

# Notice of meeting and agenda

## Planning Committee

**2.00pm, Wednesday, 15th November, 2023**

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.

### Contacts

Email: [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk) / [joanna.pawlikowska@edinburgh.gov.uk](mailto:joanna.pawlikowska@edinburgh.gov.uk)

## **1. Order of Business**

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

## **2. Declaration of interests**

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

## **3. Deputations**

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- 3.1 If any

## **4. Minutes**

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- 4.1 Planning Committee of 13 September 2023 - submitted for approval as a correct record. 7 - 12

## **5. Forward Planning**

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- 5.1 Planning Committee Rolling Actions Log 13 - 20
- 5.2 Planning Committee Work Programme 21 - 24

## **6. Business Bulletin**

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- 6.1 Planning Committee Business Bulletin 25 - 60

## **7. Development Plan**

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- 7.1 None.

## **8. Planning Policy**

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- 8.1 Affordable Housing Commuted Sums – Report by the Executive Director of Place 61 - 70
- 8.2 Planning Customer Service Charter and Planning Enforcement Charter – Report by the Executive Director of Place 71 - 114

## 9. Planning Process

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- |     |  |           |
|-----|--|-----------|
| 9.1 | Training and Awareness Raising Programme 2023-2024 – Report by the Executive Director of Place                 | 115 - 118 |
| 9.2 | Edinburgh as a Feminist City – Appointment of Working Group – Report by the Executive Director of Place        | 119 - 126 |
| 9.3 | Planning Controls over Construction - Appointment of Working Group – Report by the Executive Director of Place | 127 - 132 |

## 10. Planning Performance

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- 10.1 None

## 11. Conservation

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- |      |   |           |
|------|---|-----------|
| 11.1 | Conservation and Adaptation – Report by the Executive Director of Place | 133 - 194 |
|------|---|-----------|

## 12. Motions

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- 12.1 None.

### Nick Smith

Service Director, Legal and Assurance

### Committee Members

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Councillor James Dalglish (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor Neil Gardiner, Councillor Tim Jones, Councillor Martha Mattos Coelho, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat, Councillor Hal Osler and Councillor Alex Staniforth

### Information about the Planning Committee

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

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

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, email [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk) / [joanna.pawlikowska@edinburgh.gov.uk](mailto:joanna.pawlikowska@edinburgh.gov.uk).

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# Minutes

## Planning Committee

2.00pm, Wednesday 13 September 2023

### Present

Councillors Dalgleish (Convener), Beal, Booth, Gardiner, Graham (substituting for Councillor Cameron Items 1.1-8.1), Mattos-Coelho, Jones, McNeese-Mechan, Mowat, Staniforth, Osler and Walker (substituting for Councillor Cameron, Items 8.2 – 11.1).

### 1. Minutes

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#### Decision

To approve the minute of the Planning Committee of 14 June 2023 as a correct record.

### 2. Rolling Actions Log

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The Planning Committee Rolling Actions Log for 13 September 2023 was presented.

#### Decision

- 1) To agree to close the following action:
  - **Action 3 –** Economic Impact of Residential and Short-Term Let Properties in Edinburgh
- 2) To otherwise note the remaining actions.

(Reference – Rolling Actions Log 13 September 2023, submitted.)

### 3. Business Bulletin

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The Planning Committee Business Bulletin for 13 September 2023 was submitted.

#### Decision

- 1) **Planning Performance**
  - 1.1) To circulate the number of remaining legacy tree work cases to members.
  - 1.2) To circulate number of non-householder applications that had been withdrawn to members.
- 2) To circulate minutes of the Student Housing Workshop to members.
- 3) To note that planning leads were to be invited to future consultation meetings, and workshops would be scheduled out with Committee meetings.
- 4) To otherwise note the updates in the Business Bulletin.

(Reference – Business Bulletin 13 September 2023, submitted.)

## 4. Development Plan Scheme September 2023

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An update as provided on the progress of the Examination of the City Plan to date and set out the next steps, and expectations were set out in the new Development Planning legislation and guidance to have a 'new style' Local Development Plan in place within five years of the new Development Planning Regulations.

### Decision

- 1) To approve the new Development Plan Scheme for publication at Appendix 1 of the report by the Executive Director of Place.
- 2) To approve the commencement of the City Plan 2040 process under the new Development Planning legislation and guidance, to enable Officers to engage with and seek the views of the public on the content of the Participation Statement and have regard to them.
- 3) To approve the draft Participation Statement for that engagement at Appendix 1 part 2 of the report.
- 4) To agree that there would be a formal call for Local Place Plans.

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

## 5. Planning Controls over Construction

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A response was provided to a request from the Council on 22 June 2023 in respect of control and amendments to permissions which would reduce the impact of construction works on nearby residents.

### Motion

- 1) To note that planning controls over construction were limited but the Council did exercise some control to ensure adverse impacts of construction were mitigated in relation to noise and on the road network.
  - 2) To note the information provided with planning decision notices was reviewed to better signpost developers to expectations around good working practices in relation to neighbours.
- moved by Councillor Dalgleish, seconded by Councillor Walker

### Amendment 1

- 1) To note that planning controls over construction were limited but the Council did exercise some control to ensure adverse impacts of construction were mitigated in relation to noise and on the road network.
- 2) To note the information provided with planning decision notices was reviewed to better signpost developers to expectations around good working practices in relation to neighbours.
- 3) To agree that in addition to 5.1 of the report by the Executive Director of Place that Officers would explore the possibility of improving the information held on



the Council website so that residents could better understand what controls the Council did have and who to contact if they had concerns.

- moved by Councillor Osler, seconded by Beal

### **Amendment 2**

- 1) To note that planning controls over construction were limited but the Council did exercise some control to ensure adverse impacts of construction were mitigated in relation to noise and on the road network.
- 2) To note the information provided with planning decision notices was reviewed to better signpost developers to expectations around good working practices in relation to neighbours.
- 3) To agree to establish a short life working group, consisting of representatives from communities affected by construction, representatives of developers and/or the construction industry, one representative per party group and the mover of the original motion, and relevant council officers, to consider options to encourage more responsible construction, and to report back to committee within three cycles.

- moved by Councillor Booth, seconded by Councillor Staniforth

In accordance with Standing Order 22(12), Amendment 1 and Amendment 2 were accepted as addenda to the motion by Councillor Dalgleish.

At this point in the meeting, the following Amendment 3 was proposed:

### **Amendment 3**

To approve Amendment 1 as originally submitted by Councillor Osler.

- moved by Councillor Mowat, seconded by Councillor Jones

### **Voting**

For the motion (as adjusted) - 9

For amendment 3 - 2

(For the motion – Councillors Beal, Booth, Dalgleish, Gardiner, Mattos-Coelho, McNeese-Mechan, Osler, Staniforth and Walker.

For the amendment – Councillors Jones and Mowat.

### **Decision**

To approve the following adjusted motion by Councillor Dalgleish:

- 1) To note that planning controls over construction were limited but the Council did exercise some control to ensure adverse impacts of construction were mitigated in relation to noise and on the road network.
- 2) To note the information provided with planning decision notices was reviewed to better signpost developers to expectations around good working practices in relation to neighbours.

- 3) To agree that in addition to 5.1 of the report by the Executive Director of Place that Officers would explore the possibility of improving the information held on the Council website so that residents could better understand what controls the Council did have and who to contact if they had concerns.
- 4) To agree to establish a short-life working group, consisting of representatives from communities affected by construction, representatives of developers and/or the construction industry, one representative per party group and the mover of the original motion, and relevant council officers, to consider options to encourage more responsible construction, and to report back to committee within three cycles.
- 5) To engage with members on advice and expectations around construction that will be sent to developers.
- 6) To discuss with colleagues in environmental health restricting the hours of construction sites.
- 7) To liaise with members on constituent feedback regarding issues that surrounded construction sites.

(References - Report by the Executive Director of Place, submitted)

## **6. Response to Motion by Councillor O'Neill – Edinburgh's Monuments and Commemoration - referral from the Culture and Communities Committee**

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The Culture and Communities Committee referred a report to the Planning Committee for information on a report which has set out the current process for how new statues, monuments and commemorative structures were decided upon in the city.

### **Decision**

To note the report by the Executive Director of Corporate Services.

(Reference – Culture and Communities Committee of 10 August 2023 (item 13); referral from the Culture and Communities Committee, submitted)

## **7. Short-term Lets Licensing Scheme – Update – referral from the Regulatory Committee**

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The Regulatory Committee referred a report to the Planning Committee which provided an update on the Short-Term Lets Licensing Scheme for noting.

### **Decision**

- 1) To note the report by the Executive Director of Corporate Services.
- 2) To circulate figures on Change of Use applications and Certificate of Lawfulness applications to members.
- 3) To confirm whether applicants could apply for a Regulatory Site whilst a Certificate of lawfulness application was being processed.

- 4) To confirm whether licence holders would need to apply for a Certificate of Lawfulness when reverting from a Short-Term Lets licence to a residential property.

(Reference – Regulatory Committee of 7 August 2023 (item 6); referral from the Regulatory Committee, submitted)

## **8. Addressing the Nature Emergency through Planning**

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The context for the Planning response to the nature emergency was set out, along with emerging policies in the draft City Plan 2030, and information on additional guidance expected later in the year.

### **Motion**

- 1) To note the information provided in the report by the Executive Director of Place, requested by Planning Committee on 24 March 2023 in response to the Annual Review of Guidance report.
- 2) To note the policy and guidance framework in Appendix 1 of the report, which set out how the Planning system and development proposals should respond to the nature emergency.

- moved by Councillor Dalglish, seconded by Councillor Graham

### **Amendment**

- 1) To note the information provided in the report by the Executive Director of Place, requested by Planning Committee on 24 March 2023 in response to the Annual Review of Guidance report.
- 2) To note the policy and guidance framework in Appendix 1 of the report, which set out how the Planning system and development proposals should respond to the nature emergency and agreed that party groups and independent Councillors would be offered a briefing from Officers on this framework and how the nature emergency would be incorporated into relevant guidance; further agreed that, when relevant guidance returned to Committee for approval, that those reports would consider the use of metrics and detailed guidance / checklists on biodiversity for developers, residents and others.
- 3) To note that a report on 'Planning Training and Awareness Programme' was due to be presented to Committee in November 2023, and agreed that this report would also consider the potential for nature emergency and biodiversity training for relevant Officers and Committee Members.

- moved by Councillor Booth, seconded by Councillor Staniforth

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

### **Decision**

To approve the following adjusted motion by Councillor Dalglish:

- 1) To note the information provided in the report by the Executive Director of Place, requested by Planning Committee on 24 March 2023 in response to the Annual Review of Guidance report.
- 2) To note the policy and guidance framework in Appendix 1 of the report, which set out how the Planning system and development proposals should respond to the nature emergency and agreed that party groups and independent Councillors would be offered a briefing from Officers on this framework and how the nature emergency would be incorporated into relevant guidance; further agreed that, when relevant guidance returned to Committee for approval, that those reports would consider the use of metrics and detailed guidance / checklists on biodiversity for developers, residents and others.
- 3) To note that a report on 'Planning Training and Awareness Programme' was due to be presented to Committee in November 2023, and agreed that this report would also consider the potential for nature emergency and biodiversity training for relevant Officers and Committee Members.

