed plan, which includes increasing the policy to a 35% affordable housing requirement as part of new residential developments, was approved for publication and the beginning of the representation period.
- 3.5 On [1 November 2021](#), Housing, Homelessness and Fair Work Committee approved the recommendations of the Strategic Housing Investment Plan (SHIP) 2022-27. The SHIP set out a programme of 11,188 affordable homes that could be approved for site start and 10,124 that could be completed over the five-year period.
- 3.6 On [1 December 2021](#), Planning Committee approved a motion that: *“Agrees that an assessment of the impact of Low Cost Home Ownership (LCHO) and Below Market Rent (Mid Market Rent and Intermediate Rent) will be carried out; informal engagement will 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 will be presented to committee in Summer 2022”.*

4. Main report

Edinburgh Housing Market Context

- 4.1 The second “SESplan Housing Need and Demand Assessment” (HoNDA2) was given “robust and credible” status by Scottish Government in 2015. It set out that between 67,996 and 96,394 homes of all tenures would be required in Edinburgh between 2012 to 2032. It was estimated that around 60% of homes would need to be affordable. The third “SESplan Housing Need and Demand Assessment” was given “robust and credible” status by Scottish Government in July 2022 and gives a forward projection of affordable housing need. An article on HNDA3 is included in the Business Bulletin for this Committee. However, the figures in this report come from HoNDA2 as that covers the 2017-2021 period.
- 4.2 [Citylets Quarterly Report Q1 2022](#) sets out that average rent in Edinburgh is £1,214 per calendar month, ranging from £830 a month for a one bedroom home to £2,211 a month for a four bedroom home. Rents for all property sizes have increased by more than 50% in the last ten years. The majority of properties advertised are let within a month and 40% of one and two bedroom homes are let within a week.
- 4.3 The average Edinburgh house price, as set out in [ESPC’s House Price Report June 2022](#), is £302,699. However, prices across the city vary and in some areas average price is in excess of £400,000. Buyers pay on average 8% over the Home Report value.
- 4.4 Average household income in Edinburgh is around £45,000 per annum. Both [Scottish Government](#) and [Shelter Scotland](#) research states that paying more than 30% to 40% of household income on housing is considered unaffordable; although affordability does vary depending on personal circumstances.
- 4.5 The average cost of building an affordable home increased from just under £120,000 in 2012 to just under £160,000 in 2020. In 2021, the cost of building an

affordable home rose to almost £190,000. Construction prices have increased globally and costs of construction materials such as timber, steel and particleboard have increased by more than 40% in the last year due to increased demand, rising energy prices, post Covid-19 pandemic, and reduced supply, due in part to the war in Ukraine.

The Impact of Low Cost Home Ownership and Below Market Rent

- 4.6 The impact of these tenures can be measured in terms of affordability for “Priority Clients”(as defined in Section 6 of the [Affordable Housing Policy guidance](#)). Priority Clients are those people earning average household income or less, who are likely to find themselves in affordable housing need and will need some support to be able to afford a home.
- 4.7 MMR and IR offer below market rent housing options to households with average or below average household income. Private Residential Tenancies are the tenancy agreements used for both tenures. MMR is provided by Registered Social Landlords (RSLs) with grant subsidy. IR is used as an affordable tenure in Build To Rent (BTR) developments, where the affordable housing is provided by BTR developers and operators with no grant funding required.
- 4.8 MMR rents are set below [Local Housing Allowance](#), which is published by Scottish Government each year. There are different rates for each “broad rental market area”, usually covering one or more connected local authority areas. Intermediate Rents, an unsubsidised tenure which receives no grant funding, will tend to have higher rents than mid market rents, which can be subsidised and are set by RSLs to be below Local Housing Allowance. Intermediate rents cannot, however, exceed the Broad Rental Market Area 30th Percentile for the Lothians; the lower third of the rental market in the area. 30th Percentile rent figures are published annually by Scottish Government.
- 4.9 RSLs use MMR to cross subsidise social rent, enabling onsite affordable housing where this may not be feasible if only social rent could be provided. Because rents for MMR are higher, this enables more borrowing, which in turn can help deliver onsite affordable housing where social rent alone would not be viable. A mix of social rent and MMR can help support onsite delivery, minimise the need for offsite affordable housing contributions, and help deliver the Council’s aspiration for mixed tenures. Affordable Housing providers are professional landlords and can offer security of tenure, affordable rents, energy efficient homes and well managed places. Mid rent housing providers; including Edinburgh Living (the Council’s Limited Liability Partnership) are providing permanent housing for working homeless households. Since 2020, at least 163 households have been helped to move into mid rent homes as a result of joint working between the Council’s private rented team, other agencies and the mid rent landlords.

- 4.10 The table over compares MMR and IR rents with average market rents and shows the amount a household could save each year by renting through MMR or IR.

Table 1: Monthly Rents and Annual Saving

Monthly Rent Comparison	Mid Market Rent - Local Housing Allowance	Intermediate Rent – Broad Rental Market 30 th Percentile	Average Market Rent	Annual Household Saving
1 Bedroom	£688	£688	£830	£1,703
2 Bedroom	£823	£823	£1,121	£3,579
3 Bedroom	£1,097	£1,097	£1,611	£6,168
4 Bedroom	£1,690	£1,695	£2,211	£6,191

- 4.11 Rents below Local Housing Allowance are likely to be affordable to a family earning average income or less. Using 35% of income as an affordability marker, rents at Local Housing Allowance would be likely to be affordable to households with incomes of over £23,600 per annum. A household renting an MMR or IR home could save between £1,700 to almost £6,200 per year compared to average market rents.
- 4.12 The number of below market rent (MMR and IR) homes required in the HoNDA2 is noted as being between 9,590 and 12,944 over a 20 year period. This equates to between 434 and 606 below market rent homes between 2017- 2021. 689 MMR homes (enabled by the AHP) were completed during that period. A strong pipeline of IR homes has been identified and over 700 have been approved, the first of which was in 2019. We continue to work with affordable partners and BTR developers to build the pipeline.

Low Cost Home Ownership (LCHO)

- 4.13 With current average house prices in the city continuing to rise, LCHO can assist people on low and below average incomes to afford to purchase a home. The need for LCHO is not addressed in HoNDA2 and figures are not provided in the housing need estimates. The prior Housing Need and Demand Study set out that 27% of people in housing need may be able to afford LCHO. However, LCHO only makes up a small percentage of the homes delivered through the AHP. Between 2017/18 and 2021/22 there were 1,681 affordable homes delivered through the AHP; 18% (303 homes) were for LCHO.
- 4.14 Restrictions on LCHO introduced in the latest Affordable Housing Policy guidance ensure that the majority of affordable housing delivered through the AHP is for affordable rent; *“LCHO tenures should not normally exceed 20% of the overall affordable housing provision, or 12 units, whichever is the lesser”*.
- 4.15 The Scottish Government’s Low-cost Initiative for First Time Buyers (LIFT) scheme is a LCHO shared equity scheme that has helped over 1,000 people in Edinburgh to purchase their first home in the last five years. Scottish Government commit funding for this scheme annually and can help buyers by covering between 10% to 40% of the value of the home.

- 4.16 GS is a LCHO tenure where the purchase price is fixed at 80% of market value, and this is restricted in the title deeds in order that homes may remain affordable on resale. GS homes are made available by housebuilders to people who could not afford to purchase the property at full market value.
- 4.17 Of the 303 LCHO homes completed between 2017/18 and 2021/22, 256 were GS. No grant funding is required for GS, however, GS values are increasing as market values increase. GS is still providing assistance for people on below average incomes; the average income of a GS purchaser in 2022 is £41,000 per annum and the average GS home value is almost £202,000. Affordable Housing Guidance states that properties can have a GS value of up to £214,796, which was around 80% of average market value in 2021.
- 4.18 The Office of National Statistics estimates that household income increased on average by around 1% each year between 2011 and 2020. ESPC data estimates that house prices in Edinburgh increased by 5% between 2021 and 2022, and by 4% each year on average from 2014 to 2021. As average market values (and GS values) increase more than household incomes, they become less accessible to people in affordable housing need.
- 4.19 As household incomes have not increased as much as house prices, we do not recommend any increase to the maximum GS value in 2022/23 so that GS homes can continue to be affordable to people on average and below average incomes. If house prices continue to increase faster than household income, then 20% discount on market values secured by GS may soon be insufficient to ensure that GS homes are affordable to people on average and below average incomes.

Informal Engagement

- 4.20 Informal engagement regarding Below Market Rent and LCHO has taken place with developers, RSLs and Scottish Government. The Council held one to one discussions with six national housebuilders (responsible for delivering over 85% of the Golden share homes in the city to date) and nine RSLs and affordable housing providers (at its regular affordable development forum) who are actively developing affordable homes, or seeking to develop affordable homes, in Edinburgh.
- 4.21 MMR and IR are recognised affordable housing tenures that can provide affordable homes to people in housing need. RSLs and Scottish Government recognise the need for a range of affordable rent options to enable viable affordable housing on as many developments as possible.
- 4.22 IR is widely supported by Build To Rent developers and has enabled the approval of over 700 affordable homes within wider BTR developments, with no grant funding. The same number of affordable homes delivered by a RSL would require around £56 million of grant funding.
- 4.23 House builders have expressed a preference for LCHO tenures to continue and highlighted “Golden Share” can act as a viable option for larger properties (three bedrooms or more) which are prohibitively expensive for RSLs due to build costs. Developer-led LCHO also has no grant requirement.

5. Next Steps

- 5.1 House prices and incomes will continue to be monitored to ensure current LCHO options remain sufficient to ensure that homes are affordable to people on average and below average incomes. Provision of LCHO homes will continue to be monitored and will be reported in the Affordable Housing Policy Update to Planning Committee in spring 2023.
- 5.2 Further changes to AHP may be considered as part of future guidance to support relevant policies in the City Plan 2030.

6. Financial impact

- 6.1 MMR homes are affordable to households on below average incomes, saving them up to £6,000 a year in comparison to average market rents.
- 6.2 Over 700 IR homes have been approved. The same number of RSL homes would require grant funding in the region of £56 million.

7. Stakeholder/Community Impact

- 7.1 Homes secured through the AHP increase access to affordable housing and well designed, energy efficient, safer and cleaner communities. This contributes to improved health by increasing the supply of good quality homes, reducing fuel poverty and providing homes which are physically accessible.
- 7.2 The majority of new build properties delivered by the Council and its housing association partners are accessible for people of limited mobility, meaning particular needs housing requirements can often be met through allocation of a standard general needs property.

8. Background reading/external references

- 8.1 [Annual Review of Guidance](#), Planning Committee, 3 February 2021.
- 8.2 [Affordable Housing Policy Update](#), Planning Committee, 19 May 2021.
- 8.3 [Affordable Housing Tenures](#), Planning Committee, 1 December 2021.

9. Appendices

- 9.1 None.

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Planning Committee

2.00pm, Wednesday, 31 August 2022

Proposed Compulsory Purchase Order - Meadowbank Housing Development Site

Executive/routine	Executive
Ward	14 - Craigentinny/Duddingston
Council Commitments	1.10

1. Recommendations

- 1.1 It is recommended that Committee:
- 1.1.1 Agrees to pursue a Compulsory Purchase Order (CPO) for two parcels of land within the Meadowbank housing-led development site and instructs the Council Solicitor to commence proceedings;
 - 1.1.2 Notes that it is intended to submit a draft CPO to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers; and
 - 1.1.3 Notes that the Council will continue to seek a negotiated purchase of the land in parallel with the CPO process.

Paul Lawrence

Executive Director of Place

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Proposed Compulsory Purchase Order - Meadowbank Housing Development Site

2. Executive Summary

- 2.1 This report seeks approval to use the Council's compulsory purchase powers to promote a CPO for two small parcels of land extending to 750 sqm within the Meadowbank housing-led development site. The CPO will be progressed using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 2.2 The purchase of this land is required for the development of the site surrounding the new Meadowbank Sports Centre in accordance with the consented masterplan and agreed delivery strategy.

3. Background

- 3.1 Planning Permission in Principle for the area surrounding the new Meadowbank Sport Centre was approved on 11 December 2018 (Planning Reference 18/00154 PPP) as shown in Appendix 1. This same Committee also granted full planning consent for the new Meadowbank Sports Centre. The contract to build was awarded to Graham Construction and the Sports Centre opened on 19 July 2022 (Planning Reference 18/00181/FUL).
- 3.2 The Masterplan for the housing led development for the remainder of the site was approved at a Planning Hearing on 7 October 2020 (20/00618/AMC) as shown in Appendix 2. The development will deliver around 600 new tenure blind homes for sale and rent, at least 35% of which will be affordable, alongside commercial and healthcare space. The development aims to be net zero carbon, offering high-quality public realm, green and blue infrastructure, active travel routes and pedestrian and cycle priority.
- 3.3 On 3 March 2022, the Finance and Resources Committee approved the partners for the development who are working with the Council to progress the masterplan designs and statutory consents required during the pre-construction period.

A contract is now in place with Edinburgh Meadowbank Group (EDMB), a consortium comprised of John Graham Holdings, Panacea Property Development and Miller Homes to develop the designs.

- 3.4 It is expected that the Development Agreement, Sale Agreement and Construction Contract will be awarded in May 2023 before the developer starts construction on site.

4. Main report

- 4.1 This report recommends that steps are taken to compulsorily acquire two plots of land (Area 1 shown on Appendix 5 and Area 2 shown on Appendix 6) using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.
- 4.2 Following title searches and investigation, it is understood that the two plots of land are owned by the Duke of Moray. It is likely that the land was originally part of the Duke of Moray's Estate of Restalrig. The two areas of land, based on historic ordnance survey maps, appear to have aligned with the former Clockmill Road.
- Area 1 is 110 sqm and is an area of land formerly part of the forecourt area to the Meadowbank Stadium, directly off London Road. This area was largely hard landscaped.
 - Area 2 is 640 sqm and is an area of land identified is largely located on the former velodrome site of the Meadowbank Stadium. The land also stretches east and north-west towards the site boundary.

The two plots form part of the proposed Meadowbank development site and have not been in separate use or occupation of the landowner during that period. They were not included in the original land assembly process.

- 4.3 The Council has undertaken constructive dialogue with the Duke of Moray's agent and solicitor. Negotiations to date have been positive and it is hoped that an agreement can be reached for the voluntary acquisition of both plots. However, it is important that the Council acquires title to the land within a reasonable timeframe to allow the developer to start on site within their contractual programme during 2023.
- 4.4 The Council needs to commence the compulsory purchase process in line with the 1997 Act to ensure that title to the land can be acquired timeously. The CPO is a safeguard and will only be implemented if the land has not been acquired by agreement before the Development Agreement is awarded, which is expected to be May 2023.
- 4.5 Section 189 states:
- (1) A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which:
 - (a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement; and

- (b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- (2) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to:
 - (a) the provisions of the development plan, so far as material,
 - (b) whether planning permission for any development on the land is in force, and
 - (c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.
- 4.6 It is considered that the requirements of s189 (1) and (2) are met. The justification for making the CPO will be set out in a Statement of Reasons which will be submitted to the Scottish Ministers when seeking confirmation of the CPO. This is attached at Appendix 7.
- 4.7 In relation to Section 189 (1)(a), the land, combined with adjacent land, is suitable for development. It has planning permission in principle in place (18/00154/PPP) which expires on 31 March 2023.
- 4.8 In relation to section 189 (1)(b), the parcels of land are located on the Meadowbank Site as shown in the Masterplan as currently approved. Area 1 is located in a position which straddles a proposed building shown in the Masterplan, near the western entrance into the site. It would not be possible to construct this building if the land is not acquired. Area 2 cuts through the eastern end of the site and straddles positions where the intention is to build housing. If it is not acquired, it will not be possible to build at that location and the ability to deliver housing at the eastern end of the site will be severely compromised.
- 4.9 In relation to Section 189 (2)(a), the land is identified as open space in the Edinburgh Local Development Plan. The open space had upon it a range of outdoor sports facilities and so Policy Env 19 - Protection of Outdoor Sports Facilities is relevant. Having regard to this policy, the report on the application for planning permission in principle (18/00154/PPP) found that the loss of the outdoor sports facilities was acceptable due to the provision of an alternative outdoor sports facility of equivalent and better sporting value in a no less convenient location. Overall, the proposal is in accordance with the development plan. It is therefore acceptable in relation to the provisions of the development plan.
- 4.10 In relation to Section 189 (2)(b), planning permission is in force for the redevelopment of the site. Due to the amendments to the planning act as a result of the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022, the duration of the permission (18/00154/PPP) extends to 31 March 2023.
- 4.11 In relation to Section 189 (2)(c), another consideration which is likely to be material to determining future planning applications for the site is the proposed City Plan.

Once adopted, City Plan will be the Council's Local Development Plan. As proposed, it removes the open space designation of the CPO land. The removal of the designation would mean that the general policies of the City Plan would apply. There have been no representations on the proposed City Plan in respect of this change of designation. The representations will be reported to Planning Committee later in 2023 in accordance with the Development Plan Scheme. In respect of this land, City Plan is therefore likely to be a material consideration which will support the redevelopment of this site.

- 4.12 The proposal to compulsorily purchase the land is in accordance with the provisions of Section 189 of the Town and Country Planning (Scotland) Act.

5. Next Steps

- 5.1 On receipt of approval of this report, a draft CPO will be submitted to the next available meeting of the City of Edinburgh Council for authority to exercise compulsory purchase powers.
- 5.2 If authority to exercise the powers is confirmed, the Council will make the CPO, issue the Statement of Reasons attached in Appendix 7 and carry out the statutory advertising and notification before submitting the CPO to the Scottish Ministers for confirmation.
- 5.3 If the CPO is confirmed, it can be implemented, and compensation agreed with the landowner.
- 5.4 In parallel the Council will progress the negotiated purchase of the land.