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

# Rolling Actions Log

## Planning Committee

15 November 2023

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
1	14.06.23	Affordable Housing Policy Update 2023	<p>1) To agree to receive a detailed report within two cycles on the use of commuted sums to deliver affordable homes, and that this report would include, but not be limited to, the following:</p> <p>a) In what circumstances commuted sums were considered a reasonable alternative to on-site affordable housing.</p> <p>b) A detailed breakdown of the use to which commuted sums had been used over the last 5 years.</p> <p>c) A detailed analysis of how long the Council had held on</p>	Executive Director of Place	November 2023		<p><b><u>Recommended for closure</u></b></p> <p>This report is included on the agenda for Committee on 15.11.2023.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
Page 14			<p>to commuted sums before they were used.</p> <p>d) In what circumstances, and within which thresholds, it was considered reasonable to offer to contribute commuted sums to deliver on-site affordable housing, and that, should any of the above information be considered commercially confidential, the information should be provided to members of Planning Committee and Housing, Homelessness and Fair Work Committee in the form of a confidential members' briefing rather than a report to Committee.</p>				
			<p>2) To discuss with Officers if further advice could be given to applicants to ensure Affordable Housing.</p>	Executive Director of Place	November 2023		<p><b><u>Recommended for closure</u></b></p> <p>This is included in the report for Committee on 15.11.2023.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
Page 15							<p><b><u>Update September 2023</u></b></p> <p>A summary of discussions and outcomes will be included within the detailed report on the use of commuted sums to deliver affordable homes.</p>
			3) To discuss with Officers the options to ensure Social Housing is delivered.	Executive Director of Place	November 2023		<p><b><u>Recommended for closure</u></b></p> <p>This is included in the report for Committee on 15.11.2023.</p> <p><b><u>Update September 2023</u></b></p> <p>A summary of discussions and outcomes will be included within the detailed report on the use of commuted sums to deliver affordable homes.</p>
2	14.06.23	West Edinburgh Placemaking Framework and Masterplan: Draft for Consultation	To note that a report would be brought back detailing the outcome of the consultation, along with a finalised Framework and Masterplan.	Executive Director of Place	December 2023 (Provisional date for additional committee		<p><b><u>Update September 2023</u></b></p> <p>The West Edinburgh Placemaking Framework and Masterplan <a href="#">consultation</a> closed on 4 October 2023.</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
					being explored)		
3	13.09.23	Business Bulletin – Planning Performance	1) To circulate the number of remaining legacy tree work cases to members.	Executive Director of Place	November 2023.		<b>Recommended for closure</b> This information will be included in the Committee Business Bulletin on 15.11.2023
			2) To circulate the number of non-householder applications that had been withdrawn to members.	Executive Director of Place	November 2023		
4	13.09.23	Business Bulletin	To circulate the minutes of the Student Housing Workshop to members.	Executive Director of Place	November 2023		
5	13.09.23	Planning Controls over Construction	1) To agree to establish a short life working group, consisting of representatives from communities affected by construction, representatives of developers and/or the construction industry, one representative per party group and the mover of the	Executive Director of Place	April 2023		



No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
Page 17			original motion, and relevant council officers, to consider options to encourage more responsible construction, and to report back to committee within three cycles.				
			2) To engage with members on advice and expectations around construction that will be sent to developers.	Executive Director of Place	March 2024		
			3) To discuss with colleagues in environmental health on restricting the hours of construction sites.	Executive Director of Place	March 2024		
			4) To liaise with members on constituent feedback regarding issues surrounding construction sites.	Executive Director of Place	March 2024		
6	13.09.23	Short-term Lets Licensing Scheme – Update	1) To circulate figures on Change of Use applications and Certificate of Lawfulness applications to members.	Executive Director of Place	November 2023	November 2023	<b><u>Recommended for closure</u></b>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
Page 18 7			2) To confirm whether it is possible to apply for a licensing application whilst a Certificate of Lawfulness application is being processed.	Executive Director of Place	November 2023	November 2023	<u>Recommended for closure</u>
			3) To confirm whether licence holders would need to apply for planning permission when reverting from a Short- Term Lets licence to a residential property.	Executive Director of Place	November 2023	November 2023	<u>Recommended for closure</u>
			1) To agree that party groups and independent councillors will be offered a briefing from officers on this framework and how the nature emergency will be incorporated into relevant guidance; further agrees that, when relevant guidance returns to committee for approval, that those reports will consider the use of metrics and detailed	Executive Director of Place	December 2023		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comment
Page 19			guidance / checklists on biodiversity for developers, residents and others.				
			2) To note that a report on "planning training and awareness programme" is due to be presented to committee in November 2023, and agrees that this report will also consider the potential for nature emergency and biodiversity training for relevant officers and committee members."	Executive Director of Place	November 2023		<b><u>Recommended for closure</u></b> This report is included on the agenda for Committee on 15.11.2023.

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# Work Programme

## Planning Committee

15 November 2023

Item	Key decisions	Frequency	Director and Lead Officer	Expected Date
1	Edinburgh Urban Design Panel – Annual Review	Annual	Executive Director of Place Lead Officer: David Givan <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a>	January 2024
2	Annual Review of Guidance	Annual	Executive Director of Place Lead Officer: David Givan <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a>	April 2024
3	Funding of Third Sector Delivery Partners	Annual	Executive Director of Place Lead Officer: David Givan <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a>	April 2024
4	Housing Land and Completions Programme	Annual	Executive Director of Place Lead Officer: Ian Mcfarlane / Susan Horner <a href="mailto:ian.mcfarlane@edinburgh.gov.uk">ian.mcfarlane@edinburgh.gov.uk</a> / <a href="mailto:susan.horner@edinburgh.gov.uk">susan.horner@edinburgh.gov.uk</a>	April 2024
5	Local Development Plan Delivery Programme	2 Yearly	Executive Director of Place Lead Officer: David Givan <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a>	September 2024 (Provisional)

Item	Key decisions	Frequency	Director and Lead Officer	Expected Date
6	Development Plan Scheme	Annual	Executive Director of Place Lead Officer: David Givan <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a>	September 2024 (Provisional)
7	Training and Awareness Programme	Annual	Executive Director of Place Lead Officer: David Givan <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a>	November 2024

## Planning Committee Upcoming Reports

## Appendix 1

Report Title	Directorate	Lead Officer
<b>January 2024</b>		
Edinburgh Urban Design Panel – Annual Review	Place	David Givan
<b>April 2024</b>		
Annual Review of Guidance	Place	David Givan
Funding of Third Sector Delivery Partners	Place	David Givan
Housing Land and Completions Programme	Place	Ian McFarlane / Susan Horner

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# Business Bulletin

## Planning Committee

2.00pm, Wednesday, 15 November 2023

## Planning Committee

Convener:	Members:	Contacts:
<p>Councillor James Dagleish</p> 	<p>Councillor Alan Beal Councillor Chas Booth Councillor Lezley Marion Cameron Councillor Neil Gardiner Councillor Tim Jones Councillor Martha Mattos Coelho Councillor Amy McNeese-Mechan Councillor Joanna Mowat Councillor Hal Osler Councillor Alex Staniforth</p>	<p><a href="#">Taylor Ward</a> Committee Services</p> <p><a href="#">David Givan</a> Chief Planning Officer and Head of Building Standards</p>

### Building Standards Performance

The challenges brought about by the migration of IT systems impacted a little on the performance of the service during Q2. However, due to significant work by staff and publicising the migration project beforehand, customer expectation has been managed to ensure no adverse impacts on customer service. Performance has returned to expected levels. With a strong start in Q3, the average National Customer Survey score has been maintained through the year to-date.

Recent benchmarking with our Local Authority Building Standards Scotland (LABSS) South-East Scotland Consortium partners showed that Edinburgh is performing as well as neighbouring authorities across Key Performance Outcome targets. The Council is performing much better than other verifiers in granting a higher percentage of building warrants within the 10-day target.

	2022/23				2023/24	
	Q1	Q2	Q3	Q4	Q1	Q2
Number of first reports	1,295	1,005	1,192	1,180	1,001	886
% issued within 20 day target	90%	91%	91%	95%	94%	94%
Number of warrants granted	1,374	1,144	1,248	1,168	1,085	884
% issued within 10 day target	91%	92%	90%	92%	93%	90%

**Contact:** [Colin Wishart](#), Building Standards Operations Manager

### Seafeld Update

Further progress is being made in respect of a place brief and masterplan for Seafeld, including consideration of the responses to the first round of community consultation. Technical work and workshops on flood risk have also been progressed with the Council's flood team, Scottish Environment Protection Agency hydrologists and consultants.

Once these activities are completed, a further round of community engagement will be held to understand views of the emerging masterplan.

**Contact:** [Iain McFarlane](#), City Plan Programme Director

## City Plan Update

City Plan 2030 is currently at the Examination stage. The Planning and Environmental Appeals Division Reporter is conducting the Examination on behalf of Scottish Ministers and a Hearing was held on 26 and 27 September 2023. The aim of the Hearing was to address the unresolved representations to the plan and allow the Reporter to get clarity on areas of these.

The Hearing agendas were focused on the key issues of West Edinburgh (including infrastructure) and housing land requirement and housing land supply.

The Hearing was managed by two reporters; each taking a lead for the different days. It was well attended by interested parties including all the main West Edinburgh stakeholders, the Airport, West Town, Crosswinds and West Craigs.

The Housebuilders were strongly represented by planning consultants and Homes for Scotland. Transport Scotland was also in attendance.

The session on West Edinburgh explored infrastructure requirements including transport and education. School provision was a key area of discussion.

The Airport outlined what it considered its 'operational' land and the need for a new eastern access road; and the need to deliver this before works to the A8.

The realignment of the Gogar Burn was discussed and the Airport outlined its opposition to this due to the implications for the airport, as previously expressed.

The session on housing explored housing numbers and how these should be calculated given the transition to NPF4 requirements. The ability to provide sufficient affordable housing and how the 35% target was established was queried by a housebuilding representative/ The constraints on housing sites and whether they can be delivered as opposed to being deliverable according to certain criteria was debated.

The session went through the list of disputed housing sites including brownfield sites and whether these could be delivered given 'constraints'. For housebuilders, a key issues were: whether land supply is sufficient or not; whether it was deliverable in the timeframe of the plan; and whether there

**Contact:** [Iain McFarlane](#), City Plan Programme Director

are alternate better land supply strategies. There was discussion about West Edinburgh delivery rates with West Town and Crosswinds identifying accelerated delivery rates but this being disputed by the housebuilder representatives.

Overall, there was a focus by Reporters on whether the Plan sufficiently takes account of what is in NPF4 and to some extent new style LDP guidance. The best way to do this was explored. The Council team was able to robustly explain and defend the Council's position on all points.

### Next Steps post Hearing

Further Information Requests numbers 20 and 21 were received on 6 October 2023. These covered detailed matters of revised plan wording explored in the Hearing sessions, including in respect of NPF4, and consequential matters arising. The responses were submitted on 25 October 2023.

After submission of further information, it is anticipated that the reporters will proceed to drafting their report of examination. The Reporters indicated at the end of the Hearing that they still anticipated being able to submit the examination report to CEC in either Q1 or Q2 2024. However, the Council is not in control of that timeframe.

The outcomes of the Examination will be known once the Report of Examination is published.

### **Planning Performance Framework**

The Minister for Local Government Empowerment and Planning has written to feed back on the Council's [Planning Performance Framework 2022 - 2023](#) (PPF). The Government grades 15 key markers red, amber or green. In comparison with the previous year, there are more aspects showing as red. The most significant of these is in relation to decision making timescales. Steps have been taken to address this already and time performance for quarters one and two of this year has improved. While the assessment is red against legacy (more than one year old) cases, there had been a reduction in overall numbers of legacy cases at the end of Q4 2022/23 (43 cases) in comparison with Q4 2021/22 (76 cases). By reducing legacy cases, there has been an increase in average decision-making timescales. The comments around not referencing developer contributions adequately in the PPF are noted and this will be addressed for future PPFs.

**Contact:** [David Givan](#), Chief Planning Officer and Head of Building Standards

<p>The Minister also notes that there will be discussions with COSLA around resourcing and that a National Planning Improvement Champion has been appointed.</p>	
<p><b>Planning Performance</b></p> <p>Planning performance for Q2 is contained in Appendix 2.</p>	<p><b>Contact:</b> <a href="#">David Givan</a>, Chief Planning Officer and Head of Building Standards</p>
<p><b>Planning Appeals</b></p> <p>Information on planning appeals is contained in Appendix 3.</p>	<p><b>Contact:</b> <a href="#">David Givan</a>, Chief Planning Officer and Head of Building Standards</p>
<p><b>Scottish Government Mandatory Training on Planning for Elected Members Consultation</b></p> <p>The Chief Planning Officer has fed back to Scottish Government on its consultation on mandatory training on planning for elected members. This is contained in Appendix 4. This consultation arises from <a href="#">Section 45 of the Planning (Scotland) Act 2019</a> which puts in place requirements for member training and allows for associated regulations.</p>	<p><b>Contact:</b> <a href="#">David Givan</a>, Chief Planning Officer and Head of Building Standards</p>

Andrew Kerr  
Chief Executive  
City of Edinburgh Council

20 October 2023

Dear Andrew Kerr,

I am pleased to enclose feedback on your authority's twelfth Planning Performance Framework (PPF) Report, for the period April 2022 to March 2023.

Across the country, performance against the key markers continues to be stable and there has been little variation in the overall total of green, amber and red markings awarded this reporting period compared with previous periods. It is clear that each of you continue to put in considerable effort to ensuring our planning system continues to run efficiently. I have been particularly pleased to see there has been a marked improvement on speed of determination for major applications across some authorities.

Resourcing remains a key priority which I will continue to discuss with the High Level Group on Planning Performance, which I jointly chair with COSLA. I also have asked officials to bring different parties together to talk about resourcing in the autumn, to identify practical solutions. We need options that work for all sectors, and I think it would be really beneficial to discuss a variety of issues including full cost recovery, the local setting of fees, charges for additional services and approaches which could enable authorities to access the skills and expertise at the time they require.

Finally, I am delighted that we have recently announced the appointment of the National Planning Improvement Champion (NPIC), Craig McLaren, who took up this new post in early September. Craig will play a pivotal role in supporting improvement and will also be looking at how we can improve the way we measure and assess the performance of the planning system in the future.

If you would like to discuss any of the markings awarded below, please contact us at [chief.planner@gov.scot](mailto:chief.planner@gov.scot) and a member of the team will be happy to discuss them with you.

Joe Fitzpatrick

**JOE FITZPATRICK**

**CC: David Givan, Chief Planning Officer - PLACE**

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**PERFORMANCE MARKERS REPORT 2022-23**

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

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

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

No.	Performance Marker	RAG rating	Comments
1	<b>Decision-making:</b> continuous reduction of average timescales for all development categories [Q1 - Q4]	Red	<p><b>Major Applications</b> Your average timescale is 56.5 weeks which is slower than last year and slower than the Scottish average of 39.5 weeks. <b>RAG = Red</b></p> <p><b>Local (Non-Householder) Applications</b> Your average timescale is 14.9 weeks which is slower than last year and slower than the Scottish average of 14.4 weeks. <b>RAG = Red</b></p> <p><b>Householder Applications</b> Your average timescale is 8.6 weeks which is slower than last year but faster than the Scottish average of 8.9 weeks. <b>RAG = Amber</b></p> <p><b>Overall RAG = Red</b></p>
2	<p><b>Processing agreements:</b></p> <ul style="list-style-type: none"> <li>offer to all prospective applicants for major development planning applications; and</li> <li>availability publicised on website</li> </ul>	Amber	<p>There is no information provided in the PPF relating to how you encourage applicants to enter into processing agreements. However, it is noted that you have 4 applications that have been subject to a processing agreement during the reporting period. <b>RAG = Amber</b></p> <p>Information relating to processing agreements is available on your website, however, a statement to that effect or links should be provided. <b>RAG = Amber</b></p> <p><b>Overall RAG = Amber</b></p>
3	<p><b>Early collaboration</b> with applicants and consultees</p> <ul style="list-style-type: none"> <li>availability and promotion of pre-application discussions for all prospective applications; and</li> <li>clear and proportionate requests for supporting information</li> </ul>	Green	<p>You continue to promote and make available the use of your pre-application service. It is noted that during the reporting period your pre-application service was reviewed to help improve the quality of delivery. <b>RAG = Green</b></p> <p>As part of the review of the service, you simplified the charging schedule as well as ensure that customers are satisfied with the service being provided and the information they are being asked to provide. <b>RAG = Green</b></p> <p><b>Overall RAG = Green</b></p>
4	<b>Legal agreements:</b> conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	Red	Your average timescale for legal agreement applications is 74.7 weeks which is slower than last year and slower than the Scottish average of 41.1 weeks.
5	<b>Enforcement charter</b> updated / re-published within last 2 years	Green	Your enforcement charter was 1 year and 3 months old at the end of the reporting period which is within the last 2 years.

6	<b>Continuous improvement:</b> <ul style="list-style-type: none"> <li>progress ambitious and relevant service improvement commitments identified through PPF report</li> </ul>	Green	You have outlined good progress that has been made on various improvement commitments from the previous reporting period. You have identified some specific commitments to focus on for the coming year which includes producing a new 3 year Service Improvement Plan as well as commitments on customer and performance improvement.
7	<b>Local development plan</b> less than 5 years since adoption	Red	Your LDP was 6 years and 4 months old at the end of the reporting period which is more than 5 years since adoption.
8	<b>Development plan scheme</b> – next LDP: <ul style="list-style-type: none"> <li>project planned and expected to be delivered to planned timescale</li> </ul>	Green	Your Development Plan Scheme was reviewed in July 2022 and set an approval for submission for the new LDP by the end of 2022 which was met. A new Development Plan Scheme is due to be prepared in the coming reporting period.
9 & 10	<b>LDP Engagement:</b> stakeholders including Elected Members, industry, agencies, the public and Scottish Government are engaged appropriately through all key stages of development plan preparation.	N/A	Your next LDP is currently at the examination stage and therefore no engagement has been carried out during the reporting period.
11	<b>Policy Advice</b> <ul style="list-style-type: none"> <li>Produce relevant and up-to-date policy advice</li> </ul>	Green	You have provided a good example in Case Study 11 of updating non-statutory guidance on short-term lets due to the increased volume of requests for information. You have also updated your guidance on Listed Buildings and Conservation Areas during the reporting period.
12	<b>Corporate working across services</b> to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	Green	You have provided a good example in Case Study 11 of creating a specialised team to focus on short-term lets and enforcement due to the increased volume of requests for information from the general public and prospective applicants.
13	<b>Sharing good practice, skills and knowledge</b> between authorities.	Amber	You continue to participate in the Development Management Sub-committee. There is a lack of information provided however to show how you share good practice between authorities.
14	<b>Stalled sites / legacy cases:</b> conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old.	Red	You have cleared 33 cases during the reporting period. You have not indicated how many legacy cases you have remaining and I note this was also highlighted as an issue in the previous PPF.
15	<b>Developer contributions:</b> clear and proportionate expectations <ul style="list-style-type: none"> <li>set out in development plan (and/or emerging plan); and</li> <li>in pre-application discussions</li> </ul>	Red	Information on Developer Contributions is set out in the current and upcoming LDP. However it should be noted that this information is not provided or referenced in the PPF. <b>RAG = Amber</b>  You do not mention developer contributions in your Case Study 4 – Pre-application Advice Service Review. <b>RAG = Red</b>  <b>Overall RAG = Red</b>

**CITY OF EDINBURGH COUNCIL**  
**Performance against Key Markers**

Marker		13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23
1	Decision making timescales										
2	Processing agreements										
3	Early collaboration										
4	Legal agreements										
5	Enforcement charter										
6	Continuous improvement										
7	Local development plan										
8	Development plan scheme										
9 & 10	LDP Early Engagement	N/A	N/A	N/A	N/A				N/A		N/A
11	Regular and proportionate advice to support applications										
12	Corporate working across services										
13	Sharing good practice, skills and knowledge										
14	Stalled sites/legacy cases										
15	Developer contributions										

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

	Red	Amber	Green
<b>2013-14</b>	1	5	7
<b>2014-15</b>	2	4	7
<b>2015-16</b>	2	3	8
<b>2016-17</b>	1	3	9
<b>2017-18</b>	3	3	9
<b>2018-19</b>	3	3	9
<b>2019-20</b>	2	4	9
<b>2020-21</b>	0	4	9
<b>2021-22</b>	2	2	10
<b>2022-23</b>	5	2	6

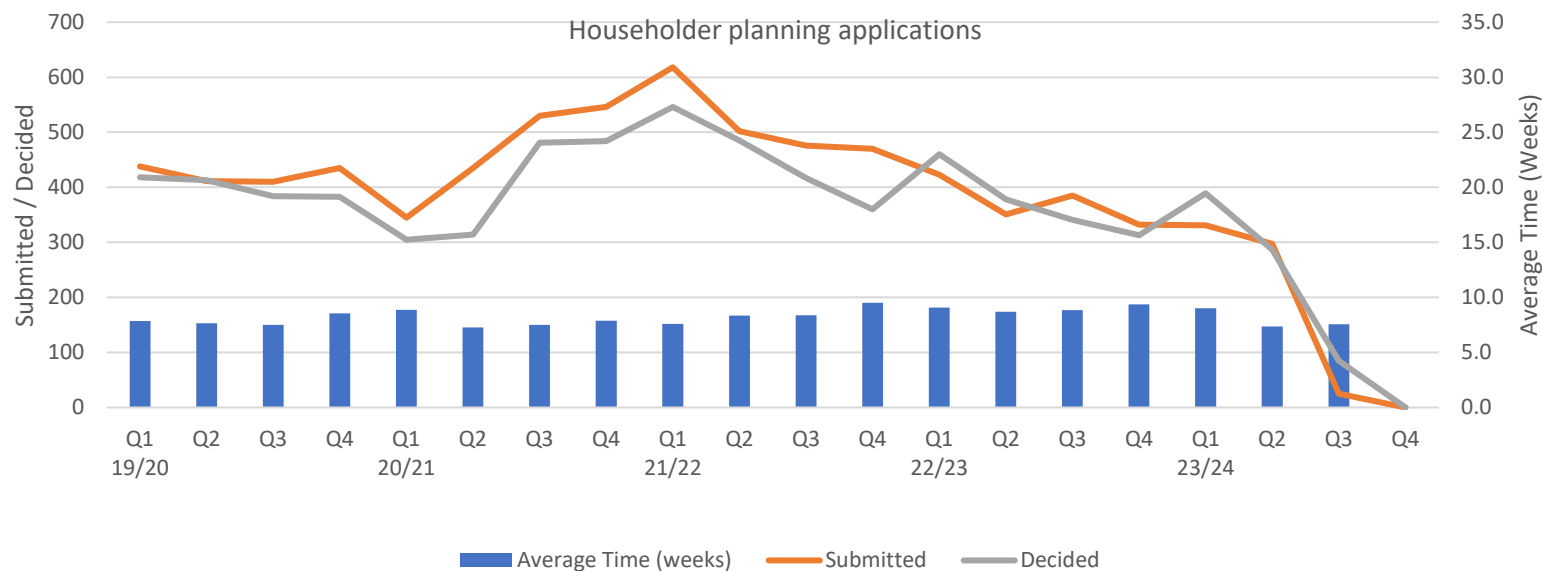
**Decision Making Timescales (weeks)**

	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	<b>2022-23 Scottish Average</b>
Major Development	27.9	26.5	33.6	43.0	56.3	61.1	45.7	49.0	24.9	46.8	39.5
Local (Non-Householder) Development	10.7	11.6	11.6	12.4	14.7	16.8	15.6	13.1	13	15.8	14.4
Householder Development	7.5	7.7	8.0	8.3	8.8	8.5	8.1	7.6	8.1	8.8	8.9