6. Financial impact

- 6.1 An allowance has been made in the project budget based on available valuations, to calculate the purchase price of the land.
- 6.2 The costs relating to the CPO process itself, such as preparation and promotion of the orders, will be met from the Housing Revenue Account (HRA) capital budget.

7. Stakeholder/Community Impact

- 7.1 The masterplan was developed with significant community engagement. There is an active Sounding Board for Meadowbank. The remit of the Sounding Board is to ensure participants are well informed about developments in the Meadowbank area. The board takes time to share ideas, insights, concerns, and observations, and provides opportunities for consultation, engagement and to influence development plans. The Board members include ward Councillors, local community representatives and other stakeholders.
- 7.2 The Council opened negotiations with the landowner, the Duke of Moray, in 2021 and discussions continue positively.

- 7.3 There are no adverse equalities, health and safety, governance, compliance or regulatory implications arising from this report. The purchase of the land will allow the completion of a major regeneration project.
- 7.4 The CPO process is designed to ensure that individuals' rights are protected and the Council are fully engaging with the process.
- 7.5 The construction of the new homes will improve the housing opportunities in the area for those on low to moderate incomes as there will be over 35% affordable homes. The homes will include 10% wheelchair accessible flats to meet tenants' changing needs.
- 7.8 The houses will be highly insulated and energy efficient meaning they require less energy to heat and therefore reducing living costs for tenants.
- 7.9 The construction of the new public realm is expected to deliver significant benefits in terms of social cohesion and the place-making objectives of the wider regeneration of the area.

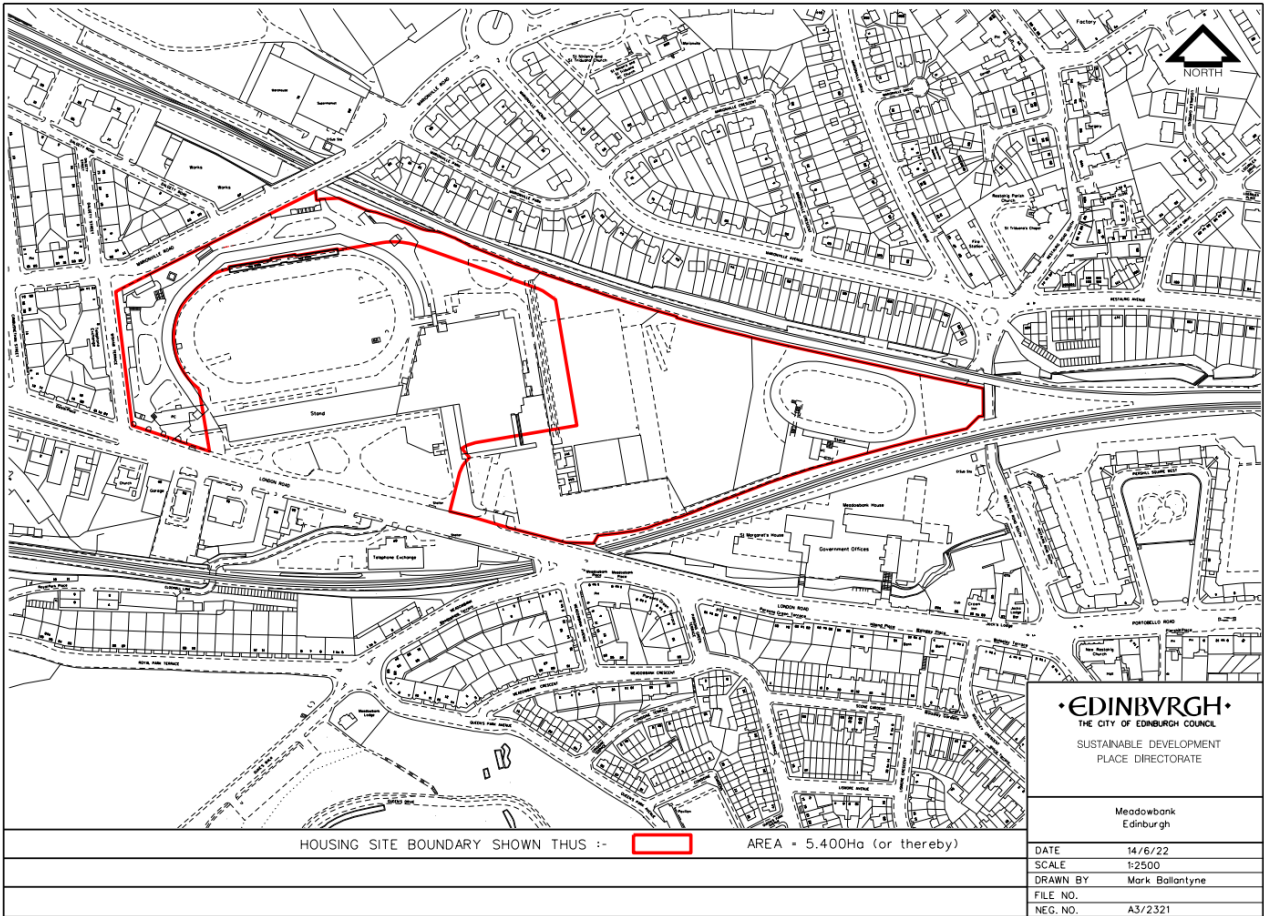
8. Background reading/external references

- 8.1 [National and Regional Sports Facilities- Progress Report](#), The City of Edinburgh Council, 13 March 2008.
- 8.2 [Funding Package Proposal for a new Meadowbank](#), The City of Edinburgh Council, 10 March 2016.
- 8.3 [Housing Development at Fountainbridge and Meadowbank](#), Health, Social Care and Housing Committee 19 April 2016.
- 8.4 [Application for Planning Permission in Principle \(18/00154/PPP\)](#), Development Management Sub Committee on 29 June 2018.
- 8.5 [Application for Planning Permission 18/00181/FUL](#), Development Management Sub Committee 29 June 2018.
- 8.6 [Delivery Strategy for Meadowbank](#), Housing, Homelessness and Fair Work Committee, 29 August 2019.
- 8.7 [Meadowbank Stadium, 139 London Road](#), (20/00618/AMC) Development Management Sub Committee, 7 October 2020.
- 8.8 [Award of Pre Development Contract for Meadowbank Mixed Use Development](#), Finance and Resources Committee, 3 March 2022.

9. Appendices

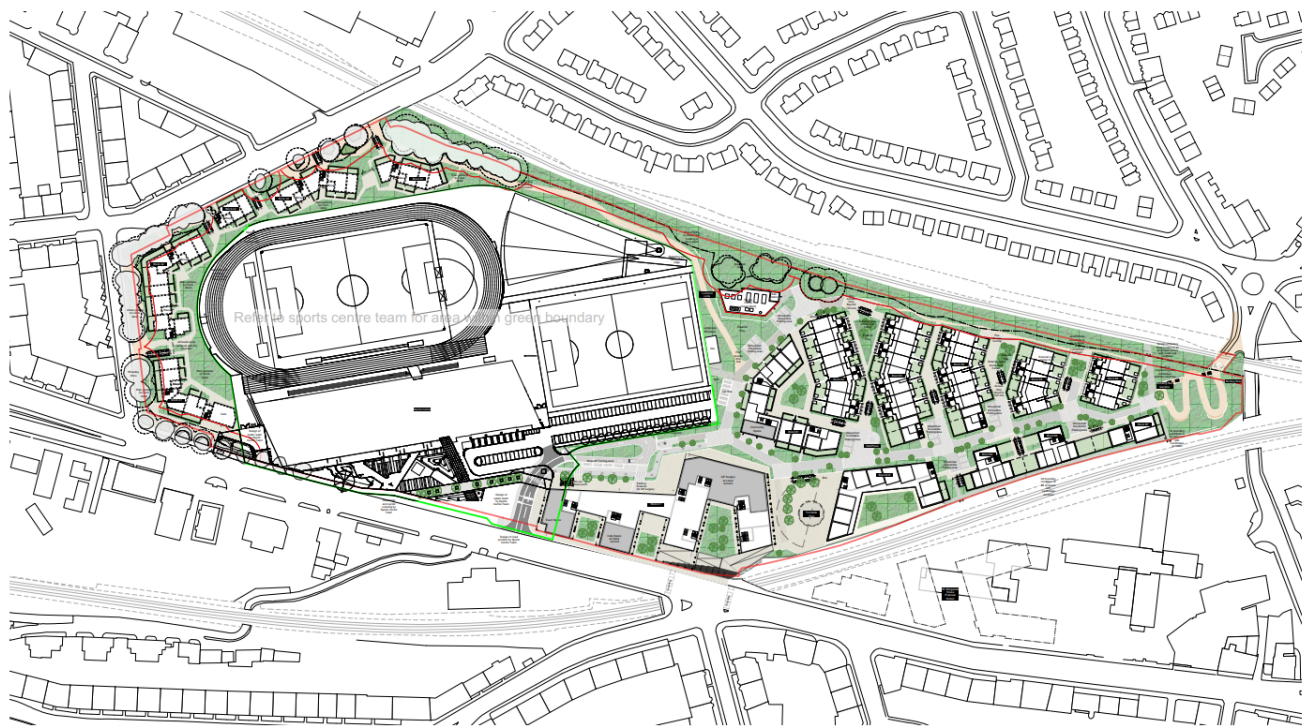
- 9.1 Appendix 1 - [Application for Planning Permission in Principle \(18/00154/PPP\)](#), Development Management Sub Committee on 29 June 2018.
- 9.2 Appendix 2 - [Meadowbank Stadium, 139 London Road](#), (20/00618/AMC) Development Management Sub Committee, 7 October 2020.
- 9.3 Appendix 3 - Red Line Boundary Plan.
- 9.4 Appendix 4 - Existing Masterplan.
- 9.5 Appendix 5 - Area 1 with OS grid reference.
- 9.6 Appendix 6 - Area 2 with Ordnance Survey grid reference.
- 9.7 Appendix 7 - Statement of Reasons.


Appendix 3 - Red Line Boundary



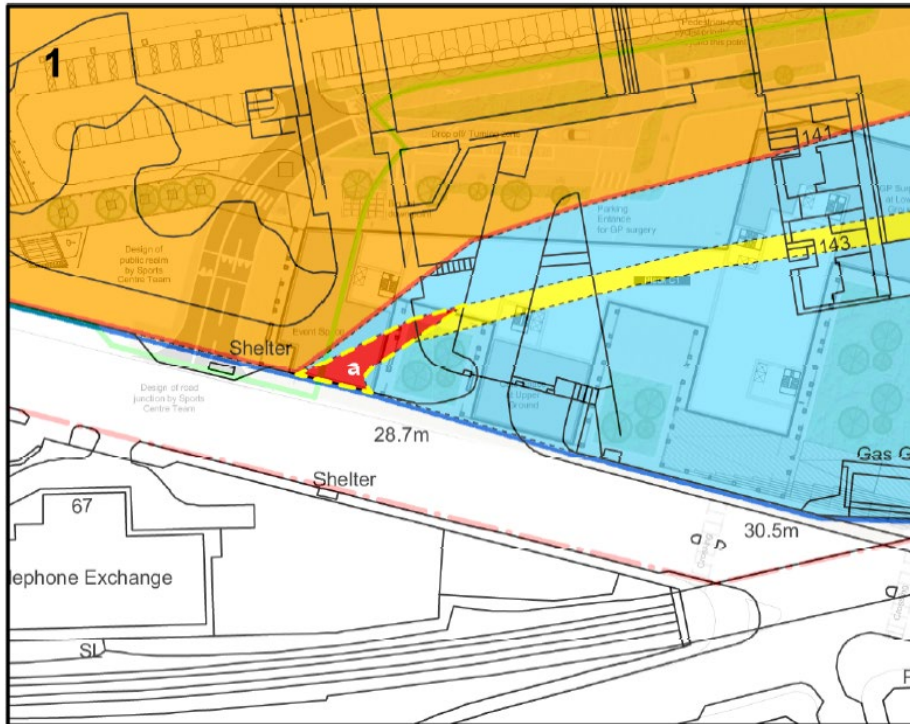
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Appendix 4 - Existing Masterplan



<p>DRAFT</p>	<table border="1"> <tr><th>NO.</th><th>DESCRIPTION</th><th>DATE</th><th>BY</th></tr> <tr><td>1</td><td>Issue for comment</td><td>15/08/2019</td><td>AM</td></tr> <tr><td>2</td><td>Issue for comment</td><td>16/08/2019</td><td>AM</td></tr> <tr><td>3</td><td>Issue for comment</td><td>17/08/2019</td><td>AM</td></tr> <tr><td>4</td><td>Issue for comment</td><td>18/08/2019</td><td>AM</td></tr> <tr><td>5</td><td>Issue for comment</td><td>19/08/2019</td><td>AM</td></tr> <tr><td>6</td><td>Issue for comment</td><td>20/08/2019</td><td>AM</td></tr> <tr><td>7</td><td>Issue for comment</td><td>21/08/2019</td><td>AM</td></tr> <tr><td>8</td><td>Issue for comment</td><td>22/08/2019</td><td>AM</td></tr> <tr><td>9</td><td>Issue for comment</td><td>23/08/2019</td><td>AM</td></tr> <tr><td>10</td><td>Issue for comment</td><td>24/08/2019</td><td>AM</td></tr> </table>	NO.	DESCRIPTION	DATE	BY	1	Issue for comment	15/08/2019	AM	2	Issue for comment	16/08/2019	AM	3	Issue for comment	17/08/2019	AM	4	Issue for comment	18/08/2019	AM	5	Issue for comment	19/08/2019	AM	6	Issue for comment	20/08/2019	AM	7	Issue for comment	21/08/2019	AM	8	Issue for comment	22/08/2019	AM	9	Issue for comment	23/08/2019	AM	10	Issue for comment	24/08/2019	AM	<p>Refer to landscaping drawings for full landscaping proposal.</p>	<p>DO NOT SCALE FROM DRAWING</p> <p>ALL DIMENSIONS TO BE OBTAINED USING DIMENSION TO THE CENTRE OF ANY CIRCLE AND NOT TO DIMENSIONAL SCHEMATA OR WALLS</p> <p>ALL DIMENSIONS TO BE OBTAINED USING DIMENSION TO THE CENTRE OF ANY CIRCLE AND NOT TO DIMENSIONAL SCHEMATA OR WALLS</p> <p>ALL DIMENSIONS TO BE OBTAINED USING DIMENSION TO THE CENTRE OF ANY CIRCLE AND NOT TO DIMENSIONAL SCHEMATA OR WALLS</p>	<p>23rd Century Homes</p> <p>23rd Century Homes</p> <p>23rd Century Homes</p> <p>23rd Century Homes</p> <p>23rd Century Homes</p> <p>23rd Century Homes</p>
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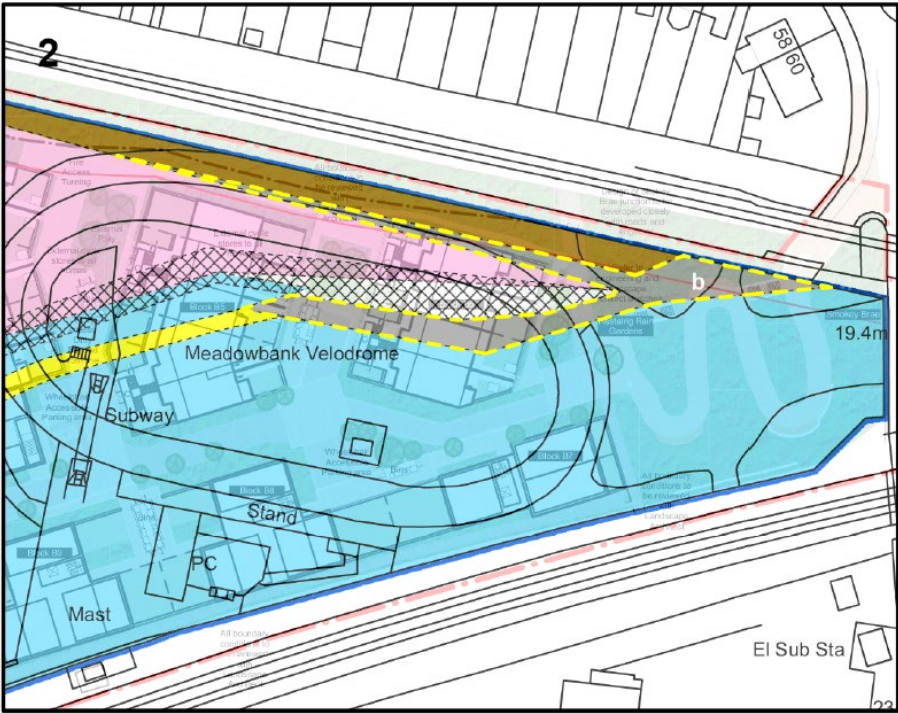
Appendix 5 - Area 1 with Ordnance Survey grid reference



Assumed Grid Reference: NT 27884 74250

- Eastings: 327884
- Northings: 674250

Appendix 6 - Area 2 with Ordnance Survey grid reference



Assumed Grid Reference: NT 28209 74332

- Eastings: 328209
- Northings: 674332

**STATEMENT OF REASONS: LAND FOR DEVELOPMENT AT MEADOWBANK
THE CITY OF EDINBURGH COUNCIL**

THE CITY OF EDINBURGH COUNCIL (MEADOWBANK) COMPULSORY PURCHASE ORDER [2022]

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons (“**SoR**”) by the City of Edinburgh Council (“**the Council**”) for the making of a compulsory purchase order entitled “The City of Edinburgh Council (Meadowbank) Compulsory Purchase Order [2022]” (“**the CPO**”).
- 1.2 This SoR has been prepared in accordance with the Scottish Government Guidance contained in Scottish Planning Circular 6/2011: Guidance on using Compulsory Purchase Orders. The use of compulsory purchase powers will only be justified where the public benefit in the proposed scheme clearly outweighs the private rights of affected parties. This SoR sets out the background to, the purpose of, and the justification for making the CPO.
- 1.3 The CPO relates to the acquisition of areas of land required to complete the mixed-use regeneration of the Meadowbank site to the east of Edinburgh city centre (“**the Meadowbank Site**”) in accordance with the Meadowbank Masterplan (“**the Masterplan**”). The regeneration includes the development of new Council owned homes on land surrounding the new Meadowbank Sports Centre (“**the Scheme**”).
- 1.4 This SoR sets out the reasons the Council believes the powers of compulsory purchase contained in the CPO are justified and why this is in the public interest. The Council considers that the public benefits set out below clearly demonstrate that there is a compelling case in the public interest for the making of the CPO.