## Appendix 2 - Planning Time Performance Quarterly Bulletin - Q3 2023/2024

Note: Figures for Q3 2023/24 are up to 24 October 2023 only

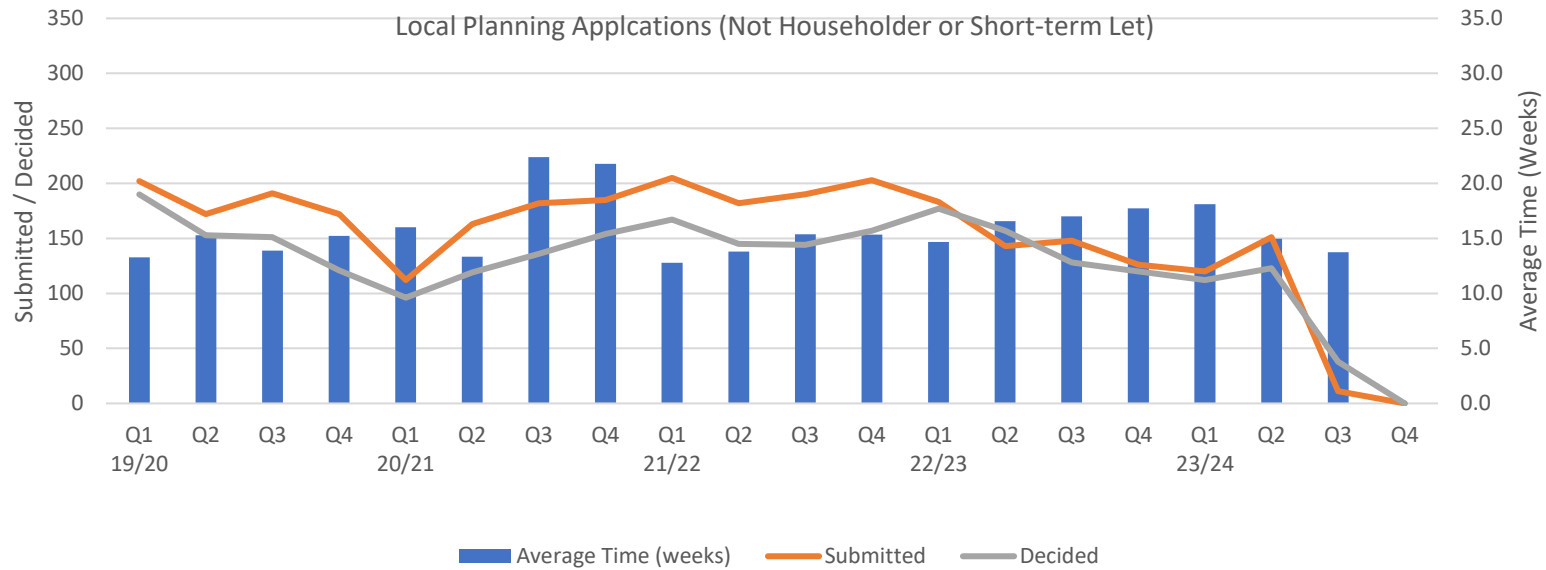
Householder																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	7.8	7.6	7.5	8.6	8.9	7.3	7.5	7.9	7.6	8.4	8.4	9.5	9.1	8.7	8.8	9.4	9.0	7.3	7.5	
Submitted	438	411	410	435	345	435	530	546	618	502	476	470	423	351	385	332	331	297	25	0
Decided	418	413	384	383	305	314	481	484	546	485	417	360	460	378	341	313	389	287	85	0
12 Month Totals:	Sub: 1694 Dec: 1598				Sub: 1856 Dec: 1584				Sub: 2066 Dec: 1808				Sub: 1491 Dec: 1492				Sub: 653 Dec: 761			
Decided over 2 months (no agreements / extensions)	76	41	26	43	133	51	70	74	78	126	111	155	203	116	108	130	110	59	15	0
Appeals against non determination									0	0	0	0	0	1	2	0	0	1		



Commentary:  
Average timescales for processing householder applications for Q2 (7.3 weeks) was improved in comparison with Q1.

**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

Local (Not Householder or Short-term Let)																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	13.3	15.3	13.9	15.2	16.0	13.3	22.4	21.8	12.8	13.8	15.4	15.4	14.7	16.6	17.0	17.7	18.1	15.0	13.7	
Submitted	202	172	191	172	112	163	182	185	205	182	190	203	183	143	148	126	120	151	11	0
Decided	190	153	151	121	96	119	136	154	167	145	144	157	177	157	128	120	112	123	38	0
12 Month Totals:	Sub: 737 Dec: 615				Sub: 642 Dec: 505				Sub: 780 Dec: 613				Sub: 600 Dec: 582				Sub: 282 Dec: 273			
Decided over 2 months (no agreements / extensions)	85	63	48	58	59	52	66	64	71	73	90	103	116	107	74	86	87	72	29	0
Appears against non determination									0	0	0	0	3	0	0	0	3	4		



Commentary: There has been an improvement in average timescales for processing local (not householder or short-term let) applications to 15 weeks in Q2.

**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

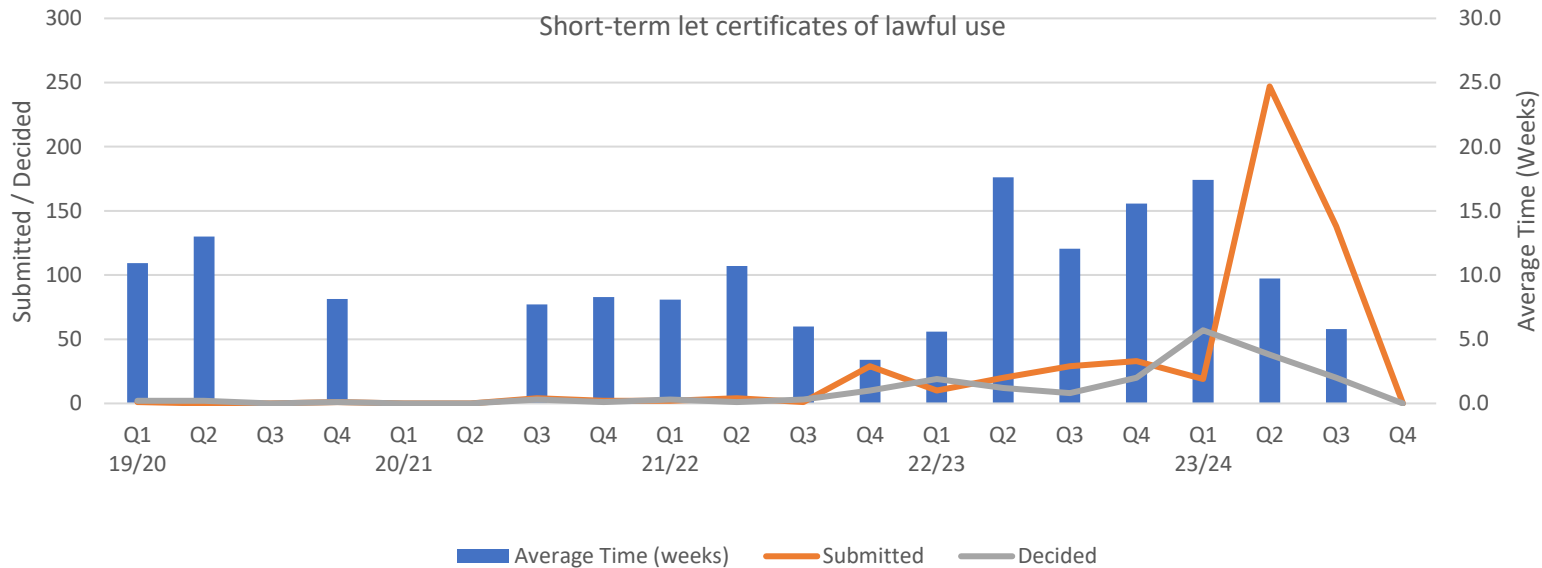
Short-term Let Applications for Planning Permission																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	13.4	12.7		25.8	9.4	12.6	14.1	7.1	11.7	12.3	10.5	11.7	8.8	17.8	19.5	21.5	24.2	16.7	8.1	
Submitted	4	0	3	2	4	3	3	6	7	7	6	103	66	71	88	53	40	137	34	0
Decided	3	2	0	3	1	2	3	1	6	4	3	5	13	19	81	31	102	76	34	0
12 Month Totals:	Sub: 9 Dec: 8				Sub: 16 Dec: 7				Sub: 123 Dec: 18				Sub: 278 Dec: 144				Sub: 211 Dec: 212			
Decided over 2 months (no agreements / extensions)	1	1	0	3	1	2	2	0	5	4	3	3	2	19	76	30	101	49	8	0
Appeals against non determination																				



Commentary: There has been an improvement in processing timescales for short-term let planning applications to an average of 16.7 weeks for Q2. This is better than the previous 4 quarters.

**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

Short-term Let Applications for Certificate of Lawful Use																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	10.9	13.0		8.1			7.7	8.3	8.1	10.7	6.0	3.4	5.6	17.6	12.1	15.6	17.4	9.7	5.8	
Submitted	1	0	0	1	0	0	4	2	2	4	1	29	10	20	29	33	19	247	138	0
Decided	2	2	0	1	0	0	3	1	3	1	3	10	19	12	8	20	57	38	20	0
12 Month Totals:	Sub: 2 Dec: 5				Sub: 6 Dec: 4				Sub: 36 Dec: 17				Sub: 92 Dec: 59				Sub: 404 Dec: 115			
Decided over 2 months (no agreements / extensions)	2	2	0	0	0	0	0	0	1	1	0	0	2	11	6	12	47	8	2	0
Appeals against non determination																				

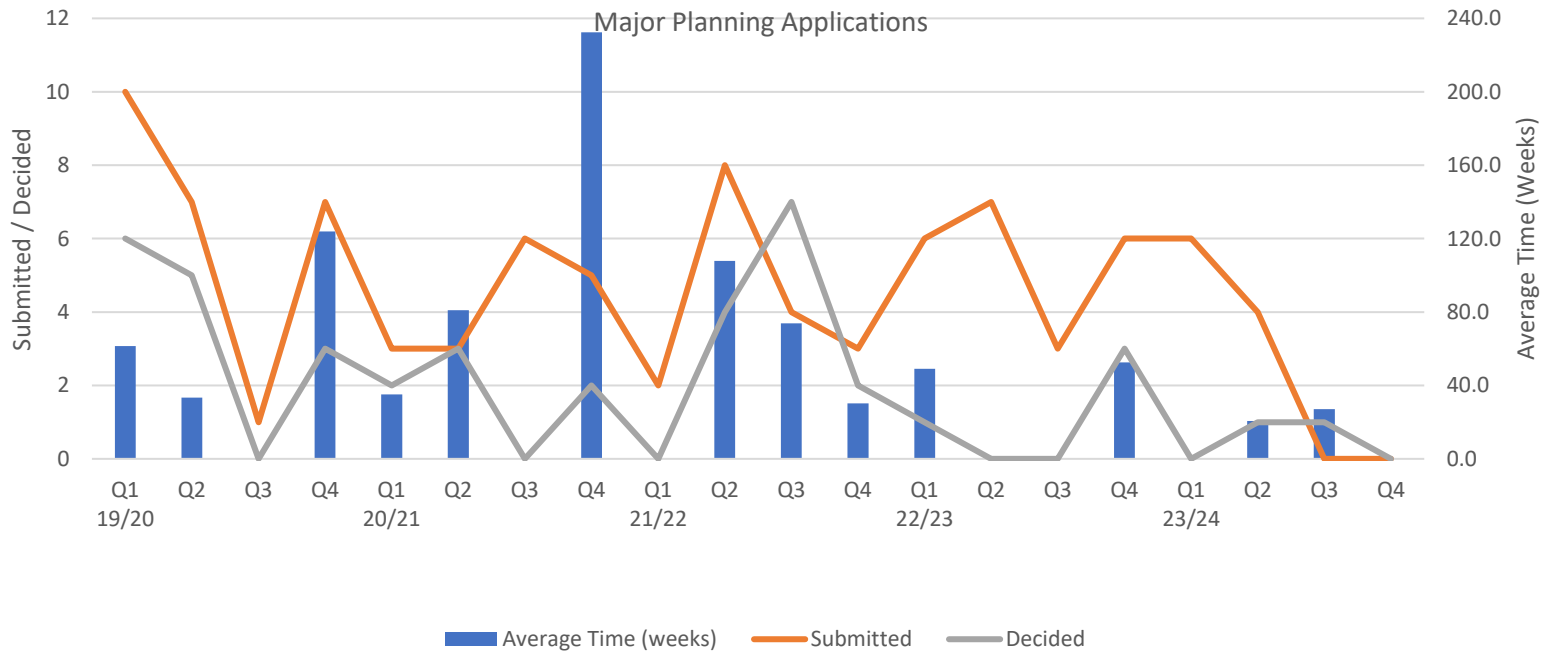


Commentary: Short-term let certificate of lawful use applications for both existing and proposed uses are shown in this business bulletin for the first time. There has been a marked increase in numbers submitted. Average timescales have improved for progressing these with the Q2 figure at 10 weeks.

**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

Major																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	61.5	33.4		124.0	35.1	81.0		232.5		107.9	73.8	30.1	49.1			52.5		20.6	27.1	
Submitted	10	7	1	7	3	3	6	5	2	8	4	3	6	7	3	6	6	4	0	0
Decided	6	5	0	3	2	3	0	2	0	4	7	2	1	0	0	3	0	1	1	0
12 Month Totals:									Sub: 17 Dec: 13				Sub: 22 Dec: 4				Sub: 10 Dec: 2			
Decided over 2 months (no agreements / extensions)	6	3	0	3	2	3	0	2	0	4	6	2	1	0	0	3	0	1	1	0
Appeals against non determination										0	0	1	0	1	0	1	0	1		

Total Time (excluding EOT / PPA) = 167 0 372 70 243 0 465 0 432 516 60 49 0 0 157 0 21 27 0



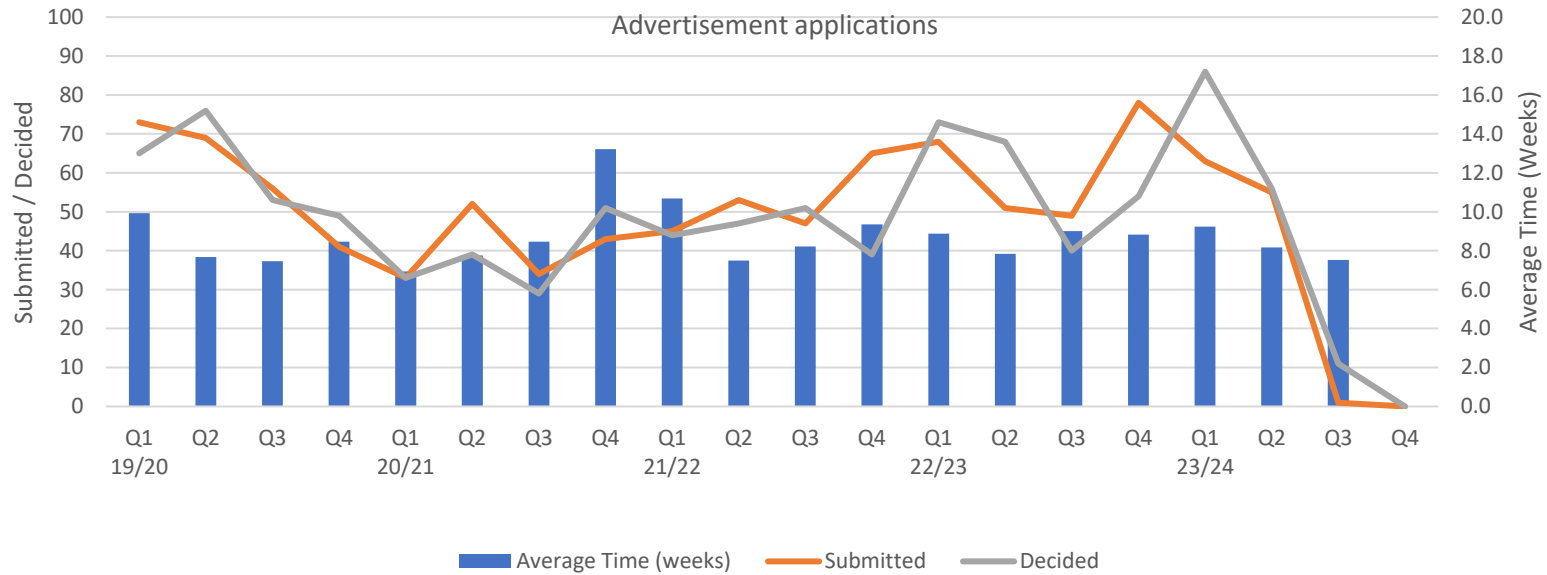
Commentary:  
Average timescales for determining major applications has improved in comparison with the year 22/23.



**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

Note: Figures for Q3 2023/24 are up to 24 October 2023 only

Advertisements																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	9.9	7.7	7.5	8.5	6.9	7.8	8.5	13.2	10.7	7.5	8.2	9.4	8.9	7.8	9.0	8.8	9.2	8.2	7.5	
Submitted	73	69	56	41	33	52	34	43	45	53	47	65	68	51	49	78	63	55	1	0
Decided	65	76	53	49	33	39	29	51	44	47	51	39	73	68	40	54	86	56	11	0
12 Month Totals:	Sub: 239 Dec: 243				Sub: 162 Dec: 152				Sub: 210 Dec: 181				Sub: 246 Dec: 235				Sub: 119 Dec: 153			
Decided over 2 months (no agreements / extensions)	17	15	7	7	4	8	4	22	14	13	12	19	21	16	10	17	43	18	3	0

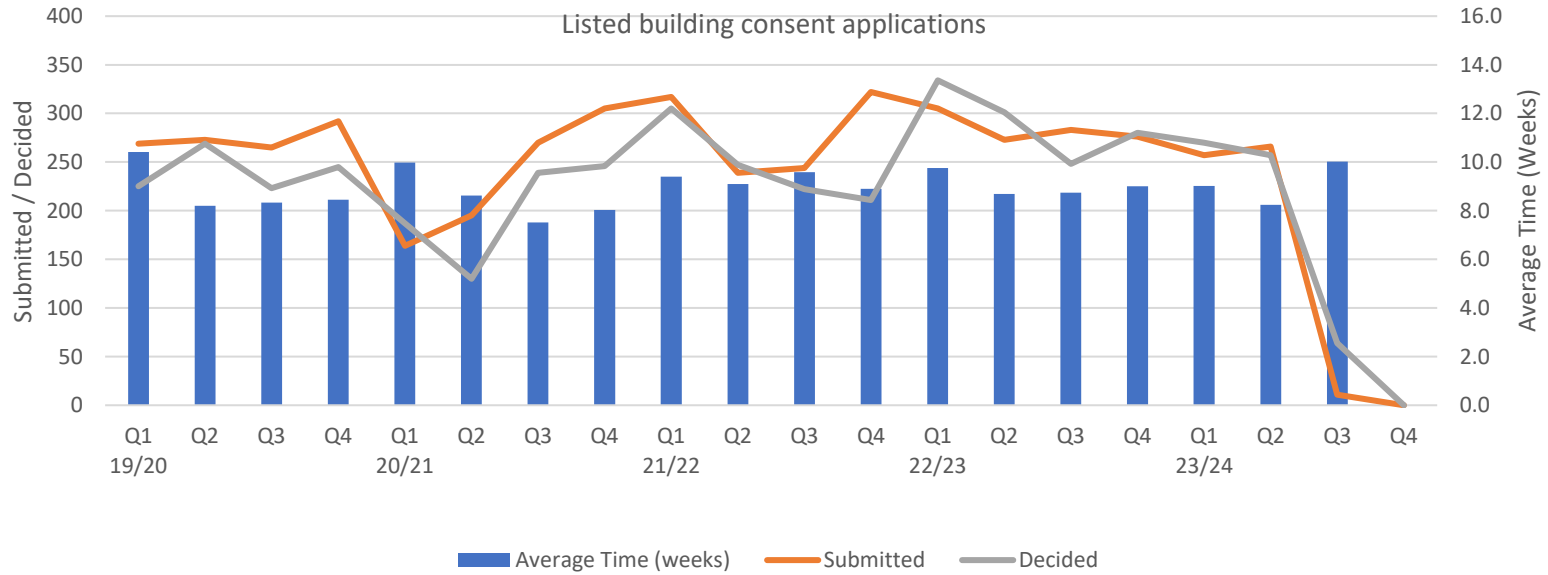


Commentary:  
Average timescales for processing advertisement applications has improved for Q2 to 8.2 weeks.

Note: Figures for Q3 2023/24 are up to 24 October 2023 only

Listed Building Consents																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	10.4	8.2	8.3	8.4	10.0	8.6	7.5	8.0	9.4	9.1	9.6	8.9	9.8	8.7	8.7	9.0	9.0	8.2	10.0	
Submitted	269	273	265	292	164	195	270	305	317	239	244	322	305	273	283	276	257	266	11	0
Decided	225	269	223	245	187	130	239	246	305	247	222	211	334	301	248	280	270	257	64	0
12 Month Totals:	Sub: 1099 Dec: 962				Sub: 934 Dec: 802				Sub: 1122 Dec: 985				Sub: 1137 Dec: 1163				Sub: 534 Dec: 591			
Decided over 2 months (no agreements / extensions)	68	60	35	48	92	39	53	62	77	86	65	63	132	84	73	98	108	72	24	0
Appeals against non determination									1	0	0	0	3	0	0	0	0			