2. LAND TO BE ACQUIRED

- 2.1 The Meadowbank Site comprises the newly developed Meadowbank Sports Centre and the surplus land surrounding the sports centre, located at 139 London Road, Edinburgh. The Meadowbank Site is shown on the plan appended at Appendix A to this SoR.
- 2.2 The Masterplan provides for an urban mixed-use development to be delivered on the surplus land surrounding the sports centre (“**the Development Site**”). Full details of the Masterplan and development proposals are set out in the planning permission 20/00618/AMC, which was approved by the Council on 8 October 2020. The Development Site has a total area of 9.87 hectares, of which 5.416 hectares is the total developable area for the mixed-use development. The site lies to the north of London Road, is bounded to the west by Wishaw Terrace, bounded to the northeast by the East Coast Main Line, by Smokey Brae to the east and bounded to the north by the Powderhall railway line.
- 2.3 The Meadowbank Site has a varied history. The North British Railway had a depot on the land from the mid-19th Century. The area surrounding Meadowbank was largely undeveloped until the mid-20th Century. The surrounding land was mostly green fields which was then replaced with low density housing. The site evolved to accommodate a sports ground, which was later expanded to form the site for the Meadowbank Sports Centre for the Commonwealth Games in 1970 and 1986. Plans showing the historic expansion and use of the Meadowbank Site are included at Appendix B to this SoR.

2.4 The Development Site and the land required for the delivery of the Scheme is predominantly within the Council's ownership. To complete the assembly of the Development Site and deliver the Scheme, two further plots of land must be acquired. These were formerly part of the solum of a road called Clockmill Road or Lane which ran from London Road across what is now the Development Site to a point adjacent to the former Piershill Station. That road was stopped up as part of the site assembly in the late 1960s and the solum of the road was incorporated into the Meadowbank site as then developed. Plot 1 lies at the southern end of the former road and is shown in red extending 0.01 hectares on the plan appended at Appendix C to this SoR. Plot 2 is located at the northern end of the former road and is shown in grey extending 0.064 hectares on the plan appended at Appendix C to this SoR.

2.5 Plots 1 and 2 have been part of the established Meadowbank Site for over forty years and have been occupied as such without any challenge. The table below describes the details and characteristics of the two plots to be acquired in terms of the CPO:

PLOT	DESCRIPTION OF THE LAND AND TOPOGRAPHICAL FEATURES	OWNER OR REPUTED OWNER	PRESENT USE OF LAND	PROPOSED USE	DEVELOPMENT PLAN POLICY AND COMMUNITY COUNCIL AREA
1	<p>Grid References: NT 27884 74250 Eastings: 327884 Northings: 674250</p> <p>ALL and WHOLE the plot or area of ground shown coloured red on Appendix C</p> <p>Provided that the land is owned by the Duke of Moray, there are no real burdens or servitudes and Plot 1 is not special category land.</p>	The Duke of Moray	Plot 1 previously formed part of the forecourt area of the original Meadowbank Stadium directly off London Road. It is hard landscaping and is currently enclosed by hoardings. It is incorporated into the brownfield site designated for the Scheme.	Plot 1 forms part of Site C identified in the Masterplan. Forming part of the Scheme, Site C is proposed as the location for a mixed-use building, largely residential with some commercial space identified at ground level. Plot 1 is partly under the proposed building footprint and partly outside the building footprint. The area outside the building footprint is proposed as public realm. It is proposed that the new external space will be for both public and residential use. The public realm accounts for a significant proportion of Plot 1.	<p>Plot 1 is identified as open space within the Urban Area of the LDP.</p> <p>Craigentinny/ Meadowbank Community Council</p>
2	<p>Grid References NT 28209 74332 Eastings: 328209 Northings: 674332</p> <p>ALL and WHOLE the plot or area</p>	The Duke of Moray	Plot 2 is located on land which previously formed part of the velodrome site at the original Meadowbank Stadium. It is	Plot 2 forms part of Site B identified in the Masterplan. Forming part of the Scheme, Site B is proposed as the location for two three-storey 'colony' style family housing in a terraced	Plot 2 is identified as open space within the Urban Area of the LDP.

	<p>of ground shown coloured grey on Appendix C</p> <p>Provided that the land is owned by the Duke of Moray, there are no real burdens or servitudes and Plot 2 is not special category land.</p>		<p>within the extended grounds of the original stadium. Plot 2 is currently enclosed by hoardings following the closure of the original stadium and is incorporated into the brownfield site designated for the Scheme.</p>	<p>form with private gardens to the front and rear, connected by areas of public realm. A small proportion of Plot 2 falls directly under the proposed footprints of the colony terraces. However, the majority of the land is outside the building footprints and located under proposed garden spaces and areas of public realm. To the north, the thin strip of land falls within the proposed 'wildlife corridor' forming a leafy edge to the site. To the east the land falls within a proposed area of public realm called Restalrig Rain Gardens, a ramped landscaped area designed to negotiate a steep level change. To the west the land falls under on a proposed pedestrianised street between the colony terraces (Blocks B5 and B6).</p>	<p>Craigentinny/ Meadowbank Community Council</p>
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3. PLANNING STATUS AND PURPOSE OF ACQUISITION

- 3.1 The compulsory acquisition of Plots 1 and 2 will enable the delivery of the Scheme. The Scheme will deliver new Council-owned homes as part of the mixed-use regeneration development of the Meadowbank Site. Plots 1 and 2 are required to complete the site assembly to secure the land required for the development to proceed. The acquisition of land at the Meadowbank Site by the Council and its predecessors for housing and recreational purposes has been ongoing since the late 1800s and continued into the 20th Century, with a period of consolidation in advance of the Commonwealth Games in 1970. Areas of land were acquired predominantly from the Duke of Moray and the British Railways Board. While undertaking a review of the site requirements for the regeneration project, it became apparent that Plots 1 and 2 had not been acquired at the same time as other transfers of land.
- 3.2 In March 2016, the Council approved the funding package for the development of the new Meadowbank Sports Centre. Part of this package included the transfer of the surplus land at Meadowbank to the Council's Housing Revenue Account ("HRA"). This approach was preferred to the disposal of the surplus land as it ensured that the land remained within the ownership of the Council and could be used to deliver much needed housing, including affordable housing. Details of the City of Edinburgh Council's 2016 Report; Funding Package Proposal for a new Meadowbank included in Appendix D to this SoR.
- 3.3 In April 2016, the Council's Health, Social Care and Housing Committee further approved a proposal for the development of new Council-owned homes at Meadowbank and agreed to seek approval to apply for

Scottish Government funding through the Affordable Housing Supply Programme (“AHSP”) to support the delivery of the homes. Details of this decision are included in Appendix E to this SoR.

- 3.4 In 2018, the Council’s Development Management Sub-Committee resolved to grant Planning Permission in Principle (“PPP”) for the redevelopment of the surplus land for a mix of uses, including residential, student accommodation, hotel and commercial uses (including Classes 1, 2, 3 and 4), together with car parking, landscaping, drainage and ancillary works (Planning Reference: 18/00154/PPP). A copy of the decision notice for the PPP is included as Appendix F to this SoR.
- 3.5 Condition 1 of the PPP required the preparation and approval of a masterplan for the development proposals now forming part of the Scheme. The Masterplan was approved by the Council’s Development Management Sub-Committee in 8 October 2020. A copy of the decision notice for the AM is included as Appendix G to this SoR.
- 3.6 A copy of the Masterplan layout is included as Appendix H to this SoR. Plots 1 and 2 are included within the development site shown in the Masterplan as approved. Without acquiring Plots 1 and 2, the Council will not be able to complete the site assembly and ensure that it has a satisfactory and secure basis for proceeding with the Scheme.
- 3.7 The key elements of the Masterplan are as follows:
- 3.7.1 Capacity for at least 596 homes in a mix of housing types;
 - 3.7.2 Capacity for a new GP surgery and other community uses, including retail and commercial space;
 - 3.7.3 Provision of 20% family housing and provision of housing for the elderly;
 - 3.7.4 A pedestrian priority zone with a restricted parking policy in line with carbon reduction objectives;
 - 3.7.5 A whole development approach to net zero carbon – zero carbon homes, SUDs and rain gardens;
 - 3.7.6 Placemaking to create a vibrant new development of safe and active streets to nurture community life and to improve connections through and into the surrounding area;
 - 3.7.7 The protection of Wheatley Elm trees; and
 - 3.7.8 High quality landscaping and public realm to encourage life and activity with green routes and urban parks.
- 3.8 The Masterplan shows the proposed layout for the Scheme and includes 596 residential units in a mix of housing types. The residential units are split across three sub-sites:
- 3.8.1 Site A is located to the immediate west and north of the sports centre ground and is proposed to comprise 128 units.
 - 3.8.2 Site B forms the largest sub-site in terms of area. It is located to the east of the sports centre ground and is proposed to contain 226 units.
 - 3.8.3 Site C is the site around the entrance from London Road and is proposed to contain 242 units.

4. ENABLING ACT AND COMPULSORY PURCHASE POWERS

- 4.1 The Council intends to use the provisions contained in section 189 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) to acquire Plots 1 and 2 by means of compulsory purchase. Section 189 (1) provides as follows:

“A local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area which—

(a) is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement;

(b) is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.”

4.2 Section 189 (2) further provides:

“A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) whether land is suitable for development, redevelopment or improvement shall have regard to—

(a) the provisions of the development plan, so far as material,

(b) whether planning permission for any development on the land is in force, and

(c) any other considerations which would be material for the purpose of determining an application for planning permission for development on the land.

4.3 The Council considers that the requirements set out in section 189(1) are met in this case and the Council has had regard to the factors outlined in section 189(2).

4.4 In relation to section 189 (1) (a), the land, combined with adjacent land, is suitable for development. This has been established by the approval of the PPP and the later approval of the Masterplan.

4.5 In relation to section 189 (1) (b), the parcels of land are located on the Meadowbank Site as shown in the Masterplan as currently approved. Plot 1 is located in a position which straddles a proposed building shown in the Masterplan, near the western entrance into the site. It would not be possible to construct this building if the land is not acquired. Plot 2 cuts through the eastern end of the site and straddles positions where the intention is to build housing. If it is not acquired, it will not be possible to build at that location and the ability to deliver housing at the eastern end of the site will be severely compromised.

4.6 In relation to section 189 (2) (a), the land is identified as open space in the Edinburgh Local Development Plan. The open space had upon it a range of outdoor sports facilities and so Policy Env 19 - Protection of Outdoor Sports Facilities is relevant. Having regard to this policy, the Report of Handling for the PPP application found that the loss of the outdoor sports facilities was acceptable due to the provision of an alternative outdoor sports facility of equivalent and better sporting value, in a no less convenient location. Overall the proposal is in accordance with the development plan.

4.7 In relation to section 189 (2) (b), PPP is in force for the redevelopment of the site and must be implemented prior to 31 March 2023.

4.8 In relation to section 189 (2) (c), another consideration which is likely to be material to determining future planning applications for the Meadowbank Site is the proposed City Plan. Once adopted, City Plan will be the Council's local development plan. As proposed, it removes the open space designation of the CPO land. The removal of the designation would mean that the general policies of the City Plan would apply. There have been no representations on the proposed City Plan in respect of this change of designation. The representations will be reported to Planning Committee later in 2023 in accordance with the Development Plan Scheme. In respect of this land, City Plan is therefore likely to be a material consideration which will support the redevelopment of the Meadowbank Site.

4.9 The Council is therefore content that the proposal to compulsorily purchase Plots 1 and 2 is in line with the provisions of section 189 of the 1997 Act.

5. OWNERSHIP AND ENGAGEMENT

5.1 As set out in paragraph 3.1 above, the Council and its predecessors have been assembling land at the Meadowbank site for a prolonged period for housing and leisure purposes. For unknown reasons, Plot 1 and Plot 2 were not included in previous acquisitions of land.

5.2 The Council has carried out extensive title investigation and research to establish the ownership of Plot 1 and Plot 2. It is considered that the most likely position is that both Plots are owned by the Duke of Moray. There are various factors which justify this conclusion:

5.2.1 There are six areas of the Development Site already in Council ownership - see plan at Appendix C. Of these six areas, two were acquired directly from the Duke of Moray (pink and black crosshatched areas). One area was acquired from the British Transport Commission (green area) whose title was, in turn, derived from the Duke of Moray and two were acquired from the British Railways Board, (blue/yellow and brown areas) at least parts of which were derived from the Duke of Moray. There is only one area which cannot so far be traced back to the Duke of Moray (orange area). Although Plot 1 lies adjacent to this area, it and the orange area only 'touch' at one point and are otherwise separated from each other by land acquired from British Railways Board and thus it is unlikely that Plot 1 ever formed part of the same ownership as the orange area.

5.2.2 The wider Meadowbank area was historically part of the Barony of Restalrig which was purchased by the then Duke of Moray in the mid-18th century.

5.2.3 On that basis the Council has engaged with and commenced negotiations with the agent for the Duke of Moray for the voluntary acquisition of Plot 1 and Plot 2. Negotiations are ongoing but given the timescales set out in the development programme for the Scheme – including the process for securing development partners – and the desire to progress with the delivery of the Scheme, the Council considers that there is a reasonable likelihood that the plots may have to be compulsorily acquired.

5.3 Given the size of Plot 1 and Plot 2, the current use of the plots and the necessity for both plots to be within the Council's ownership to enable the delivery of the Scheme, the Council does not consider that it would be in the public interest for the plots to become areas of 'ransom' by the landowner. It is therefore considered that the use of compulsory powers of acquisition can be justified in the event that the voluntary acquisition of the plots cannot be secured.

5.4 More widely, the Masterplan and the proposals for the Scheme were prepared after an intensive community-led process with various forms of public engagement. This included:

5.4.1 Nine drop-in public consultation events (with 600 questionnaires returned);

5.4.2 Four different consultation locations;

5.4.3 Six sounding board meetings;

5.4.4 Six stakeholder workshops; and

5.4.5 The use of the place-standard tool (with 80 forms completed).

Details of this engagement and consultation are included at Appendix I of this SoR.

5.5 Following the public engagement, various aspects of the Scheme were revised to respond to the feedback offered. The revised layout for the Scheme is not as dense as previous proposals and the Masterplan reflects this. The Scheme was also revised so as not to include any student accommodation or hotel provision and

some parts of the proposed open space have been redesigned to include community gardens and play space. A wildlife corridor has also been introduced to respond to public comments.

6. DELIVERING THE SCHEME

6.1 This section of the SoR will set out the details of how the Council intends to deliver the Scheme.

A Development Partner

6.2 In order to deliver the homes, the Council has secured a third-party development partner. The Council does not have an in-house construction or commercial undertaking suitable for delivering the Scheme or achieving the full potential of the Meadowbank site.

6.3 On 3 March 2022, the Council's Finance and Resources Committee awarded a pre-development contract to the Edinburgh Meadowbank Group (a consortium comprising John Graham Holdings, Panacea Property Development and Miller Homes hereafter referred to as "EDMB") at a total anticipated cost of £1.045 million.

6.4 EDMB were secured in line with the relevant public procurement legislation and competitive process. The award process allowed for shortlisting, negotiation, interviews and full and final bids. This ensured that the bids were received and evaluated in a transparent manner and all parties received the same information.

6.5 The contract with EDMB is for the pre-development work and will take the project up to the point of final detailed design. Once the pre-development period is concluded and costs are agreed, the development will proceed to the construction phase. The Council will continue to own all design and survey output from the pre-development period. Costs for construction cannot be finalised until after detailed design is complete.

6.6 The development partner will be required to deliver the housing – including the affordable housing – and the ground-floor uses. Such ground-floor uses could include commercial space or a GP surgery. The proposed accommodation and tenure mix will be agreed as part of the final design.

6.7 Site A and part of Site B will be retained by the Council for affordable housing. This will include Plot 2. Site C will be sold by the Council to the development partner for Build to Rent housing. This will include Plot 1.

6.8 For Site A and Site B it is intended that the development partner will progress the detailed design work and value engineering. The development partner will also be responsible for obtaining any further statutory consents required for the delivery of the Scheme. Upon the expiry of the pre-development period, a fixed price design and build contract will be agreed with the Council for the delivery of the affordable housing.

6.9 For Site C it is intended that the development partner will progress the detailed design for the development proposed on this site and will obtain the necessary statutory consents. Upon the expiry of the pre-development period, the development partner will purchase the land from the Council.

Other orders or approvals required to deliver the Scheme

6.10 It is anticipated that in addition to the planning consents required, there will also be a requirement to secure building warrants, road construction consent and a traffic regulation order to deliver the completed Scheme.

6.11 The Council does not consider that there are any likely barriers or impediments to securing these additional approvals.

Funding

6.12 The Council has been awarded £11.8 million of Scottish Government affordable housing grant for the development of 208 social rented properties.

6.13 The remainder of the development costs for the Council homes will be funded through the Housing Revenue Account capital programme as set out in the Housing Revenue Account Budget Strategy (2022-32) which was approved by the Council on 24 February 2022. Details of the Budget are included in Appendix J to this SoR.