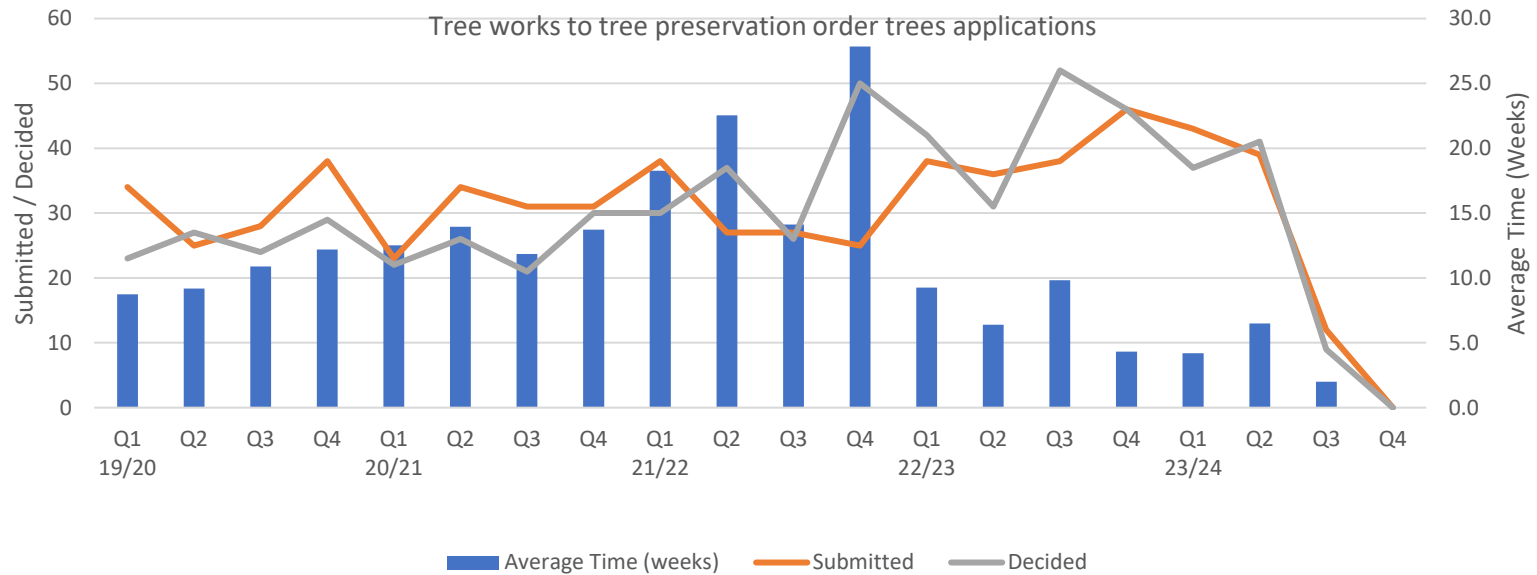
Total Time (excluding EOT / PPA) 2344 2206 2868 2248 2129 1877 3260 2616 2168 2520 2433 2119 641 0



Commentary:  
There was a decrease in average timescales for progressing listed building consent applications to 8.2 weeks for Q2.

**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

Tree works to Tree Preservation Order Tree																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	8.7	9.2	10.9	12.2	12.5	14.0	11.9	13.7	18.3	22.5	14.1	27.8	9.2	6.4	9.8	4.3	4.2	6.5	2.0	
Submitted	34	25	28	38	23	34	31	31	38	27	27	25	38	36	38	46	43	39	12	0
Decided	23	27	24	29	22	26	21	30	30	37	26	50	42	31	52	46	37	41	9	0
12 Month Totals:	Sub: 125 Dec: 103				Sub: 119 Dec: 99				Sub: 117 Dec: 143				Sub: 158 Dec: 171				Sub: 94 Dec: 87			



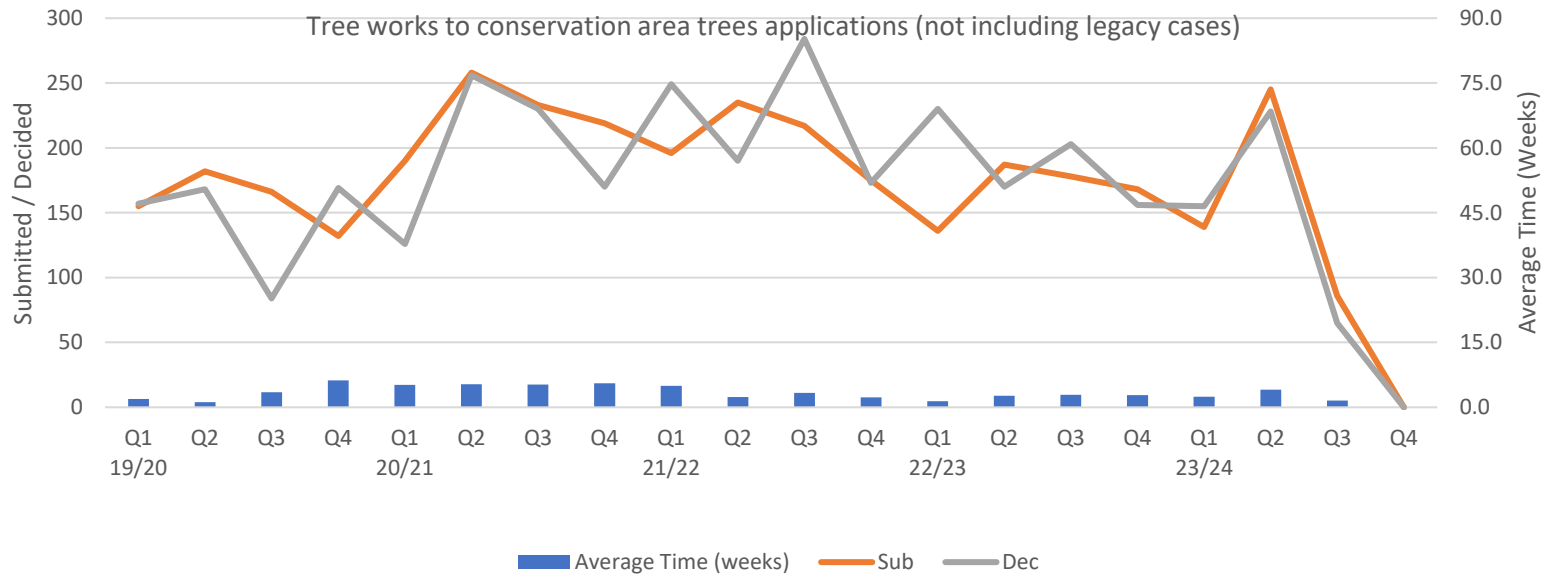
**Commentary:**

The average time taken to determine applications for trees which are subject of a tree preservation order was 6.5 weeks for Q2. There are xxxxxxxxxxxxxxxxxxxxxxxxxxx remaining legacy cases (older than one year).



Note: Figures for Q3 2023/24 are up to 24 October 2023 only

	Tree works to Conservation Area Tree				Legacy cases omitted															
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Average Time (weeks)	1.9	1.2	3.5	6.2	5.2	5.4	5.3	5.5	4.9	2.4	3.4	2.3	1.4	2.7	2.9	2.8	2.4	4.1	1.6	
Sub	155	182	166	132	190	258	233	219	196	235	217	175	136	187	178	168	139	245	86	0
Dec	157	168	84	169	126	256	230	170	249	190	284	173	230	170	203	156	155	228	65	0
12 Month Totals:	Sub: 635 Dec: 578				Sub: 900 Dec: 782				Sub: 823 Dec: 896				Sub: 669 Dec: 759				Sub: 470 Dec: 448			



Commentary:

Average timescale so for tree works applications for those trees that are in a conservation area increased to 4.1 weeks for Q2 once legacy cases were removed from the count.

**Note: Figures for Q3 2023/24 are up to 24 October 2023 only**

Enforcement		Overall																			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Received	258	286	195	195	116	267	188	160	259	225	169	156	198	235	202	185	272	262	83	0	
Closed	62	116	86	87	39	69	93	57	136	107	198	174	174	190	220	188	193	184	68	0	
Notices served	13	17	31	23	0	0	3	0	14	10	14	27	24	20	30	24	31	34	1	0	
Served within target time	8	11	13	15	0	0	3	0	10	7	1	10	19	6	19	19	16	29	1	0	
% in target time	62%	65%	42%	65%			100%		71%	70%	7%	37%	79%	30%	63%	79%	52%	85%	100%		

Enforcement		Short-term Lets																			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Received	68	67	52	44	6	64	19	6	26	52	19	13	31	66	52	40	74	84	38	0	
Closed	6	20	29	17	16	5	19	6	5	12	26	37	12	24	51	48	35	49	23	0	
Notices served	5	9	12	15	0	0	3	0	11	10	0	18	13	4	17	19	24	30	1	0	
Served in 6 month target	3	9	6	13	0	0	3	0	9	7	0	9	13	3	16	18	16	27	1	0	
% in target time	60%	100%	50%	87%			100%		82%	70%		50%	100%	75%	94%	95%	67%	90%	100%		

Enforcement		Other cases - not short-term lets																			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
Received	190	219	143	151	110	203	169	154	233	173	150	143	167	169	150	145	198	178	45	0	
Closed	56	96	57	70	23	64	74	51	131	95	172	137	162	166	169	140	158	135	45	0	
Notices served	8	8	19	8	0	0	0	0	3	0	14	9	11	16	13	5	7	4	0	0	
Served in 3 month target	5	2	7	2	0	0	0	0	1	0	1	1	6	3	3	1	0	2	0	0	
% in target time	63%	25%	37%	25%					33%		7%	11%	55%	19%	23%	20%	0%	50%			

Commentary:

In Q2 there continued to be a very large number of enforcement cases received. There continued to be a high number of notices served.

**Appendix 3  
Planning Appeals Summary**

Appeals																					
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4	Total % 2019 - 2024
Submitted (of which for non determination)	49 (1)	46 (5)	36	39	21 (1)	24	33	33 (1)	25 (1)	29 (1)	31 (1)	35 (1)	39 (1)	69 (1)	51	38 (2)	52 (2)	76	21	0	53%
Decided	31	48	41	40	15	26	24	34	24	27	32	29	34	44	56	45	39	62	21	0	47%

Refusals																					
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4	Total % 2019 - 2024
Appeal Allowed	2	5	6	5	1	1	4	5	5	5	3	5	5	7	17	6	3	6	1		43%
Appeal Dismissed	6	9	6	6	3	5	4	5	4	6	6	8	6	7	5	4	7	9	2		51%
Uphold (application refused)							1														0%
Not Uphold (application granted)																					0%
Mixed Decision		1		1												1					1%
Notice Upheld with Modifications																		1			0%
Notice Upheld																					0%
Appeal or Review Withdrawn			1	1					1												1%
Appeal Withdrawn																					0%
Notice Not Upheld																					0%
No DPEA remit										2	1						1				2%
No Remit																					0%



Enforcement Cases																					
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4	Total % 2019 - 2024
Appeal Allowed	1	1									1		1	1	2	2		2			9%
Appeal Dismissed	3	5	2	9	3	2		2	1		8	4	5	9	3	6	7	8	6		72%
Uphold (application refused)																	1				1%
Not Uphold (application granted)																					0%
Mixed Decision			2																		2%
Notice Upheld with Modifications		1										1			1			3	2		7%
Notice Upheld								3								1					3%
Appeal or Review Withdrawn				1									1					1	1		3%
Appeal Withdrawn		1	1																		2%
Notice Not Upheld								1													1%
No DPEA remit																					0%
No Remit																					0%

LRB cases																					
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4	Total % 2019 - 2024
Appeal Allowed	1						2		1												1%
Appeal Dismissed													1								0%
Uphold (application refused)	12	15	14	10	5	9	5	10	8	6	4	7	9	14	20	21	17	30	5		74%
Not Uphold (application granted)	3	3	5	6	2	5	3	8	2	2	3	1	4	3	2	3	1				19%
Mixed Decision		2		1		2	2			1		1									3%
Notice Upheld with Modifications												1									0%
Notice Upheld																					0%
Appeal or Review Withdrawn										1									1		1%
Appeal Withdrawn					1								1								1%
Notice Not Upheld																					0%
No DPEA remit																					0%
No Remit							1			1								1	1		1%





LRB Review of Conditions Imposed																					
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4	Total % 2019 - 2024
Appeal Allowed																					0%
Appeal Dismissed																					0%
Uphold (application refused)																1					33%
Not Uphold (application granted)																					0%
Mixed Decision									1												33%
Notice Upheld with Modifications																					0%
Notice Upheld																					0%
Appeal or Review Withdrawn									1												33%
Appeal Withdrawn																					0%
Notice Not Upheld																					0%
No DPEA remit																					0%
No Remit																					0%