- 6.14 The pre-development contract awarded to EDMB amounts to £1.045 million. Details of the award are included at Appendix K to this SoR. As noted above, this contract covers the pre-construction and design services for both the affordable and private homes. This will be funded from the Housing Revenue Account and forms part of the 2022/2023 HRA Budget Strategy approved by Committee on 3 February 2022. These costs will be repaid by EDMB as part of the capital receipt and as a deduction from the building contract when they enter into a Development Agreement.
- 6.15 A minimum capital receipt of £20.6m will be provided to the Council by EDMB when they enter into a Development Agreement at the end of the pre-development period. This receipt will more than repay the outstanding capital advances relating to the purchase of the Meadowbank site. In addition, overage provisions will be put in place to ensure that any additional profit is shared with the Council
- 6.16 The Council has secured further £100,000 funding from Sustrans for the design work for the active travel routes serving the site and its connections with the wider network. There is scope for additional funding to be secured for the eventual construction costs for these routes.
- 6.17 These commitments give a strong position and indication that Plot 1 and Plot 2 can be acquired within the statutory timescales and that the Scheme overall is capable of being delivered within a reasonable period following the acquisition of the land.

Timing

- 6.18 The programme for the delivery of the Scheme can be summarised as follows:
- 6.19.1 The pre-development contract was awarded to EDMB in Q2 2022.
- 6.19.2 The pre-development period during which all statutory approvals will be acquired will run until Q2 2023.
- 6.19.3 Construction will commence on site during Q3 2023, once Development contract has been agreed.

7. ASSESSING ALTERNATIVE WAYS OF REALISING THE AUTHORITY'S PURPOSE

- 7.1 The use of compulsory purchase powers to acquire land is a serious interference with an individual's private rights. The Council acknowledges that the use of the CPO is not a step to be taken without full consideration of all other alternatives.
- 7.2 As set out at paragraph 3.1 above, following the previous development and use of the Meadowbank Site, the Council understood that it owned all of the land comprising the site. All areas of the land on the site were incorporated as part of the previous use of the site – as the original Meadowbank Stadium and velodrome and the land surrounding it. Plots 1 and 2 were part of the Meadowbank Site in its previous iteration and use.
- 7.3 The Council identified that the Meadowbank Site was appropriate for redevelopment and regeneration. It resolved to proceed with the Scheme to achieve this. As part of the preparations for the delivery of the Scheme, the Council realised that the heritable title to Plot 1 and Plot 2 could not be conclusively established.
- 7.4 As shown on the Masterplan, Plots 1 and 2 are areas of land incorporated as sub-sites for the development of residential accommodation, retail space and public realm improvements. The Plots have been incorporated as part of the brownfield site awaiting the development of the Scheme and are not identifiable as land in separate ownership to the remainder of the Meadowbank Site. The Plots form part of the approved Masterplan.
- 7.5 Plots 1 and 2 do not have an established use or purpose which is different from the remainder of the Meadowbank Site and it would be difficult to identify what alternative use the Plots could be put to if they

did not form part of the Scheme. Because the Plots are located in the areas of the Meadowbank Site where the residential accommodation will be built, it is not considered that there are any rights short of ownership which could be used to secure the delivery of the Scheme.

7.6 The Council has therefore concluded that there is no alternative means of delivering the the current Masterplan without acquiring Plots 1 and 2.

8. BARRIERS TO DELIVERING THE SCHEME

8.1 The Council does not consider that there are any significant barriers to completing and delivering the Scheme.

8.2 The planning position has been established and PPP has been secured. The approved Masterplan has established the parameters for future applications and the Council does not consider that future applications will deviate from these parameters.

8.3 Similarly, the funding for the delivery of the Scheme has been agreed as part of the Council's commitment to the Scheme and the process for securing a development partner.

8.4 The Council acknowledges the risks associated with the CPO process, in particular the implications for timing if there are objections to the CPO. The Council has already factored in the uncertainties associated with the CPO process as part of the overall programme and therefore considers that the process will not necessarily present a significant risk to the delivery of the Scheme.

9. JUSTIFICATION AND PUBLIC BENEFITS

9.1 The principle of the Scheme and the requirement for it to be delivered have been established by the decisions of the Council set out above and included as Appendices [] to this SoR.

9.2 The Scheme will deliver housing. There is a limited supply of social rented housing in Scotland. Edinburgh has recorded the highest market rents and sale prices in Scotland, and with high land values, the Council's affordable housing pressures are substantial. Social rented homes account for 14% of Edinburgh's housing stock, but the Council receive at least 190 households bidding for every Council home that becomes available for let. The Council is committed to tackling the supply issues by building affordable housing in the city.

9.3 The Council has committed to delivering at least 10,000 high quality, energy efficient affordable homes by 2027. To date 1,456 homes have been delivered through the Council's housebuilding programme, with 270 of these completed in the past 12 months. There are currently 600 homes under construction, with a further 3,200 in design or pre-construction stage.

9.4 The Council seeks to avoid the unnecessary use of greenfield land for development and aims to build new communities on brownfield land, at a better density, reducing the need to travel, supported by active and public transport. The Scheme supports these policies as it is a brownfield site and it is ready to deliver a high quantity of affordable homes.

9.5 There is significant public benefit in the delivery of the Scheme. The Masterplan has been informed by, and responds to, the feedback received from an extensive programme of community engagement. It balances the challenges of bringing new homes to the area, protecting and enhancing the environment and supporting the delivery of a brand-new sports centre.

9.6 The compulsory acquisition of land can be justified in this CPO. Without the acquisition of Plots 1 and 2, the Council cannot confirm the heritable title to the Development Site and progress the delivery of the current Scheme.

9.7 The Council considers that the public benefit of delivering the Scheme outweighs the interference with private rights. The Scheme will deliver affordable housing for the city and contribute towards the regeneration of the Meadowbank area and the east end of the city. On the basis that Plots 1 and 2 have

formed part of the established Meadowbank Site for over forty years and have not been used for another purpose, it is considered that the adverse impact on, and interference with private rights in this CPO is very limited. The landowner has not had separate occupation or use of the Plots at any time during the modern iteration of the Meadowbank Site.

- 9.8 The Council considers that the public benefits outlined present a compelling case in the public interest for the making of the CPO and considers that the tests in Circular 6/2011 have been met.

10. HUMAN RIGHTS

- 10.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the CPO, including those under Articles 6, 8 and Article 1 of the First Protocol.

- 10.2 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate in that in pursuing the public interest the objective to be achieved in making the CPO must outweigh the interference with any private rights. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Similarly, any interference with Article 8 rights must be “necessary in a democratic society”, i.e. proportionate. The Council is of the view that in pursuing this CPO, it has carefully considered the balance to be struck between individual rights and the wider public interest. Interference with Convention rights, to the extent that there is any, is considered to be justified in order to secure the regeneration of the Meadowbank area and public benefits which the Scheme will bring and to secure compliance with local planning policy. The Council believes that the greater good is in the promoting the Scheme for the benefit of the people of the area and that this outweighs the harm caused by the use of compulsory purchase powers to acquire third party land for the Scheme.

- 10.3 In progressing the CPO the Council has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the CPO and have their representations considered. The land to be acquired for the Scheme is minimal and is not in active use by the landowner. The public benefit can only be delivered by acquisition of this land and such acquisition would not place a disproportionate burden on affected landowner.

11. PUBLIC DEPOSIT

- 11.1 [DETAILS TO BE INCLUDED HERE].

12. CONCLUSION

- 12.1 The Council considers that:

12.1.1 The public benefit of the Scheme outweighs the private rights of ownership of Plots 1 and 2, and the plots have been part of the Meadowbank Site for over 40 years without challenge. It is difficult to see what alternative use they could be put to, given their size and location, by any other owner

12.1.2 The Scheme is deliverable, and the Council has a realistic plan, source of funding and programme for delivering it.

12.1.3 The acquisition of Plots 1 and 2 is wholly necessary for the delivery of the Scheme and the land forms an integral part of the development proposed and approved by the Masterplan.

12.1.4 There are no significant barriers to the delivery of the Scheme.

13 APPENDICES

APPENDIX A - Site plan

APPENDIX B - Historic plans of the Meadowbank site

APPENDIX C - Plans of the land to be acquired

APPENDIX D - City of Edinburgh Council Report, 10 March 2016, [Funding package proposal for a new Meadowbank](#)

APPENDIX E - Health, Social Care and Housing Committee Report, 19 April 2016, 21st Century Homes [Housing Development at Fountainbridge and Meadowbank](#)

APPENDIX F - [Application for Planning Permission in Principle \(18/00154/PPP\)](#), Development Management Sub Committee on 29 June 2018.

APPENDIX G - [Application for AMSC Planning Permission Meadowbank Stadium, 139 London Road, 20/00681/AMC](#) Development Management Sub Committee, 7 October 2020.

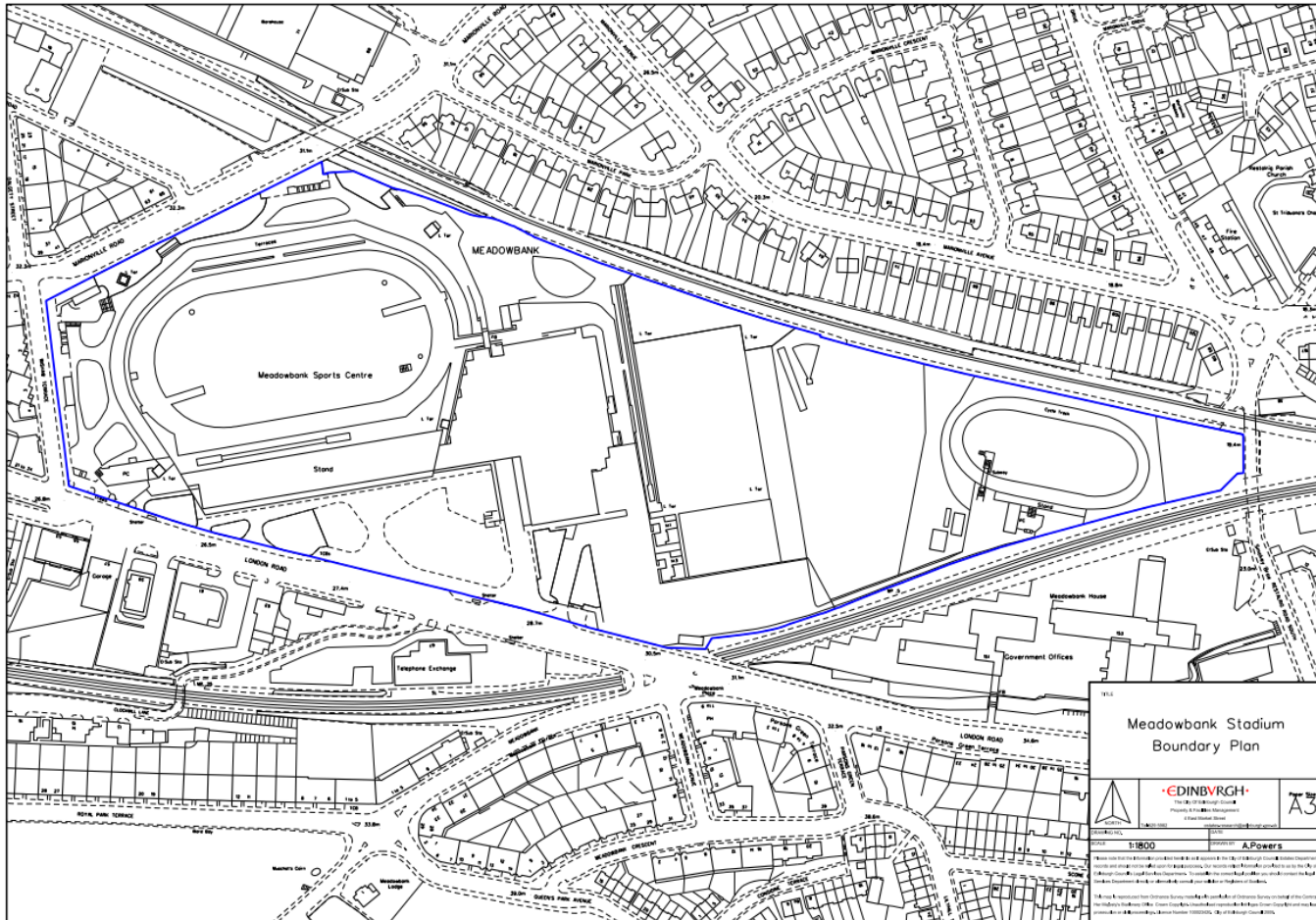
APPENDIX H - 20/00681/AMC Masterplan Layout

APPENDIX I - 20/00681/AMC Masterplan [Community Consultation Report](#)

APPENDIX J - City of Edinburgh Council Report, 24 February 2022, [Housing Revenue Account \(HRA\) Budget Strategy \(2022-32\)](#)

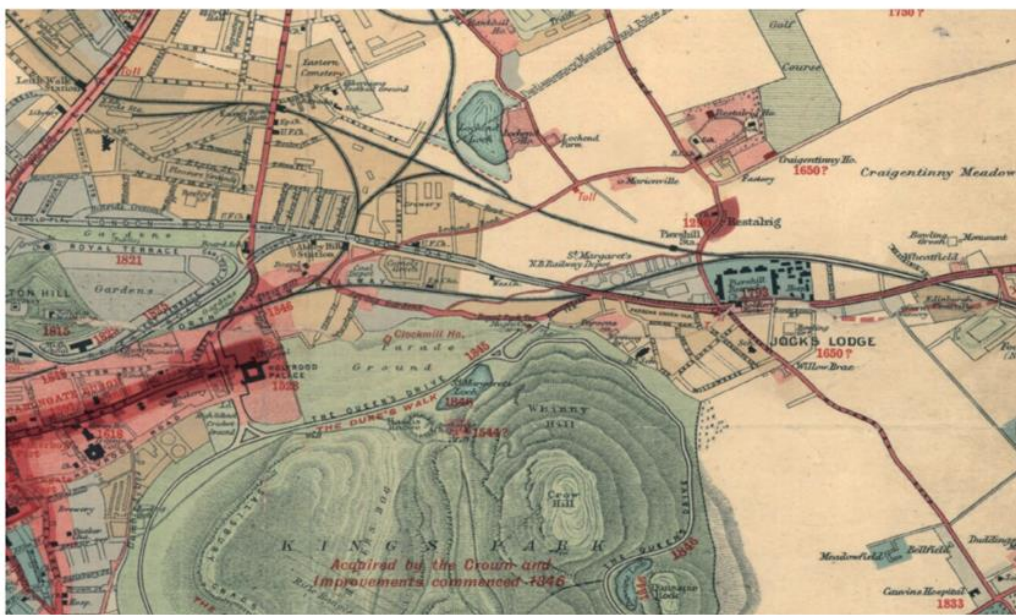
APPENDIX K – Finance and Recourses Committee Report, [Award of Pre-Development Contract for Meadowbank Mixed Use Development](#), 3 March 2022

APPENDIX A - Site plan



APPENDIX B - Historic plans of the Meadowbank site

Plan 1



EXPLANATION OF THE ISOCHRONIC COLOURING
 The Different Tints indicate the Date of the various Areas of Expansion in the Growth of the City.
 Only Occupied and Built Areas are coloured. Vacant Areas have only been recoloured in special cases of complete replanning.
 The Roads are also coloured according to approximate date.
 All Masses of the Parks coloured Red were strictly British Parks in early times.

PUBLIC PARKS COLOURED GREEN

BEFORE 1450
1450 to 1515
1515 - 1632
1632 - 1750
1750 - 1800
1800 - 1825
1825 - 1850
1850 - 1875
1875 - 1900
SINCE 1900

Plan 1 Bartholomew’s Chronical Plan of Edinburgh 1919 and Plan Key.

This shows that the area surrounding Meadowbank was largely undeveloped until the mid-20th Century. The land surrounding was mostly green fields which was then replaced with low density housing.

Plan 2



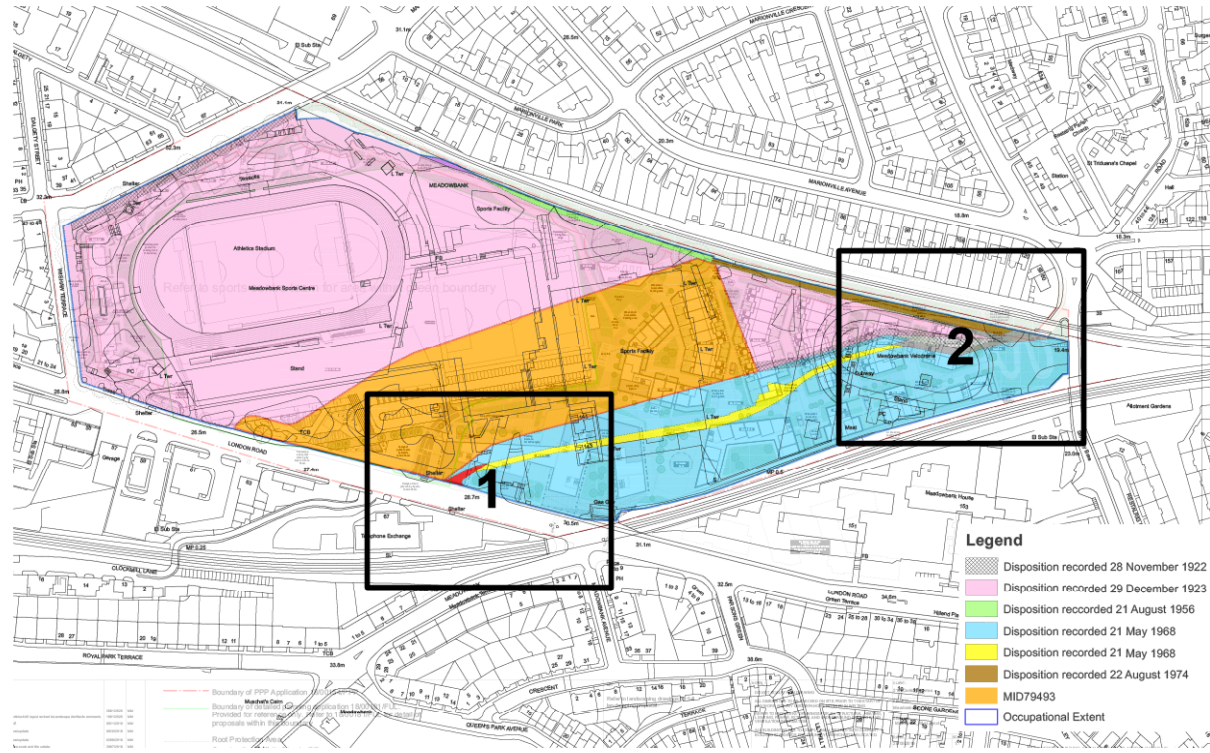
Plan 2 is the 1950-1970 OS Plan.