Appeals for Committee Decisions																					
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4	Total
<b>Appeals Submitted</b>	9	6	3	2	1	4	9	6	2	9	7	2	6	2	4	5	5	8	2	0	

	7	7	5	5	2	1	4	3	3	6	7	8	4	6	4	1	3	9	3	0	Total % 2019 - 2024
Allowed	1	3	3	3			2	2	3	4	2	4	3	3	3			5	1		48%
Dismissed	5	4	2	2	2	1	1	1		2	4	4	1	3	1	1	3	4	2		49%
Withdrawn											1										1%
Withdrawn	1																				1%
No Remit							1														1%

Total Appeals Decided (Committee Decision Against Officer Recommendation)	1	1	3	2	0	0	2	2	1	2	2	0	1	2	2	0	0	2	1	0	Total % 2019 - 2024
Allowed		1	2	1			2	2	1				1	2	2			2	1		71%
Dismissed	1		1	1						2	2										29%
Withdrawn																					0%
Withdrawn																					0%
No Remit																					0%

## Appendix 4 - Mandatory Training on Planning for Elected Members Consultation

### Mandatory Training on Planning for Elected Members



### Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

Organisation

Full name or organisation's name

City of Edinburgh Council

Phone number

07561 878435

Address

Waverley Court, East Market Street, Edinburgh

Postcode

EH8 8BG

Email Address

jay.skinner@edinburgh.gov.uk

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

Publish response with name

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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

## Questionnaire

**Question 1:** Should the determination of planning applications be the only specified function that elected members are prohibited from doing until training requirements have been completed?

[No]

Please add any comment in support of your answer

The City of Edinburgh Council (CEC) consider Members who are trained on Development Management issues and topics may not be appropriately trained or have the correct knowledge on Local Review Body issues or for the purpose of Planning Committee.

CEC have a Development Management Sub-Committee which decides upon planning (and related) applications, a Local Review Body (LRB) and a separate Planning Committee. Each Committee operates differently, with specific needs and requirements placed on Members. CEC believes that it is important that Councillors have a good understanding of a range of topics and issues, with tailored training provided to allow Members to sit on the relevant Committee's and Local Review Body.

**Question 2:** Should the training requirements vary for elected members depending on whether they participate in a planning committee, Full Council or Local Review Body?

[Yes]

Please add any comment in support of your answer

CEC consider that given the different types of decision making involved i.e. quasi judicial vs. non quasi judicial (reflected by participation in Development Management Sub-Committee, Planning Committee and Local Review Body), associated training requirements should vary.

CEC consider there is a need for members to be trained in all aspects of Planning to reflect the nature of decision making, be it in the relation to Development Management matters or Development Planning / Planning Policy and the Local Review Body.



**Question 3:** Should the mandatory training be focused on the key principles and knowledge of the planning system?

[Yes]

Please add any comment in support of your answer

CEC consider that Members should have an understanding of the decision making process as a whole relevant to the Planning System. For example, other functions within the remit of the Planning Service including Planning Enforcement, Development Planning and Development Management, the Appeals Process and Local Review Body.

CEC believe that it is important a degree of Planning Enforcement training is included within the content as Members should have an awareness of how planning is enforced as part of developing a detailed understanding of planning functions.

**Question 4:** Do you agree with the list of topics to cover?

[No]

Please add any comment in support of your answer

CEC consider that there are certain topics not covered in the consultation topics outlined as part of this consultation, these include Planning Enforcement and Local Planning Authority specific topics/areas that arise etc. CEC suggest that revisions are made to the suggested consultation topics list to include the above areas highlighted.

The training should expressly cover the difference between the quasi-judicial nature of taking planning decisions and non-quasi-judicial decisions. The councillor code of conduct is important to highlight and cover, particularly for new councillors.

It is very important to retain a level of flexibility to allow local context, topics and guidance to be considered in training for Members.

**Question 5:** Are there any other topics that you think should be covered in the mandatory training?

[Yes]

Please add any comment in support of your answer

Please refer to Q4 answer.

**Question 6:** Which would be your preferred option for how the training should be delivered? (please check all that apply)

- Option 1

Please add any comment in support of your answer

Option 1

CEC believe that the Scottish Government should set the baseline for training content and each Local Planning Authority be afforded the opportunity to adapt and augment the materials and topics accordingly for Members.

**Question 7:** Do you have any further comments on how the training should be delivered?

[Yes]

Please add any comment in support of your answer

CEC believe that training should generally be delivered in person as this method has the potential to allow for fuller engagement and discussion on the issues covered compared to an online format. However, CEC also notes that care needs to be taken to allow some element of flexibility for Members and their circumstances which may restrict in person delivery. CEC acknowledge that this point is particularly important from an equality/health perspective and should be considered going forward.

CEC consider an interactive approach with opportunities for questions and answers, scenario based exercises, and input from other professions such as Committee Services would work best for the purpose of training delivery as this approach would help to maintain a level of active participation.

**Question 8:** Should there be a requirement for elected members to have passed a test before being allowed to undertake a planning decision?

[No]

Please add any comment in support of your answer

CEC consider that a nationally set test may mean that locally specific issues are not adequately covered for the purpose of training Members. CEC also note that there may be specific aspects that certain Local Planning Authorities may wish to bring to the fore, which may prove difficult to do in a nationally set test format.

CEC note that if a test is introduced, then it would need to be very carefully crafted to ensure it is not a superficial exercise. CEC consider that the planning judgement element of any test may be difficult to assess or consider as part of a multiple choice exercise format.

**Question 9:** How often should elected members be required to retake the training?

Please tick

- once every election cycle

Please add any comment in support of your answer

CEC believe training delivered once every election cycle is appropriate, with content augmented with training on separate topics throughout the term (depending on topics arising).

CEC provide Members with CPD type training throughout their tenure on Committee, and CEC believe that Local Planning Authorities should be free to provide that type of training to Members to complement a set training programme. Additionally, CEC consider that there may be a need for specific training as a result of legislative changes or the introduction of a new development plan in addition to the delivery of a set training programme.

**Question 10:** Should elected member's completion of the training be made available to the public?

[Yes]

Please add any comment in support of your answer

A standardised confirmation such as a list summarising formal training completion should be utilised as a monitoring tool.

**Question 11:** If the completion of training is made public, do you think the information being provided within PPF / statutory annual reports and on the Local Authorities website are sufficient?

[Yes]

If no, where should the information also be made available?

N/A

**Question 12:** Do you have any comments / suggestions on the best ways to monitor the long term effects of the mandatory training of elected members?

CEC believe it will be difficult to monitor the effectiveness of training.

CEC suggest that while there may be aspects that provide some indication of effectiveness such as the outcomes of appeals on cases determined by Committee, these are unlikely to provide a clear picture of how well training is being implemented.

CEC consider Planning judgement a key aspect of awareness that the training needs to address but is difficult by its nature to monitor. CEC suggest this may be a matter the National Planning Improvement Champion could explore through reviewing decision making via council webcasts, and engaging with Members, Planners and Stakeholders across the country.

**Question 13:** Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for elected members?

N/A

## Planning Committee

**2.00pm, Wednesday, 15 November 2023**

### Affordable Housing Commuted Sums

#### 1. Recommendations

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- 1.1 It is recommended that Planning Committee:
  - 1.1.1 Agrees to discharge the motion approved by Planning Committee on [14 June 2023](#) to report back in two cycles on the use of commuted sums to deliver affordable homes;
  - 1.1.2 Notes that onsite affordable housing is required for applications of 20 homes or more and officers continue to advise on measures that may help to enable onsite affordable housing; and
  - 1.1.3 Notes that 451 social rented homes completed in 2022/23. However, the combination of low rents, limited grant funding and limited private borrowing for social rent does mean that in some higher cost developments, social rented homes may not always be practical.

**Paul Lawrence**

Executive Director of Place

Contact: Lisa Mallon, Housing Manger

E-mail: [Lisa.mallon@edinburgh.gov.uk](mailto:Lisa.mallon@edinburgh.gov.uk) | Tel: number 0131 529 6291

# Planning Committee

## Affordable Housing Commuted Sums

### 2. Executive Summary

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- 2.1 Over the last three years, onsite affordable housing was secured for 85% of applications of 20 homes or more. However, there are specific situations when a commuted sum may be acceptable in lieu of onsite affordable housing.
- 2.2 In the last five years, £2.818 million of commuted sums funding has been used to support the development of 675 new affordable homes at 12 locations in Edinburgh. The Affordable Housing Policy (AHP) directly enabled almost 2,500 affordable homes, delivered on site, and completed during the same period.
- 2.3 All sums have been paid out within the timescales (10 years from the date the payment is received by the Council) set out in the Section 75 Legal Agreement as part of the planning consent process.

### 3. Background

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- 3.1 [Affordable Housing guidance](#) was approved by Planning Committee on 3 December 2015, as part of “Developer Contributions and Affordable Housing”. The Affordable Housing guidance was approved as a [stand-alone document](#) on 30 March 2017, and subsequent updates have been approved through the “Annual Updates to Planning Guidance” reports. The last [updates](#) to Affordable Housing guidance were approved by Planning Committee on 3 February 2021 and are included in the current published guidance.
- 3.2 On 14 June 2023, Planning Committee considered the recommendations of the report [“Affordable Housing Policy Update 2023”](#). The following motion was approved. This report seeks to discharge the motion.
- 3.3 Delete recommendations and insert: “Planning Committee:
  - 3.3.1 To note the extremely challenging circumstances for delivery of affordable homes, through the war in Ukraine, Brexit and a number of other factors leading to significant increases in prices and added pressure to the sector, as set out in the report by the Executive Director of Place.

- 3.3.2 To note that the Affordable Housing Policy (AHP) was nonetheless consistently delivering onsite affordable homes for more than 85% of sites of 20 homes or more.
- 3.3.3 To note that almost 1,050 new affordable homes were completed through 2021/22 and 2022/23 and almost 1,000 new affordable homes were approved on sites secured through the AHP.
- 3.3.4 To note the use of commuted sums, as set out in paragraph 4.16 of the report by the Executive Director of Place, to support delivery of 216 new affordable homes on three sites, and to further note that only around one fifth of the £2.662 million received in commuted sums over 2021-23 was used to support the delivery of affordable homes; and further notes that the report set out that there would be “ample opportunities” to allocate these commuted sums.
- 3.3.5 To agree to receive a detailed report within two cycles on the use of commuted sums to deliver affordable homes, and that this report would include, but not be limited to, the following:
  - 3.3.5.1 In what circumstances commuted sums were considered a reasonable alternative to on-site affordable housing;
  - 3.3.5.2 A detailed breakdown of the use to which commuted sums had been used over the last five years;
  - 3.3.5.3 A detailed analysis of how long the Council had held on to commuted sums before they were used; and
  - 3.3.5.4 In what circumstances, and within which thresholds, it was considered reasonable to offer to contribute commuted sums to deliver on-site affordable housing, and that, should any of the above information be considered commercially confidential, the information should be provided to members of Planning Committee and Housing, Homelessness and Fair Work Committee in the form of a confidential members’ briefing rather than a report to Committee.
- 3.3.6 To note that there were no new planning approvals for Golden Share in 2021-23 and that no changes to Golden Share policy would be considered while City Plan 2030 was being considered by Scottish Ministers, but that the affordability of Golden Share continued to be monitored.
- 3.3.7 To note the affordability of Mid Market Rent (MMR) and Intermediate Rent (IR) homes as set out in previous reports to this Committee, and to further note the Council’s affordable housing guidance set out the affordable housing tenures in priority order, with social rented housing as the highest priority need, and to further note that IR could sometimes be time-limited.
- 3.3.8 To note that the overwhelming need for affordable housing identified in both HoNDA2 and HoNDS3 was for affordable rented accommodation.