This is amalgamated with the rest of the site to form the site for the Meadowbank Sports Stadium.

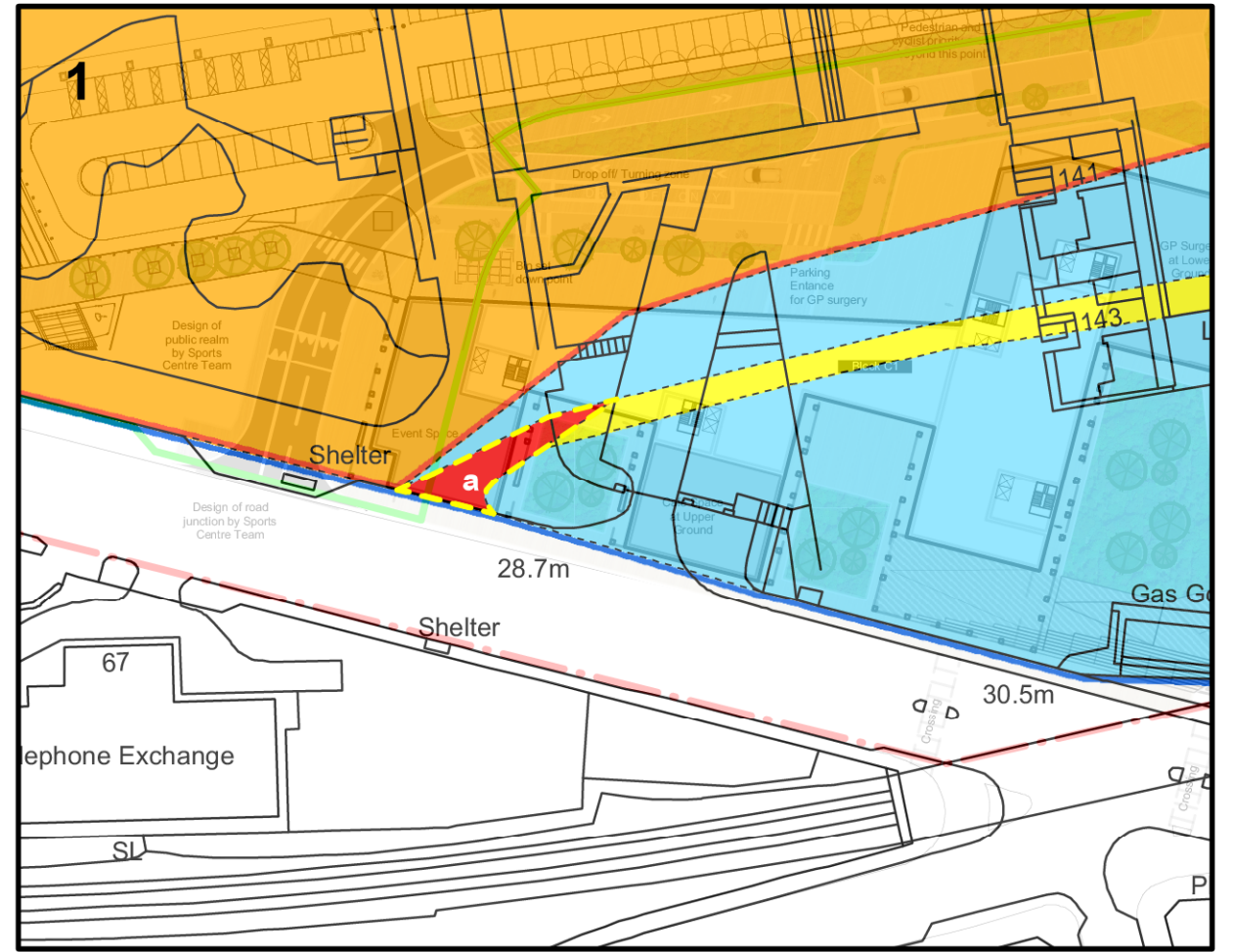
Plan 3



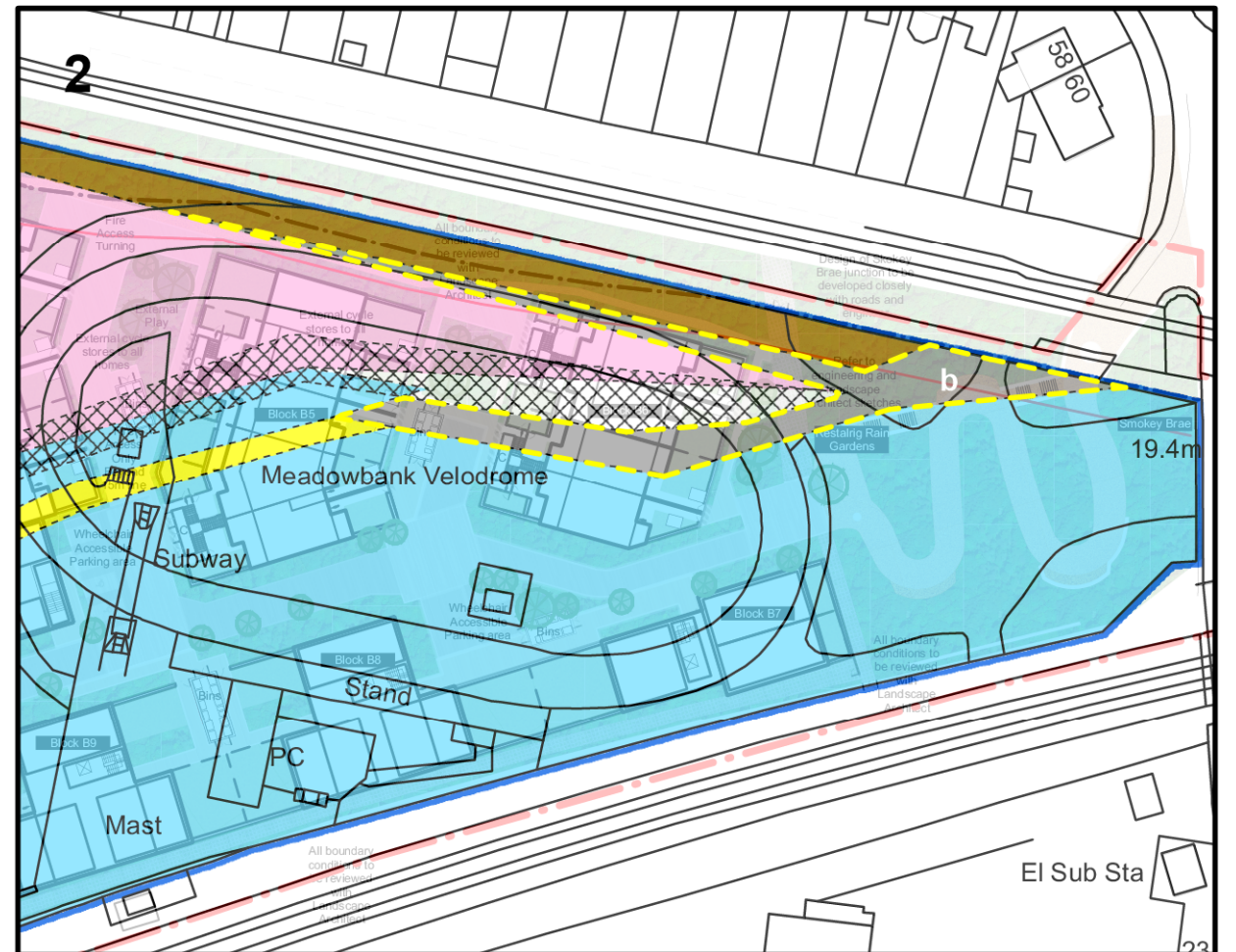
Plan 3 is the OS Plan from 1990.

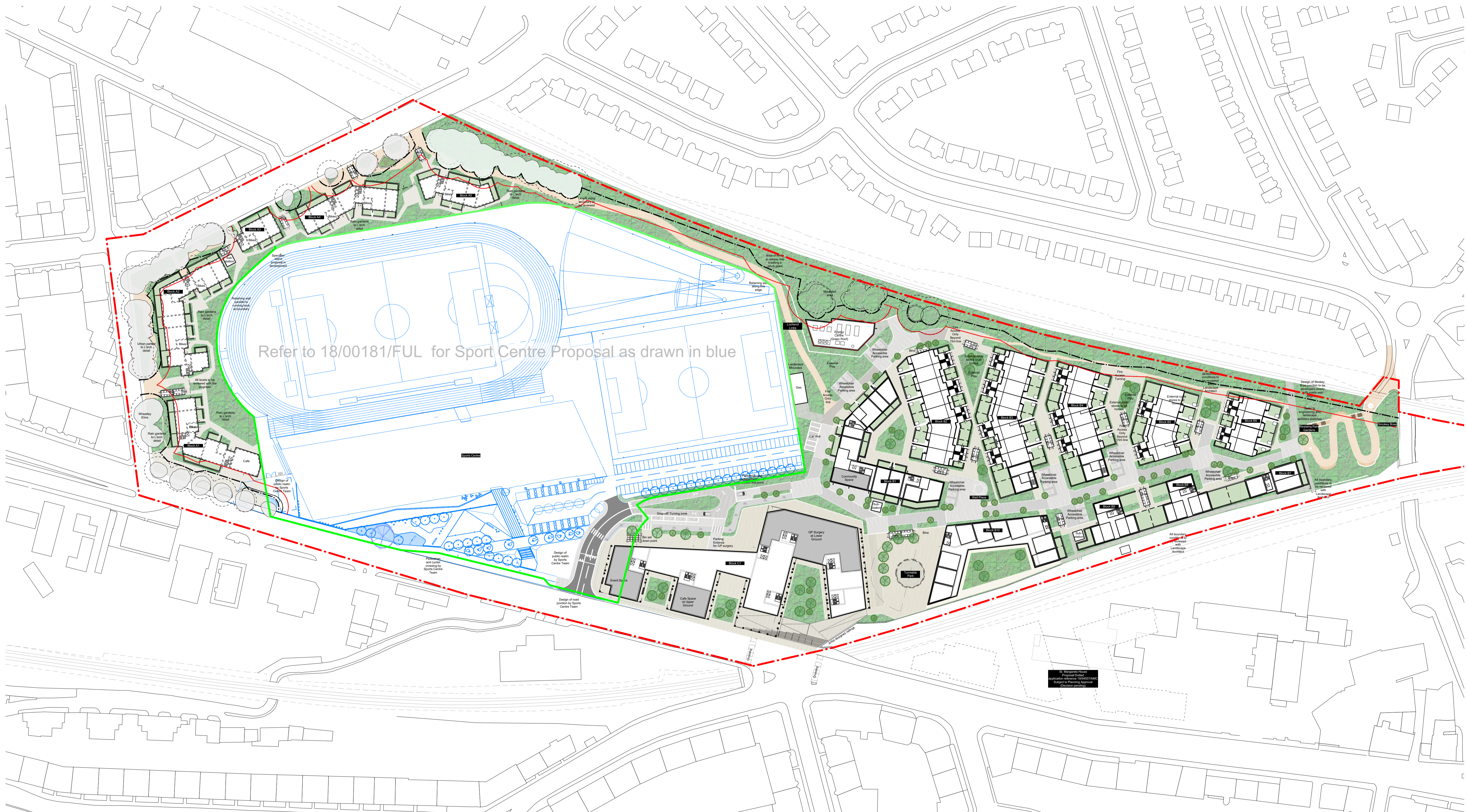


Area 'a'
In red, bounded by yellow dashed line
= 0.011 Hectares



Area 'b'
In grey, bounded by yellow dashed line
= 0.064 Hectares





Refer to 18/00181/FUL for Sport Centre Proposal as drawn in blue

P01	PLANNING ISSUE	06/02/2020	MM
REV -	REVISION NOTE -	DATE -	BY -

- - - - - Boundary of PPP Application 18/00154/PPP
- - - - - Boundary of detailed planning application 18/00181/FUL. Provided for reference only. Refer to 18/00181/FUL for detail of proposals in blue within this boundary
- - - - - Root Protection Area
- - - - - Construction Activity Stand-off Zone
- - - - - Tree protective fence

KEY
Refer to landscaping drawings for full landscaping proposal.

NOTES -
ONLY SCALE FROM THIS DRAWING FOR PLANNING PURPOSES
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO THE START OF ANY WORK AND ANY DISCREPANCIES NOTIFIED IN WRITING.
REFER TO ENGINEERS' DRAWINGS FOR ALL STRUCTURAL, HEATING, LIGHTING, POWER, EXTERNAL AND UNDERGROUND DRAINAGE AND VENTILATION INFORMATION
ALL BUILDING WORKS TO COMPLY IN ALL RESPECTS TO CURRENT BUILDING STANDARDS FOR COUNTRY IN WHICH SITE IS LOCATED.

SCALE BAR
0 25 35 45 55 M

N

CLIENT - Development and Regeneration, City of Edinburgh Council			
PROJECT - Meadowbank			
DRAWING - Masterplan_Site Layout			
DATE - FEB 2020	BY - MM	SCALE - 1:1000	
JOB NO. - 20084	CHKD - CH	DRWG NO. - (g)001	

PLANNING

COLLECTIVE ARCHITECTURE

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Planning Committee

2.00pm, Wednesday, 31 August 2022

Edinburgh Urban Design Panel – Annual Review - Update

Executive/routine	Routine
Wards	All
Council Commitments	

1. Recommendations

- 1.1 The Planning Committee is asked to:
 - 1.1.1 Agree the revised Remit, Function, Roles and Procedures of the Panel as set out in Appendix 2; and
 - 1.1.2 Note the proposed operational improvements.

Paul Lawrence

Executive Director of Place

Contact: David Givan, Chief Planning Officer and Head of Building Standards

E-mail: David.givan@edinburgh.gov.uk | Tel: 0131 529 3679

Edinburgh Urban Design Panel – Annual Review - Update

2. Executive Summary

- 2.1 This Committee considered and approved the Edinburgh Urban Design Panel - Annual Review Report on [23 February 2022](#). In addition, Committee requested that it is relayed to the Panel that issues of inclusivity and women's safety are embedded in the work of the panel. It also agreed that an update on the Panel's remit and membership would be brought forward to the Committee.
- 2.2 This report recommends an update to the Panel's remit to ensure that equality is clearly included as a factor which the Panel will consider when providing advice on new developments.

3. Background

- 3.1 The Edinburgh Urban Design Panel was set up by the 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, as agreed by Committee. Membership is reviewed on a regular basis and is reported to Committee as part of the Panel's annual review. Appendix 1 provides a list of current member organisations.
- 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 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 more than 230 development proposals over the past 13 years. There is a requirement that an annual review of effectiveness is reported to Committee annually. This was done via a report to Committee on 23 February 2022.
- 3.7 In considering the annual review of the Panel, Committee sought that issues of inclusivity and women's safety are embedded in the work of the panel. It also agreed that an update on the Panel's remit and membership would be brought forward to the Committee.

4. Main report

- 4.1 To address the actions noted by Committee on 23 February 2022, the following was discussed and agreed with the Panel.
- 4.2 The Panel's Remit, Function, Roles and Procedures was discussed.
- 4.3 The Panel considered the issue of inclusivity and women's safety. It agreed that women's safety is an important matter. It also recognised that there are also other people, with protected characteristics, who would benefit from similar consideration in the Panel's advice to developers, their agents and to the Council. The Panel therefore thought its remit should be expanded to make reference to and include a focus on issues surrounding equality. This will enable the Panel to consider inclusivity and women's safety as part of a broader consideration of equality.
- 4.4 In relation to this, the Equality Act 2010 helps ensure quality for people with protected characteristics. These characteristics are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. As sex is a protected characteristic, women and girls are protected from discrimination, because of their sex, by the Equality Act.

The inclusion of consideration of equality within the Panel's remit will address the issue of women's safety and also have the advantage of ensuring that those with other protected characteristics are also considered by the Panel. Proposed amendments are presented in Appendix 2.

- 4.5 Operational improvements to respond to the revised Remit, Function, Roles and Procedures will include:
- 4.5.1 Panel member organisations will be given two to three weeks' notice of cases coming forward for review to enable consultation with their wider membership as appropriate;
 - 4.5.2 Presenters will be required to demonstrate how their proposals address equality issues as part of their presentation to the Panel; and
 - 4.5.3 The presentation pro forma that is sent to developers and their agents has been updated to include a slide on equality (Appendix 3). This seeks information on how the design is addressing equality. It sets out that there are protected characteristics and that explanation should be provided on how the design is addressing those. It highlights that women's safety is a key issue in respect of equality in urban design.
- 4.6 The Panel considered whether there would be benefit in expanding its membership to bring in an organisation which has expertise in equality (including women's safety and inclusivity). It concluded that a change to its remit, along with the changes highlighted in 4.3 above, would be sufficient to ensure equality is addressed.
- 4.7 Notwithstanding the above, it was agreed to review the improvements at the Panel's annual review meeting in December 2022. In the event that the changes are not effective, further measures would be considered including, if necessary, expansion of membership.
- 4.8 An additional change is also proposed whereby reference to Architecture Design Scotland's Design Forum service will be removed from the Panel's Remit, Function, Roles and Procedures as this service no longer operates.

5. Next Steps

- 5.1 The operational improvements and revised Remit, Function, Roles and Procedures of the Panel will be implemented, subject to Committee approval.

6. Financial impact

- 6.1 There is 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 None.

9. Appendices

9.1 Appendix 1 – List of Edinburgh Urban Design Panel Organisations (2021).

9.2 Appendix 2 - The Edinburgh Urban Design Panel, Remit, Function, Roles and Procedures.

9.3 Appendix 3 – Presentation pro forma.

Appendix 1 - List of Edinburgh Urban Design Panel Organisations (2021)

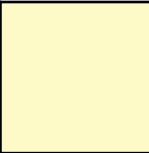
Core membership:

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; and
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.

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.

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.

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.

Robert Evans and Jeremy Scott presented the proposal. Refer to the pre meeting presentation papers.

Andrew Trigger provided an overview of the planning considerations as noted in the Planning Issues Paper.

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.

No declarations of interest were made by any panel members in relation to the scheme.

This is the first time that the proposals have been reviewed by the Panel.

This report relates to the development of the former Light Technology Site, East Lothian.

Introduction



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 equality**, 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.

EXPLAIN (AS APPLICABLE) HOW THE PROJECT TAKES INTO ACCOUNT PROTECTED CHARACTERISTICS* COVERED BY THE EQUALITY ACT 2010, GIVING SPECIFIC CONSIDERATION TO SAFETY OF WOMEN AND CHILDREN

*Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, and Sexual Orientation

Planning Committee

2.00pm, Wednesday, 31 August 2022

Proposed Changes to Short-Term Let Guidance

Executive/routine	Executive
Wards	City Wide
Council Commitments	<u>15</u>

1. Recommendations

- 1.1 It is recommended that Committee:
 - 1.1.1 Agrees changes to the non-statutory Guidance for Business with respect to Short-Term Lets (STL); and
 - 1.1.2 Notes the Edinburgh Short-Term Let Control Area designation has been approved by Scottish Ministers, a notice of the designation was published by the Council on 5 August 2022 and the Control Area will come into effect on 5 September 2022.

Paul Lawrence

Executive Director of Place

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Proposed Changes to Short-Term Let Guidance

2. Executive Summary

- 2.1 This report seeks approval for changes to the existing Guidance for Business to augment and further clarify the guidance with respect to Short-Term Lets (STL) following approval of the Edinburgh Short-Term Let Control Area by Scottish Ministers.
- 2.2 As part of these changes, guidance requires to have regard to legislative changes brought about by the introduction of a city wide STL control area.

3. Background

- 3.1 The provision of STL accommodation in Edinburgh has grown significantly in the last ten years. Edinburgh is recognised as an area that has been subject to far greater pressures than other parts of the country. This has resulted in a loss of residential and societal cohesion, particularly within areas such as the Old Town and locations on the periphery of the city centre.
- 3.2 The change of residential units to STL has created issues for residents and the Council. The Council receives a large number of complaints in respect of STL use, with members of the public concerned at the loss of amenity and security for long term residents. Experience from enforcement investigations has shown that people on holiday display different behaviours to those who live in an area, and whilst not intentionally behaving in an anti-social manner, they often create problems through noise and disturbance, particularly late at night. Enforcement notices have been served on properties where it has been demonstrated that the use has adversely affected neighbouring residential amenity.
- 3.3 On [23 February 2022](#), the Planning Committee agreed, under the Town and Country Planning (STL Let Control Areas) (Scotland) Regulations 2021 (the Regulations), to the establishment of a STL control area over the Council's entire geographical area. Following approval by Scottish Ministers on 27 July 2022, the Control Area has been publicised on 5 August 2022 and will come into force on 5 September 2022.
- 3.4 On 1 October 2022, the licensing scheme under the Civic Government (Scotland) Act 1982 (Licensing of STL) Order 2022 will open to receive applications. Where the Council decides to grant a licence for secondary letting within a Short Term Let

Control Area, it must be subject to a mandatory condition regarding the requirement for the licence holder to ultimately obtain planning permission to lawfully operate the STL premises, unless the planning authority has determined it is not required.

- 3.5 Following an initial consultation that concluded on 10 June 2022, a [second consultation](#) on the Council's [draft Short Term Let Licensing Policy](#) is currently underway and will conclude on 5 September 2022 and will be reported to the Council's Regulatory Committee on 29 September 2022. The aspects of the draft policy pertaining to planning are principally found at paragraphs 4.2, and 4.26 - 4.28 of it.
- 3.6 Those operating an STL prior to 1 October 2022 will need to apply for a licence by 1 April 2023. Where operations start after 1 October 2022, a licence will need to be in place before guests are received. Due to the STL Control area, all STL secondary letting Licence applicants will, when they submit their licence application in terms of the Council's draft Licensing Policy, be required to provide proof that either they have:
- made an application for planning permission; or
 - planning permission; or
 - confirmation that planning permission is not required.
- 3.7 The Planning and Regulatory Services will work closely with Licensing Services to ensure the efficient processing of applications and the necessary exchange of information.
- 3.8 As a result of the STL Control Area and the new licensing requirements, it is expected that there will be a significant increase in the number of applications for STL received.
- 3.9 The existing Planning Guidance for Businesses 2021 sets out the following guidance in relation to short-term commercial visitor accommodation.
- The change of use from a residential property to short term commercial visitor accommodation may require planning permission. In deciding whether this is the case, regard will be had to:*
- *The character of the new use and of the wider area;*
 - *The size of the property;*
 - *The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and*
 - *The nature and character of any services provided.*
- 3.10 The guidance does not set out how each of the bullet points will be assessed.

4. Main report

- 4.1 There is a need to update the Guidance for Business to state the STL Control Area is now in force requiring planning permission for use of property as short term let and explain further how each of the current criteria currently set out will be considered by the Planning service when assessing an STL application.
- 4.2 The quoted paragraph of the Planning Guidance for Businesses 2021 at 3.9 requires to be removed and the following replacement text inserted:

The city-wide Edinburgh Short-term Let (STL) Control Area came into force on 5 September 2022, which means that the use of a residential property for short term commercial visitor accommodation will constitute a change of use requiring planning permission provided that:

- *It is not a private tenancy under Section 1 of the Private Housing (Tenancies) (Scotland) Act 2016;*
- *It is not a tenancy of a dwellinghouse (or part of one) where all or part of the dwellinghouse is the principal home of the landlord or occupier;*
- *Sleeping accommodation is provided to one or more persons for one or more nights for commercial consideration (i.e. an exchange of money);*
- *No person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided;*
- *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;*
- *The accommodation is not provided by an employer to an employee in terms of a contract of employment for the better performance of the employee's duties; and*
- *The accommodation is not a hotel, boarding house, guest house, hostel, residential accommodation where care is provided to people in need of care, hospital or nursing home, residential school, college or training centre, secure residential accommodation (including a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks), a refuge, student accommodation or an aparthotel.*

These legal requirements are set out in the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021. Further detail is contained in Annex B of the Scottish Government's Planning Circular 1 of 2021 – Establishing a Short-term Let Control Area.

On 1 October 2022, the licensing scheme under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (the STL Licensing Order) will

open to receive applications for short-term let licenses. The requirement to have an STL licence is separate from any need to have planning permission.

In Edinburgh due to the STL Control Area, to lawfully operate a secondary let STL under an STL licence, there will be a need to either have planning permission in place, or an ongoing application for planning permission, or have it in place confirmation from the Council that planning permission is not required. In the event that the planning application and any related appeal is refused, the STL licence holder cannot lawfully continue to operate the secondary let STL in terms of their licence.

“Secondary letting” means a short-term let consisting of the entering into an agreement for the use of accommodation, which is not, or not part of, the licence holder’s only or principal home.

Further [guidance on licensing](#) can be found on the Council’s website.

- 4.3 Having regard to the existing policy, the experience of assessing applications and the investigation of enforcement cases relating to STL use, and having regard to a significant number of appeal decisions, the guidance requires to be updated to provide further guidance on each of the existing criteria to set out how the Planning service will assess and determine STL applications. It is therefore proposed that the guidance will also include the following:

Applications will be assessed against whether they accord with the development plan that is in force at the time an application is determined. Currently the Edinburgh Local Development Plan Policy Env 7 – Inappropriate Uses in a Residential Area – is a key consideration. Once National Planning Framework 4 is adopted, this will become part of the development plan and applications will be assessed against relevant policies within it. The following guidance will be considered when determining STL applications.

<i>The character of the new use and of the wider area.</i>	<i>Where the location is wholly commercial in character and there are no residential properties nearby, adverse impacts on amenity are less likely. This means it is more likely short-term lets (STLs) can be supported in such locations.</i> <i>Where the location is mixed in character (residential / commercial) regard will be had to those residential properties nearby and therefore there is a presumption against granting planning permission.</i> <i>Where the street has a quiet nature or low ambient noise levels (particularly at night-time), STL will not generally be supported.</i> <i>No weight will be given to the existence of neighbouring unlawful STLs as justification for the grant of planning permission for an STL. The Planning service will assess the merits of any proposal against its impact on the lawful planning use of nearby properties.</i>
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	<p><i>Where the area is wholly residential, it is unlikely that short-term let proposals will be supported.</i></p>
<p><i>The size of the property.</i></p>	<p><i>Larger properties can have a greater capacity for guests. Where there are greater numbers of guests, there is increased potential for noise and disturbance. Both the number and size of rooms will be taken into account when considering this.</i></p>
<p><i>The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance, and parking demand.</i></p>	<p><i>If the property is accessed off a stair where there are other flats off that stair, it is very unlikely that a change of use will be supported. This is because it has been found that existing residents of flats within stairs are particularly affected by the pattern of activity which often results from STL. Guests of the short-term let properties can arrive late at night and make noise and cause disturbance in a way which residents of that stair would not, given they will know of the impacts that they have on one another and be able to manage those impacts in a neighbourly way. Examples of disturbance include bumping suitcases up stair and using washing machines in the middle of the night.</i></p> <p><i>If the property does have its own main door access regard must be had to the other criteria within this table.</i></p> <p><i>It should be noted, once a short-term let is granted planning permission, the Council cannot control how it is used, for example by restricting numbers of occupants, or by setting limits on how a property is let. Planning permission is granted to property rather than individuals, which means that property can change hands and be operated in a different way than was intended by the applicant for planning permission. Because of this, when considering the pattern activity associated with a use, only limited regard can be had to how an applicant intends to manage that.</i></p>
<p><i>The nature and character of any services provided.</i></p>	<p><i>Where there is access to a communal garden which can be used by existing residential properties, or where there is a garden that would form part of the curtilage of an STL and would be in close proximity to residential gardens, STLs will generally not be supported.</i></p> <p><i>Where parking is provided, this will be considered within the context of the Council's parking policies and guidance.</i></p>

- 4.4 Any future planning applications for will be required to demonstrate compliance with the development plan along with the approved updated guidance and other relevant material considerations.

5. Next Steps

- 5.1 If Committee accepts the recommendations in this report, the Guidance for Businesses will be updated to include the proposed changes.
- 5.2 If the Scottish Government brings forward a policy in respect of STL in National Planning Framework 4, once this is part of the adopted development plan, the Council may bring forward additional guidance to explain how the policy should be applied in Edinburgh.

6. Financial impact

- 6.1 There are no immediate financial implications for the Council arising from this report.

7. Stakeholder/Community Impact

- 7.1 Stakeholders / the Community were previously consulted on the Guidance for Businesses. Given the update to the guidance recommended in this report further clarifies the guidance set out in the existing Guidance for Businesses 2021, it is not considered necessary to consult on the update.

8. Background reading/external references

- 8.1 Report to Planning Committee of [23 February 2022](#) on Short Term Let Control Area Designation.
- 8.2 [The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022.](#)
- 8.3 [Section 26B of the Town and Country Planning \(Scotland\) Act 1997.](#)
- 8.4 [The Town and Country Planning \(Short-Term Let Control Areas\) \(Scotland\) Regulations 2021.](#)
- 8.5 [Guidance for Businesses November 2021.](#)
- 8.6 Council's webpage on the [Short-term let control area.](#)
- 8.7 Scottish Government [Planning Circular 1 of 2021 – Establishing a Short-term Let Control Area.](#)
- 8.8 [Draft Short Term Let Licensing Policy](#)
- 8.9 [Licensing of Short-Term Lets 2022 – Second Consultation](#)

9. Appendices

- 9.1 None.

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Planning Committee

2.00pm, Wednesday, 31 August 2022

Changes to Planning Fees

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 It is recommended that Planning Committee:
 - 1.1.1 Notes the content of this report in respect of changes to fees set by Scottish Government; and
 - 1.1.2 Agrees the proposed changes to the Council's discretionary charging regime.

Paul Lawrence

Executive Director of Place

Contact: David Givan, Chief Planning Officer and Head of Building Standards

E-mail: david.givan@edinburgh.gov.uk

Changes to Planning Fees

2. Executive Summary

- 2.1 This report provides details of the discretionary fees introduced in the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 (the Regulations), which came into force on 1 April 2022.
- 2.2 The Regulations have raised the fee levels for the majority of planning application types and have also introduced additional discretionary charging powers for pre-application advice, non-material variations and confirmation of compliance with a condition. The Regulations also allow the planning authority to waive or reduce application fees in certain circumstances and to apply a surcharge on retrospective applications.
- 2.3 The Regulations require planning authorities to set out, in a Charter, the fees they intend to charge. It is recommended Committee approves the proposed Edinburgh Planning Fee Charter (Appendix 1).

3. Background

- 3.1 In December 2019, the Scottish Government began a consultation into the existing national planning fees regime. The government sought the views from public sector bodies, the private sector and charitable and community organisations on proposed changes to the existing fee regime.
- 3.2 The Council submitted its response in early 2020. The onset of the COVID-19 pandemic resulted in a significant delay to the Scottish Government progressing the new charging regime.
- 3.3 The final consultation results were published in July 2021. The Regulations were laid before parliament on 11 February 2022 and came into force on 1 April 2022.
- 3.4 The Regulations represent the first wholesale change to fee-based legislation since the introduction of the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2014.
- 3.5 In addition to an increase in the fees, the Regulations introduce new discretionary charging powers relating to pre-application advice, non-material variations and written requests for compliance with conditions.

- 3.6 The Regulations also introduce modifications to the fees whereby a fee may be reduced or waived in accordance with certain criteria, or a surcharge can be applied for retrospective applications (this comes into force from 1 October 2022).
- 3.7 The planning service handled 5,674 applications in the financial year 2021/22. Some of these applications, such as those for listed building consent do not have a fee.
- 3.8 The planning service also undertakes several important statutory functions including development plan preparation and enforcement, which do not generate any fee income.
- 3.9 The increase in fee income will provide an opportunity to reinvested in the service.
- 3.10 The new Regulations introduce a number of new procedures, which will require the diversion of staff resources to develop, implement and monitor the new processes. Where these new procedures are discretionary, a balance needs to be struck between the level of work involved and the level of income received.

4. Main report

Increase in Fees

- 4.1 There are a number of mandatory changes to the fees within the regulations. These changes are not uniform and vary according to development type.
- 4.2 For example, the fee for a 'householder' application, which generally covers development such as house extensions and roof alterations has risen from £202 to £300.
- 4.3 The fee to change the use of commercial premises with a floor area of less than 100 square metres (sqm) has risen from £401 to £600. After this, an extra £600 is charged for each additional 100 sqm up to 4,000 sqm.
- 4.4 The fee to construct a new house has risen from £401 to £600. Where the number of houses is fewer than 50, fees are now levied at £600 for the first 10 and £450 for each new house thereafter.
- 4.5 The fee for an application for advertisement consent has risen from £202 to £300.
- 4.6 As a result of these increases, it is anticipated that fee income will rise by approximately 25%, but this is dependent on the types of applications being submitted, which is out-with the planning services control.

Regulation 4 – Charges for Discretionary Services

- 4.7 The Regulations formally introduce the provision to allow local authorities to make charges for a number of services that have not previously had a specific charge associated with them. These are termed discretionary charges and each authority is given the option to use these provisions if it so wishes.
- 4.8 The Planning Service previously introduced discretionary charging for Pre-Application Advice and Non-Material Variations under the terms of Section 20 of the Local Government in Scotland Act 2003 and the Best Value Guidance published in

2004, which allows local authorities to make arrangements to secure continuous improvement in performance, whilst maintaining an appropriate balance between quality and cost.

- 4.9 Through the introduction of discretionary charging in the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, both the Pre-Application Service and the Non-Material Variations Service, will now operate in accordance with the Regulations.

Non Material Variations

- 4.10 A non-material variation (NMV) application is a proposal to change an approved development that will not significantly alter what was previously granted planning permission.
- 4.11 The Planning Service first introduced a charge for NMV applications on 1 April 2021.
- 4.12 The Regulations now make formal provision for this service with a flat rate fee of £200, as set by the Scottish Government.
- 4.13 Previously the Planning Service had used a sliding scale of fees proportionate to the scale of the development. The new flat rate fee will mean a potential reduction in the overall fee income for NMVs, as the larger scale developments will pay substantially less than that which was previously required by the Council.
- 4.14 Developments which are primarily related to improving accessibility for people with disabilities are exempt from the fees.
- 4.15 It is intended to continue with the existing procedure, which has been successfully operating since 1 April 2021, but now with the set fee of £200, as set by Scottish Government.

Pre-Application Service

- 4.16 The Planning Service introduced a Paid for Pre-Application Service (PPAS) on 1 July 2019.
- 4.17 The Regulations now make formal provision to allow for charging for this service. The Regulations state that fees can only be charged once information has been published setting out which services are subject to a fee, how fees are calculated, and under which circumstances the planning authority will waive or reduce a fee.
- 4.18 It is intended to continue with the current procedure, which has been operating since 1 July 2019. The fees are already published online, alongside the customer guidance for this service, which has been updated to fulfil the statutory requirements of the Regulations.

Discharge of Conditions

- 4.19 Regulation 4 provides the planning authority with the power to charge a fee for written confirmation of compliance with the conditions imposed on a grant of planning permission. The fee is a flat rate of £100 for each request, regardless of how many conditions may be attached to the consent.

- 4.20 The introduction of the ability to charge for written confirmation of compliance with conditions is a new power. The Scottish Government has chosen to set the fee as 'per request' and not 'per condition'. On average, the additional staffing resource required to manage the registration, collection of monies and the additional processing that would result is likely to cost more than the £100 fee received.
- 4.21 On the basis that the cost of implementation is greater than the income received, it is not considered viable to introduce this discretionary charge at this time. The situation will continue to be monitored in line with other service improvements to look at conditions monitoring and IT improvements. Should significant IT improvements be established to reduce the cost, the introduction of charging for the discharge of conditions will be reconsidered.

Regulation 5 - Power to Waive or Reduce Application Fees

- 4.22 Regulation 5 provides the planning authority with the power to either reduce an application fee or waive it entirely for certain types of development, as follows:
- *Where the application relates to development which, in the opinion of the planning authority, has the primary purpose of contributing to a not for profit enterprise or a social enterprise, and*
 - *Where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents in the area to which the application relates.*
- 4.23 The statutory definition of what constitutes a not for profit enterprise is set out within section 252(1F) the Town and Country Planning (Scotland) Act 1997.
- 4.24 Having considered the implications of reducing or waiving the fee on these types of application, it is suggested that a 25% reduction of the fee would be appropriate. There remains a significant amount of work involved in determining these applications and it is therefore still appropriate to take a fee for the service. It is noted that Perth and Kinross Council has also adopted this approach.
- 4.25 The Regulations state that the planning authority may only waive or reduce application fees following the publication of a charter on its website. The proposed charter, including these details, is attached to Appendix 1.

Regulation 6 - Surcharges for Retrospective Applications

- 4.26 Regulation 6 provides the planning authority with the power to impose a surcharge on retrospective planning applications. Retrospective applications are applications for planning permission for development which has already commenced or has been completed. The surcharge can be levied at any rate up to a maximum of 25% of the application fee.
- 4.27 Retrospective applications are often linked to enforcement investigations. Enforcement is an important part of the planning service which is integral to upholding public confidence in the planning system. The planning authority does not receive any income for enforcement investigations and such investigations often

take a considerable amount of time and resource. It is therefore proposed to impose the full 25% surcharge on retrospective applications.

- 4.28 The proposed surcharge does not come into force until 1 October 2022. Prior to introducing any surcharge, the planning authority must ensure that information is published on its website detailing how the surcharge is calculated and under what circumstances a surcharge will be imposed. This information will be included in the Fee Charter, attached as Appendix 1.

Paragraph 8 of Schedule 2 - Reductions for Householder Alterations for Properties in Conservation Areas

- 4.29 Paragraph 8 of Schedule 2 allows for a reduction in the application fee of 25% for householder applications, which would otherwise have been permitted development but for the fact that the premises are situated in a conservation area.
- 4.30 Householders are afforded rights under national legislation to undertake certain developments without the need to apply for full planning permission. These rights are known as 'permitted development' and are set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). However, where houses are located within a Conservation Area, the permitted development rights often do not apply.
- 4.31 The Regulations make provision for a 25% reduction in fee, where an application is only required because the property is located in a conservation area and, as such, does not benefit from permitted development rights for the proposed development.
- 4.32 However, it should be noted that this reduction in fee is not applicable if the development involves the extension or enlargement of the house.
- 4.33 At present, the 25% reduction in fee is not applied when the application is submitted through the Scottish Government's e-planning service. The planning authority must therefore identify which applications qualify for the discount upon receipt.

Conclusion

- 4.34 The increase in fees and the introduction of discretionary charging, as detailed in the Regulations, is welcomed.
- 4.35 The Fee Charter, attached in appendix 1, details both the Scottish Government's set fee schedule and the recommended charges for discretionary charging options.

5. Next Steps

- 5.1 If approved by Committee, the Fee Charter charging regime, as attached in Appendix 1, will be implemented.
- 5.2 Further consideration will be made to fee charging for discharging planning conditions over the course of the coming year and any proposed changes will be reported back to Committee.

6. Financial impact

- 6.1 The preparation of new procedures and the assessment of existing householder applications for eligibility for a discount will be done within the existing operating budget of the planning service.

7. Stakeholder/Community Impact

- 7.1 The general increase in fees is set by Scottish Government. A consultation on the fees was carried out by Scottish Government in advance of it coming into force on 1 April 2022.

8. Background reading/external references

- 8.1 [Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022.](#)
- 8.2 [Circular 2/2022 Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022.](#)
- 8.3 Development Management Discretionary Charges report, Planning Committee on [3 February 2021.](#)
- 8.3 [Pre-Application Customer Service Guide.](#)
- 8.4 [Non Material Variation Service Customer Service Guide.](#)

9. Appendices

- 9.1 Appendix 1 – Planning Fee Charter.

Planning Fees Charter and Scale of Fees

Contents

Scope of guidance	2
Payment of fees	4
Calculation of fees	4
Fees – Detailed planning permission and approval of matters specified in conditions	5

Scope of guidance

Planning fees are set by the Scottish Government. The relevant legislation is [The Town and Country Planning \(Fees for Applications\) \(Scotland\) Regulations 2022](#). Further guidance is available in [Scottish Government Planning Circular 2/2022](#).

These Regulations replace the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004. They also introduce some additional categories of payment and enable the planning authority to charge discretionary fees for some services, to reduce or waive fees in certain cases and to apply a surcharge for retrospective applications.

Discretionary Charging – Waived or Reduced Fees

Regulation 5 of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 provides local authorities with the discretionary power to waive or reduce fees in the following circumstances:

- Where the application relates to development which, in the opinion of the planning authority, has the primary purpose of contributing to a not for profit enterprise or a social enterprise, AND
- Where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents in the area to which the application relates.

Applications must meet **both** the above criteria to be considered for an exemption.

Edinburgh Council will reduce the required fee by 25%. The amount levied will depend on the type of application. For example, a £300 fee would be reduced to £225. The full statutory fee should be paid when the application is submitted. The Council will make a decision on receipt of an application as to whether a 25% reduction is applicable and will refund the applicant accordingly.

Prospective applicants should make clear in their supporting information if they are seeking a reduction in the application fee. Clear justification should be given for why the applicant believes that a reduction in the fee is applicable.

The statutory definition of what constitutes a ‘not for profit’ enterprise is set out within the Town and Country Planning (Scotland) Act 1997 (as amended) as follows:

- *“not for profit enterprise” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits for society,*
- *“social enterprise” means an organisation whose activities are wholly or mainly activities which a person might reasonably consider to be activities carried on for the benefit of society (“its social objects”), and which—*
 - *generates most of its income through business or trade,*

- *reinvests most of its profits in its social objects,*
- *is independent of any public authority, and*
- *is owned, controlled and managed in a way that is consistent with its social objects*

If prospective applicants are of the opinion that their organisation meets the above criteria to be considered a not for profit or social enterprise, they should provide a supporting statement outlining why. Any statement should clearly cover the criteria described above. Supporting evidence should also be supplied.

There is no statutory definition of a proposal which is 'improving the health of residents'. Prospective applicants should provide supporting information with any application detailing why they are of the opinion that that their proposal will improve the health of residents in the local area.

If a required fee is not paid, the application will not be progressed to determination.

Discretionary Charging - Surcharges

Regulation 6 of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 provides the planning authority with the power to levy a surcharge of up to 25% on retrospective applications.

A retrospective application is an application for planning permission for a development which has already commenced or has been completed without the benefit of a grant of planning permission. Retrospective applications often result from Enforcement enquiries but can also be the result of other factors. A surcharge on retrospective applications is intended primarily to provide a means of recovering the costs of undertaking enforcement investigations.

Edinburgh Council will be imposing the maximum 25% surcharge allowed by the regulations. The amount levied will depend on the type of application. For example, a householder application involving a retrospective application for a summerhouse, section of decking or installation of windows would attract a surcharge of £75. This is 25% of the normal application fee of £300.

If you are submitting a retrospective application it is important that you highlight this at the time of submission. The surcharge will not be calculated when an application is submitted on e-planning. This is because e-planning is a national service which does not consider individual charges levied by local authorities, and will therefore be requested when your application is registered.

If the required surcharge is not paid, your application will not be progressed to determination.

If a retrospective application relating to an enforcement investigation is not determined due to failure to pay the surcharge, the Planning Service may elect to proceed to formal enforcement action to resolve the matter.

Surcharges for retrospective applications will come into force on 1 October 2022.

Payment of fees

An application is not valid, and the Council will not start considering it, until the full application fee has been paid.

Once an application is valid, an acknowledgment letter will be issued which acts as a receipt for the payment of fees.

Calculation of fees

Where a fee is based on floorspace, this means the gross floorspace (all storeys) created by the development. It should be measured externally and includes the thickness of external and internal walls. It excludes areas which are not readily usable by people or animals eg. liftshafts, tanks, loft space.

Where a fee is based on site area, the site of the development should be clearly outlined in red on the drawings.

Where floorspace or site area is not an exact multiple of the unit of measurement provided by the fees scale, the amount remaining is taken as a whole unit.

Where a building is to be demolished and a new building is to be erected on the site, the fee is based on the floor area of the new building.

'Dwellinghouse' means a building, or part of a building, which is used as a single private dwelling house and for no other purpose, and so includes a flat.

Valid applications made before 1 April 2022 will be subject to the 2004 regulations. For AMC applications predominantly involving the change of use of an area of land, or the development of non-residential floorspace, the fee will be capped at £125,000. Please refer [here](#) for more details.

The fee for a development which is on land situated in more than one planning authority is the lesser of the following: the total fee payable in respect of all the applications is the lesser of (a) one and a half times the amount of the fee which would have been payable for an application in respect of the same development but lying in the area of a single planning authority, or (b) the sum of the amounts of the fees which would have been payable in respect of all the applications.

Where an application relates to two or more categories, an amount is to be calculated for each category of development and then only the highest of the amounts calculated under those categories is the fee charged.

All amounts include VAT where appropriate.

Fees – Detailed planning permission and approval of matters specified in conditions

The following applies to applications for –

- Detailed planning permission
- Approval of matters specified in conditions

Mixed use developments

Where a development is partly within category 1 and partly within category 4 of table 1 the fee payable is the sum of—

- (a) the amount calculated and payable for the amount of gross floor space which is to be created by that part of the development which is within category 4 (“the non-residential floor space”), and
- (b) the amount payable in respect of that part of the development which is within category 1.

Where any of the buildings is to contain floor space for the purposes of providing common access or common services or facilities for persons occupying or using that building for residential purposes, and for persons occupying or using that building for non-residential purposes (“common floor space”), the amount of non-residential floor space is to be assessed in relation to that building as including such proportion of the common floor space as the amount of non-residential floor space in the building bears to the total amount of gross floor space in the building.

Where an application to which this applies relates to development which is also within one or more of any other categories of table 1, an amount is to be calculated in accordance with each such category and if any of the amounts so calculated exceeds the amount calculated as above, that higher amount is the fee payable in respect of all of the development to which the application relates.

Alternative proposals

Where two or more applications for planning permission are made on the same date and by the same applicant and in respect of two or more proposals for the development of the same land, a single fee is calculated and payable in respect of the applications.

Similarly, where two or more applications are made for approval, consent or agreement required by the same condition imposed on a grant of planning permission in principle, and both applications are made on the same date and by the same applicant, a single fee calculated and is payable in respect of the applications.

Calculations are to be made, in accordance with table 1 of this schedule, of the fee appropriate to each of the applications

and the single fee payable in respect of both applications is the sum of—

- (a) an amount equal to the highest fee calculated in respect of each of the applications, and
- (b) an amount calculated by adding together the fees appropriate to all of the applications, other than the amount referred to in head (a) and dividing that total by 2.

Table 1 – Fees for applications for planning permission and for applications for matters specified by condition on a planning permission in principle

Category of development	Fee payable
Residential Development	
New dwellings	
1. Construction of buildings, structures or erections for use as residential accommodation (other than development within categories 2 to 6).	a. Where the number of dwellings to be created by the development does not exceed 10, £600 for each dwelling; b. Where the number of dwellings to be created by the development is fewer than 50, £600 for each of the first 10 dwellings, and £450 for each dwellings thereafter; c. Where the number of dwellings to be created by the development is 50 or more, £6,000 for the first 10 dwellings, £450 for each dwellings in excess of 10 up to 49 dwellings, and £250 for each dwellings thereafter, subject to a maximum total of £150,000.
Existing dwellings	
2. The carrying out of operations which will result in the enlargement, improvement or other alteration of an existing dwelling.	Where the application relates to - a. one dwelling, £300, b. 2 or more dwellings, £600.
3. Where the application is for –	
a. The carrying out of operations, including the erection of a building within the curtilage of an existing dwelling, for purposes ancillary to the enjoyment of the dwelling as such; or	£300
b. The erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwelling.	£300

Non-Residential Buildings	
<p>4. The construction of buildings, structures or erections including extensions (other than construction within categories 1, 5 and 6).</p>	<ul style="list-style-type: none"> a. Where no floor area is created or the gross floor space created does not exceed 50 square metres, £300; b. Where the gross floor space created exceeds 50 square metres but does not exceed 100 square metres, £600; c. Where the gross floor space created exceeds 100 square metres but does not exceed 4,000 square metres, £600 plus £600 for each additional 100 square metres (or part thereof); d. Where the gross floor space created exceeds 4,000 square metres, £24,000 plus £300 for each additional 100 square metres (or part thereof), subject to a maximum of £150,000; e. Where no buildings or floor space is to be created, £600 per 0.1 hectare (or part thereof) of site area, subject to a maximum of £150,000.
<p>Agricultural buildings</p> <p>5. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings in category 6).</p> <p><i>As defined in the Town and Country Planning (Scotland) Act 1997, section 277</i></p>	<ul style="list-style-type: none"> a. Where the ground area to be covered by the development does not exceed 500 square metres, £500; b. Where the ground area to be covered by the development exceeds 500 square metres, £500 plus £500 for each additional 100 square metre (or part thereof), subject to a maximum of £25,000.

<p>Glasshouses and polytunnels</p> <p>6. The erection of glasshouses or polytunnels to be used for agricultural purposes.</p> <p>Glasshouse and polytunnels are defined under part 1 Regulation 5 of the order as a building which:</p> <ul style="list-style-type: none"> (a) has not less than three-quarters of its total external area comprised of glass or other translucent material, (b) is designed for the production of flowers, fruit, vegetables, herb or other horticultural produce, and (c) is used, or is to be used, solely for the purposes of agriculture. 	<p>£100 for each 100 square metres of ground area to be covered by the development subject to a maximum of £5,000.</p>
<p>Energy Generation</p>	
<p>7. The erection of wind turbines and the carrying out of other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.</p>	<ul style="list-style-type: none"> a. Where the number of turbines does not exceed 3 – <ul style="list-style-type: none"> i. where none of the turbines have a ground to hub height exceeding 15 metres, £1,250; ii. where one or more of the turbines has a ground to hub height exceeding 15 metres, but not exceeding 50 metres, £2,500; iii. where one or more of the turbines has a ground to hub height exceeding 50 metres, £5,000. b. Where the number of turbines does exceed 3, £500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £150,000.
<p>8. The construction of a hydro-electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.</p>	<p>£500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £25,000.</p>

<p>9. The construction of a solar electric generating station and the carrying out of any other operations in connection with the construction of the generating station, including the construction or installation of any means of access to the generating station, pipes or other conduits, and overhead lines.</p>	<p>£500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £25,000.</p>
<p>10. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.</p>	<p>a. Where the site area does not exceed 0.1 hectares, £1,000; b. Where the site area exceeds 0.1 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of site area, subject to a maximum of £150,000.</p>
<p>Fish and Shellfish Farming</p>	
<p>11. The placing or assembly of equipment in any part of any marine waters for the purposes of fish farming.</p>	<p>£200 for each 0.1 hectare (or part thereof) of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of fish farming and £75 for each 0.1 hectare (or part thereof) of the sea bed to be used in relation to such development, subject to a maximum of £25,000.</p>
<p>12. The placing or assembly of equipment in any part of any marine waters for the purposes of shellfish farming.</p>	<p>£200 for each 0.1 hectare (or part thereof) of the surface area of the marine waters to be used in relation to the placement or assembly of any equipment for the purposes of shellfish farming, subject to a maximum of £25,000.</p>
<p>Other Operations</p>	
<p>13. The erection, alteration or replacement of plant or machinery. <i>This would include plant or machinery for energy storage and heat network developments.</i></p>	<p>a. Where the site area does not exceed 5 hectares, £500 for each 0.1 hectare (or part thereof) of site area; b. Where the site area exceeds 5 hectares, £25,000 plus £250 for each additional 0.1 hectare (or part thereof) of the site, subject to a maximum of £150,000.</p>

<p>14. The construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.</p>	<p>£500.</p>
<p>15. Operations for the winning and working of minerals (not including peat).</p>	<p>a. Where the site area does not exceed 0.1 hectare, £1,000;</p> <p>b. Where the site area exceeds 0.1 hectare but does not exceed 15 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of the site area;</p> <p>c. Where the site area exceeds 15 hectares, £75,000 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.</p>
<p>16. Operations for the extraction of peat.</p>	<p>£500 for each 0.1 hectare (or part thereof) of site area, subject to a maximum of £6,000.</p>
<p>17. The carrying out of any operations not coming within any of the above categories.</p>	<p>a. Where the site area does not exceed 0.1 hectare, £1,000;</p> <p>b. Where the site area exceeds 0.1 hectare but does not exceed 15 hectares, £1,000 plus £500 for each additional 1 hectare (or part thereof) of the site area;</p> <p>c. Where the site area exceeds 15 hectares, £8,500 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.</p>

Use of Land	
18. The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land.	<ul style="list-style-type: none"> a. Where the site area does not exceed 0.1 hectare, £1,000; b. Where the site area exceeds 0.1 hectare but does not exceed 15 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of the site area; c. Where the site area exceeds 15 hectares, £75,500 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.
19. The use of land for the storage of minerals in the open.	<ul style="list-style-type: none"> a. Where the site area does not exceed 0.1 hectare, £1,000; b. Where the site area exceeds 0.1 hectare, but does not exceed 15 hectares, £1,000 plus £500 for each additional 0.1 hectare (or part thereof) of the site area; c. Where the site area exceeds 15 hectares, £75,500 plus £250 for each additional 0.1 hectare (or part thereof) of the site area, subject to a maximum of £150,000.
Change of Use of Buildings or Land	
20. The change of use of a building to use as one or more dwellings.	<ul style="list-style-type: none"> a. Where the number of dwellings to be created does not exceed 10, £600 for each dwelling; b. Where the number of dwellings to be created is fewer than 50, £6,000 for the first 10 dwellings, and £450 for each dwelling thereafter; c. Where the number of dwellings to be created is 50 or more, £23,550 for the first 49 dwellings plus £250 for each dwelling thereafter.

<p>21. A material change in the use of a building (other than a change of use referred to in category 20).</p>	<p>a. Where the gross floor space does not exceed 100 square metres, £600;</p> <p>b. Where the gross floor space exceeds 100 square metres but does not exceed 4,000 square metres, £600 plus £600 for each 100 square metres (or part thereof) up to 4,000 square metres;</p> <p>c. Where the gross floor space exceeds 4,000 square metres, £24,000 plus £300 for each additional 100 square metres (or part thereof), subject to a maximum of £150,000.</p>
<p>22. A material change in the use of land (other than –</p> <ul style="list-style-type: none"> a. a change of use within category 21, or b. a change of use within categories 18 or 19, or c. a change in the use of equipment placed or assembled in marine waters for the purposes of fish farming or shellfish farming). 	<p>£500 per 0.1 hectare of site area subject to a maximum of £5,000.</p>

Table 2 – Fees for Applications for Planning Permission in Principle

Category of development	Fee payable
Residential Development	
New dwellings	
1. Construction of buildings, structures or erections for use as residential accommodation.	<ul style="list-style-type: none"> a. Where only one dwellinghouse is to be created, £600. b. Where more than one dwellinghouse is to be created and the site area does not exceed 2.5 hectares, £600 for each 0.1 hectare (or part thereof) of the site area. c. Where more than one dwellinghouse is to be created and site area exceeds 2.5 hectares, £600 for each 0.1 hectare up to 2.5 hectares of the site area, and then £300 for each additional 0.1 hectare (or part thereof), subject to a maximum of £75,000.
Non-Residential Buildings	
2. The construction of buildings, structures or erections including extensions.	<ul style="list-style-type: none"> a. Where the site area is less than or equal to 2.5 hectares, £600 for each 0.1 hectare b. Where the site area exceeds 2.5 hectares, £15,000 and £300 for each 0.1 hectare (or part thereof) in excess of 2.5 hectares, subject to a maximum of £75,000.

Table 3 – Fees for Applications for a Certificate of Lawful Use or Development (Section 150) or a Certificate of Proposed Use or Development (Section 151 of the 1997 Act)

Category of development	Fee payable
Certificates of Lawfulness of Existing Use or Development	
1. An application under section 150(1)(a) or (b) of the 1997 Act (or both as the case may be).	The amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
2. An application under section 150(1)(c) of the 1997 Act.	£300.
Certificates of Lawfulness for Proposed Use or Development	
3. An application under section 151(1) of the 1997 Act (apart from one within category 4).	Half the amount that would be payable in respect of an application for planning permission to institute the use or carry out the operations specified in the application (or an application to do both, as the case may be).
4. An application under section 151(1)(a) where the use specified is use as one or more separate dwellinghouses.	£600 for each dwellinghouse, subject to a maximum of £150,000.

Table 4 – Fees for a determination as to whether Prior aApproval is required for Development under Schedule 1 of the General Permitted Development Order 1992, as amended

Category of development	Fee payable
1. An application made for determination as to whether the prior approval of the planning authority is required in relation to development (other than one within categories 2 to 9).	£100.
2. An application made by virtue of paragraph (4A) of Class 18 of Part 6 (agricultural buildings and operations).	No fee.
3. An application made by virtue of paragraph (4) of Class 18B of Part 6 (agricultural buildings and operations).	£500.
4. An application made by virtue of paragraph (5) of Class 18C of Part 6 (agricultural buildings and operations).	£500.
5. An application made by virtue of paragraph (4) of Class 21A of Part 6A (fish farming).	£500.
6. An application made by virtue of paragraph (4) of Class 22A of Part 7 (forestry buildings and operations).	£500.
7. An application made by virtue of paragraph (5) of Class 22B of Part 7 (forestry buildings and operations).	£500.
8. An application made by virtue of paragraph (4) of Class 22 of Part 7 (forestry buildings and operations).	No fee.
9. An application made by virtue of sub-paragraph (23) of Class 67 of Part 20 (development by electronic communications code operators).	£500.

Table 5 – Charges for Discretionary Services (Regulation 4)

Category of development	Fee payable
<p>Non Material Variation</p> <p>A request made to a planning authority to vary a planning permission under section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).</p> <p>Householder enquiries which would benefit from planning application fee exemption under Reg 7 (means of access, etc for disabled persons).</p> <p>Where an enquiry relates to a development which would benefit from planning application fee reduction under Schedule 1, art 7, (community councils).</p>	<p>£200 for each request.</p> <p><i>This is a set amount laid down in Part 1 Regulation 4 (3) which the Council is permitted to charge for this service.</i></p> <p>No limit on number of requests.</p> <p>Fee waived in full.</p> <p>Fee reduced by half.</p>
<p>Pre application enquiries</p> <p>A separate enquiry, and fee, is required for each development or each site.</p> <p>Note: <i>Pre-Application Customer Service Guide</i></p>	<p>Local Development (small) - £220 + VAT (£264)</p> <p>Local Development (medium) - £945 + VAT (£1,134)</p> <p>Major/National Development - £5,400 + VAT (£6,480)</p> <p>Note: <i>The full scale of fees can be found in the Pre-Application Customer Service Guide</i></p> <p><i>Part 1 Regulation 4 (1) & 4 (2)(a) provide the statutory basis allowing the Council to charge for this service. The fees charged are set independently by the Council and are subject to review on an annual basis.</i></p> <p><i>The Council will not provide advice on householder developments, advertising and signage, or simple changes of use/alterations. Charges are based on the scale of development – for example, works to a single property would be classed as a local development (small). For the avoidance of doubt, developments relating to listed buildings are not exempt from charges.</i></p>

Table 6 – Waived or reduced fees for Planning Applications (Regulation 5)

Category of development	Fee payable
<p>Where an application relates to development which, in the opinion of the planning authority, has the primary purpose of contributing to a not-for-profit enterprise or a social enterprise, and where the application relates to development which, in the opinion of the planning authority, is likely to contribute to improving the health of residents of the area to which the application relates.</p> <p>Note: “not for profit enterprise” and “social enterprise” have the meanings in section 252(1F) of the Town and Country Planning (Scotland) Act 1997 (as amended).</p>	<p>Fee reduced by 25% for planning applications, certificates of lawful use or development, certificates of proposed use or development, advertisement consents, applications made under section 42 and determinations as to whether the planning authority’s prior approval is required.</p> <p><i>Reduced and waived fees subject to agreement by Council</i></p>

Table 7 – Surcharges (applicable from 1 October 2022)

Category of development	Fee payable
<p>Applications made in retrospect</p> <p>Where an application for planning permission is made after the whole development being applied for has been carried out in full.</p>	<p>Fee calculated in accordance with tables above, plus 25%.</p>
<p>Applications made in part retrospect</p> <p>Where an application for planning permission is made when the development being applied for has been started but not completed, including the revised design of a previously granted planning permission.</p>	<p>Fee calculated in accordance with tables above, plus 25%.</p>

Table 8 – Modified Fees

Category of development	Fee payable
Applications by community councils	Fee calculated in accordance with tables above, reduced by 50%.
<p>Applications in conservation areas (Schedule 1, Part 2, Paragraph 8)</p> <p>a. Where the application relates solely to —</p> <ul style="list-style-type: none"> i. the carrying out of operations for the alteration of a dwellinghouse (but not including the extension of or the erection of a dwellinghouse); or ii. other operations within the curtilage of a dwellinghouse (but not including the extension of or the erection of a dwellinghouse); <p>b. the dwellinghouse is in a conservation area;</p> <p>c. the application relates solely to development within one or more of the classes specified in schedule 1 of the General Permitted Development Order; and</p> <p>d. the only reason planning permission is not granted by article 3(1) of the General Permitted Development Order is that the development would be in a conservation area.</p>	Fee calculated in accordance with tables above, reduced by 25%.

<p>Applications for the provision of facilities for sport or recreation (Schedule 1, Part 2, Paragraph 9)</p> <p>Where an application is made by or for a club, society, trust or other organisation which is not established or conducted for profit and whose objects or purposes, as the case may be, are the provision of facilities for sport or recreation, and</p> <p>a. the application relates to –</p> <ul style="list-style-type: none"> i. the making of a material change in the use of land to use the land as a playing field; or ii. the carrying out of operations other than the erection of a building containing floor space, for purposes ancillary to the use of the land as a playing field, and to no other development; and <p>b. that the planning authority is satisfied that the development is to be carried out on land which is, or is intended to be used wholly or mainly for the carrying out of the objects or purposes, as the case may be, of the club, society, trust or organisation.</p>	<p>£600.</p>
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<p>Applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle (Schedule 1, Part 2, Paragraph 10)</p> <p>Where -</p> <ul style="list-style-type: none"> a. an application is made for approval, consent or agreement in respect of one or more matters requiring such approval, consent or agreement in terms of a condition imposed on a grant of planning permission in principle (“the current application”), and b. the applicant has previously made one or more applications for approval, consent or agreement required by a condition imposed on the grant of that same planning permission in principle and paid the fee in relation to such application or applications. 	<p>Where the amount paid as mentioned in paragraph (b) is not less than the amount which would be payable if the applicant were by the current application seeking approval, consent or agreement in respect of all the matters requiring such approval, consent or agreement in terms of conditions imposed on a grant of a planning permission in principle and in relation to the whole of the development authorised by the permission, the fee payable in respect of the current application is £500.</p> <p>Where -</p> <ul style="list-style-type: none"> a. a fee has been paid as mentioned in sub- paragraph (b) at a rate lower than that prevailing at the date of the current application, and b. sub-paragraph (2) would apply if that fee had been paid at the rate applying at that date, <p>the fee in respect of the current application is £500.</p>
<p>Cross boundary applications – allocation of fee (Schedule 1, Part 2, Paragraph 11)</p> <p>Where applications are made for</p> <ul style="list-style-type: none"> a. planning permission, or b. the approval, consent, or agreement required by a condition imposed on a grant of permission in principle, <p>in respect of development of land lying in the areas of 2 or more planning authorities.</p>	<p>The total fee payable in respect of all the applications is the lesser of –</p> <ul style="list-style-type: none"> a. one and a half times the amount of the fee which would have been payable for an application in respect of the same development but lying in the area of a single planning authority, b. the sum of the amounts of the fees which would have been payable in respect of all the applications. <p>The fee payable to a planning authority in respect of such an application is the proportion of the total fee payable equal to the proportion of the total site area of the development which falls within the area of that planning authority.</p>

Table 9 – Other Fees

Category of development	Fee payable
<p>Advertisements</p> <p>All applications for express consent for the display of advertisements.</p>	£300.
<p>Section 42 applications</p> <p>Applications for planning permission made under section 42 (applications to develop land without complying with previous conditions) of the 1997 Act.</p>	£300.
<p>High Hedge Applications</p> <p><i>In accordance with section 4 of the High Hedges (Scotland) Act 2013</i></p>	£310.
<p>Hazardous Substances Applications</p> <p>Where an application is made under regulation 6 (applications for hazardous substances consent) where the quantity specified in the application as the maximum quantity proposed to be present exceeds twice the controlled quantity.</p> <p>Where an application is made under -</p> <ul style="list-style-type: none"> i. regulation 6 (other than an application referred to in sub-paragraph above); ii. regulation 7 (applications for removal of conditions attached to hazardous substances consent); or iii. regulation 8 (application for continuation of hazardous substances consent where there has been a change in the person in control of any part of the land). <p>See Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015</p>	<p>£1200.</p> <p>£600.</p>
<p>Applications for determinations as to whether the prior approval of the authority is required for any development with permitted development rights</p>	£78 (inc VAT)

Notes

All applications **must** be accompanied by the appropriate fee. As noted above, fees will be checked at the point of validation.

The additional gross floor space created by the development must be clearly indicated in square metres on the application form and the submitted plan. For the purposes of the fee regulations, gross floor space includes all storeys, is measured externally including the thickness of internal and external walls and can include areas under canopies.

The area of the site must be clearly stated in hectares on the application form and the submitted plan.

There is no provision in the regulations for the refund of fees paid to Planning Authorities in respect of applications which have been validated. Invalid or incomplete applications will have fees returned if paid. Any decision to refund an application which has been validated lies solely at the discretion of the planning authority.

Charges for Publications - Charges for Publications will be payable when the Council has to place a notice in the Newspaper in accordance with regulation 20 of the Town and County Planning (Development Management Procedure) (Scotland) Regulations 2013

Alternative schemes for the development of the same land. The fee payable equates to the alternative scheme with the highest fee plus a sum equal to half the fees for the other alternative schemes.

Re-submissions following refusal, withdrawal, dismissed appeal no fee in certain circumstances, time limit 12 months from certain dates (including CLE, CLP and PPP))

Revised applications following approval - no fee in certain circumstances, time limit within 12 months.

Advertisement applications re-submitted following refusal, withdrawal - no fee in certain circumstances.

Applications for display of advertisements on parking meters, litter bins, bus shelters or public seating benches - the "specified area" is considered to be the "site".

Enquiries

The Council's planning helpdesk provides advice and guidance on basic planning matters. Enquiries should be emailed to planning@edinburgh.gov.uk

Enquires regarding the submission of applications should be addressed to the Scottish Government's e-planning service. Details can be found at their website [Getting Started on ePlanning Scotland](#)



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Telephone 0131 242 8181

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Planning Committee

2.00pm, Wednesday, 31 August 2022

Training and Awareness Raising Programme

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 It is recommended that Committee agrees the themes for the training and awareness raising workshops for 2022/2023.

Paul Lawrence

Executive Director of Place

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E-mail: David.givan@edinburgh.gov.uk | Tel: 0131 529 3679

Training and Awareness Raising Programme

2. Executive Summary

- 2.1 This report sets out the proposed themes and dates for the training and awareness programme for Planning Committee members, and where relevant, members from other Council Committees.

3. Background

- 3.1 A member training and awareness raising programme has been in place for the Planning Committee over the last five administrative terms of the Council. The programme continues to support a wider group of elected members who have an interest in, or requirement to be briefed on, relevant Planning issues.
- 3.2 The programme provides a helpful way to build awareness and understanding of planning issues for Edinburgh and the wider city region. Similarly, the programme has facilitated improved awareness and mutual understanding with partner organisations and key stakeholders, including government agencies, local partners, and the development sector.

4. Main report

- 4.1 The programme will be based around two-hour workshops and a tour, with a lead speaker(s). Representatives from partner organisations and the development sector will be invited to contribute to the sessions. On [10 February 2022](#) Full Council approved the Council Diary 2022/23. The six dates from this report have been added to the Council diary for Wednesday afternoons as follows:
- Wednesday 28 September 2022
 - Wednesday 30 November 2022
 - Wednesday 08 March 2023
 - Wednesday 26 April March 2023
 - Wednesday 24 May 2023 Annual Committee Tour (full day).
 - Wednesday 21 June 2023

4.2 Proposed themes for the 2022/23 programme will include:

4.2.1 Planning legislation

- Planning Act 2019 progress;
- Short Term Let Control Area update;
- Update on planning legislation and/or regulation changes; and
- Disability and Equality training.

4.2.2 Development Planning and policy

- Update on Proposed City Plan 2030;
- Update on draft National Planning Framework 4; and
- Planning for residential and mixed-use sites, with a specific focus on:
 - urban design
 - built heritage
 - natural heritage
 - climate change
 - active travel

4.2.3 Development Management

- Internal and external consultee engagement in the application process;
- Legal Agreement update; and
- Briefings on any matters arising from Development-Management Sub Committee meetings.

4.2.4 Service Improvements and performance monitoring

- Outcomes of implemented service improvements.

4.2.5 Other

- Optional additional training on carbon literacy will be offered to members.

4.3 The workshops will also provide the opportunity to deliver cross-Committee training on the above themes and members from the Housing, Homelessness and Fair Work and Transport and Environment Committees will be invited to participate.

5. Next Steps

5.1 The proposed training and awareness themes will be delivered over the course of the coming year.

6. Financial impact

- 6.1 There are no new financial implications arising from the recommendations of this report. Provision for elected member training is contained in the service revenue budget.

7. Stakeholder/Community Impact

- 7.1 The training and awareness raising programme provides elected members with a better understanding of planning issues in the city and supports the Planning Committee in their assessment of planning proposals and strategies as they come forward.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 None.