- 3.3.9 To note that any significant changes to the affordable housing policy would be subject to consultation.
- 3.3.10 To therefore agree that reports presented to Committee as part of the preparation of guidance to support relevant policies once the City Plan 2030 had been approved would give consideration to consulting on changes to the affordable housing policy which focused on those tenures which best delivered affordable rented accommodation, and which considered limited or an end to the use of those tenures which supported low-cost home ownership or more expensive rental tenures, including, but not limited to, consideration of ending the use of Golden Share, and removing the time-limited aspect of Intermediate Rent.
- 3.3.11 To refer the report to Housing, Homelessness and Fair Work Committee for information.
- 3.3.12 To discuss with Officers if further advice could be given to applicants to ensure affordable housing.
- 3.3.13 To discuss with Officers the options to ensure social housing was delivered.

## 4. Main report

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- 4.1 The AHP is a national planning policy which secures:
- 4.1.1 Land for affordable housing; or
  - 4.1.2 An equivalent number of affordable homes (25% of residential units); or
  - 4.1.3 A financial contribution equal to the land value of the affordable homes.
- 4.2 The AHP does not cover the full build cost of homes, only the land value for the required number of affordable homes, or a discount taking into account development costs and developer profit.
- 4.3 The [Affordable Housing guidance](#) sets out the Council's requirements and expectations in relation to affordable housing, including the circumstances in which a commuted sum may be considered in lieu of onsite affordable housing.
- Commuted Sums as reasonable alternative to onsite affordable housing**
- 4.4 Between 2021/22 to 2022/23 onsite affordable housing was secured for 85% of applications of 20 homes or more. However, there are specific situations when a commuted sum may be acceptable in lieu of onsite affordable housing, and this is set out in the Council's published Affordable Housing Guidance. The guidance sets out that:
- 4.4.1 The payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20, or all of the following criteria are met:



- 4.4.1.1 There are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, where it is evidenced to be unviable or unfeasible or where there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere;
  - 4.4.1.2 The Council is confident that that the commuted payments can be spent on providing affordable units within the same area of the city within ten years of the payment being made; and
  - 4.4.1.3 The proposal is for less than 50 dwellings or is for a conversion.
- 4.5 It is only in these circumstances that a recommendation for commuted sum would be supported. If a commuted sum is being considered for development viability reasons, a number of checks will be carried out. In this situation, the applicant will be required to provide details of all development costs, which are checked and assessed by an independent surveyor on behalf of the Council.
- 4.6 National planning guidance sets out that *“Best practice is that the value (of the commuted sum) should be independently determined by the District Valuer”*, and this is also set out in the Council’s Affordable Housing guidance.
- 4.7 The District Valuer calculates the commuted sum by establishing the value of the land required for the affordable homes. National guidance sets out the principles for establishing affordable housing land value. This calculation is based on the gross development value (market values of the completed homes) minus the development costs (including finance costs) and developer profit which equals the associated land value.
- 4.8 The affordable housing land value (and therefore the affordable housing commuted sum value) is 25% of total development land value.
- 4.9 From 2017 onwards, every application which proposed commuted sums for affordable housing was considered by Development Management Sub Committee, with one exception. This was a commuted sum for one additional affordable housing unit, with the other 40 affordable housing units to be provided onsite. This sum for a single unit was within the delegated authority approval limits.
- 4.10 Commuted sums are used to support on-site affordable housing when a registered social landlord provides a justification for the use. If a funding shortfall is identified, commuted sums funding may be used alongside other means, such as Registered Social Landlords own financial reserves, funding from sales of existing stock or increased grant funding. All of these means are limited. Registered Social Landlords are charitable organisations, with finances monitored by their board of management, and within the regulatory framework of the Scottish Housing Regulator.

### **A detailed breakdown commuted sums use**

- 4.11 In total over the last five years, £2.818 million has been used to support 675 affordable homes at 12 locations. The average amount of commuted sums funding committed over the period is just under £4,200 per home. A breakdown of the use by site is set out in Appendix 1. During that time, the AHP directly enabled over 3,300 affordable homes to be approved for site start and almost 2,500 affordable homes, delivered on site through the AHP, were completed.
- 4.12 The use of commuted sums is regularly reported to Planning Committee. The Affordable Housing Policy Delivery considered by Planning Committee on [7 August 2019](#) sets out commuted sum use up to the end of 2018/19.
- 4.13 The Affordable Housing Policy Update considered by Planning Committee on [19 May 2021](#) sets out commuted sums use for the period 2019/20 to 2020/21.
- 4.14 The Affordable Housing Policy Update 2023 considered by Planning Committee on [14 June 2023](#) sets out commuted sums use for the period 2021/22 to 2022/23.
- 4.15 Developer contributions, including affordable housing contributions, are secured through a Section 75 Legal Agreement as part of the planning consent process. The length of time to use sums is set out in these agreements and is currently ten years from the date the payment is received by the Council. If a commuted sum is not used within the agreed timescale then the planning applicant can request that the sums are repaid. However, all sums have been used within the agreed timescales and no requests for sums to be returned have been made.
- 4.16 Appendix 1 contains information on when the sums used between 2017 and 2022 were received by the Council and when they were used to support on site affordable housing.

### **Advice to applicants to achieve affordable housing on site**

- 4.17 The Council's published Affordable Housing guidance sets out the expectation that applicants engage early with the Council on affordable housing and that for applications of 20 or more units, on site affordable housing is expected. Officers will advise applicants on any measures that may help to enable onsite affordable housing.
- 4.18 If an applicant has not engaged, then this is reported to Committee through the Affordable Housing consultee response and the application may not be supported. However, most applicants do engage and the majority of applications of 20 or more homes deliver onsite affordable housing.
- 4.19 If on site affordable housing cannot be achieved, the applicant needs to evidence why not, and independent checks are carried out. Only after all on-site options have been explored in detail with applicants, and if the evidence and independent checks further show that on site affordable housing is not practical, only then would commuted sums be considered.

## Ensuring Social Rent Delivery

- 4.20 The Council's published Affordable Housing guidance sets out the expectation that 70% of affordable housing should be for social rent; the . Affordable housing tenures are ranked in order of priority. Social rent is the highest priority tenure with the highest level of need.
- 4.21 Social rent providers (registered social landlords) are charitable organisations with limited access to funds, who are reliant on grant funding to deliver affordable homes. In 2022/23, the average development cost of an affordable home was around £200,000 of which around 45% of cost is met through grant funding and 55% is private finance or borrowing raised by the registered social landlord.
- 4.22 Social rents are low to keep them affordable. However, the low rents limit the amount of borrowing that RSLs can obtain. Interest on loans is paid from rents, as is management and maintenance of properties and any upgrades for existing social rented stock. The combination of low rents, limited grant funding and limited private borrowing does mean that for some higher cost developments, social rented homes may not always be practical. Where social rents are not practical, other tenures are considered in the priority order set out in Affordable Housing guidance. There were 451 social rented homes in Edinburgh that were completed in 2022/23 and prior performance in relation to social rented homes is set out in the report Affordable Housing Tenures, considered by Planning Committee on [1 December 2021](#).
- 4.23 The Strategic Housing Investment Plan (SHIP) 2023-28 was approved by Housing, Homelessness and Far Work Committee on [1 December 2022](#) and set out a programme of 9,473 affordable homes which require grant funding and 64% of these are for social rent. However, to deliver this programme Edinburgh's grant funding allocation would need to increase from £45 million a year to over £142 million a year.

## 5. Next Steps

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- 5.1 Performance in relation to the Affordable Housing Policy is reported annually to Planning committee. The next update will be brought to committee in Autumn 2024.
- 5.2 Further changes to AHP may be considered as part of the preparation of future guidance to support relevant policies in the City Plan 2030. As set out in national Planning Policy Guidance, any significant changes to the AHP would be subject to consultation and committee approval.

## 6. Financial impact

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- 6.1 Between 2021/22 to 2022/23 onsite affordable housing was secured for 85% of applications of 20 homes or more. Without the AHP, affordable housing providers would not have been able to afford the land required for these homes.
- 6.2 Where onsite affordable housing delivery has not been possible, commuted sums have been sought. In the last five years, £2.818 million of commuted sums funding

has been used to support the delivery 675 affordable homes at twelve locations in Edinburgh.

## **7. Equality and Poverty Impact**

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- 7.1 The AHP secured over 2,200 affordable homes over the last five years on private land. These homes are affordable and increase the housing options of people on low to moderate incomes. Affordable homes are built to be more energy efficient and more easily adaptable than private homes and are therefore more affordable to heat and meet the long term needs of tenants.

## **8. Climate and Nature Emergency Implications**

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- 8.1 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.
- 8.2 Affordable Housing Commuted Sums are used to support new build affordable housing. New affordable homes are constructed to high standards in terms of energy efficiency and sustainability.
- 8.3 There is a lower energy demand to heat the homes, with low or zero emissions heating systems required. This means they will minimise the amount of carbon emissions to aid with the city's ambition to be net zero carbon.
- 8.4 There are no adverse environmental implications arising from this report.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 The AHP has been successful in delivering mixed tenure communities and providing affordable housing in diverse areas across the city. The AHP secures 25% of residential homes for affordable housing. However, increased mortgage rates have meant private housing is less affordable and the sector has responded by offering incentives to buyer and reducing output to match demand. Reduced numbers of private homes are likely to mean reduced numbers of affordable homes, with sites being phased over a longer period or delays in construction.
- 9.2 Commuted sums policy is set out in the published Affordable Housing guidance, and performance of the AHP is regularly reported to Planning Committee.
- 9.3 The impact of development is assessed as part of the Planning process.

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

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- 10.1 Affordable Housing Policy Delivery, Planning Committee on [7 August 2019](#).
- 10.2 Affordable Housing Policy Update, Planning Committee on [19 May 2021](#).
- 10.3 Affordable Housing Policy Update 2023, Planning Committee on [14 June 2023](#).
- 10.4 [Affordable Housing guidance](#).

## 11. Appendices

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11.1 Appendix 1 - Affordable Housing Commuted Sums received and used.

## Appendix 1: Affordable Housing Commuted Sums received and used

Committed sums used to support affordable homes at:	Number of homes	Committed sums contribution	Sum per home	Sum originally received	Sum used
Small Sites Programme (Clermiston)	44	£202,182	£4,595	May 2013	Apr 2018
Fountainbridge Block L	19	£400,250	£21,066	Nov 2014	Mar 2021
Pennywell Phase 4	8	£56,007	£7,001	Sep 2013	Sep 2018
St Nicolas Court	12	£40,000	£3,333	Oct 2015	Apr 2018
Salamander Place	200	£606,356	£3,032	May 2013	Mar 2018
Ford's Road	14	£147,000	£10,500	Jan 2015	Jan 2020
Fountainbridge	113	£349,000	£3,088	Mar 2016	Aug 2020
Ferrymuir Gait	32	£270,000	£8,438	Nov 2015	Mar 2021
Viewforth (Former Boroughmuir High School)	17	£204,000	£12,000	Jul 2015	Aug 2020
Shrubhill	25	£344,045	£13,762	Dec 2015	Aug 2021
Rowanbank	33	£100,000	£3,030	Nov 2016	Mar 2022
West Craigs	158	£100,000	£633	Nov 2016	Mar 2022

# Planning Committee

2.00pm, Wednesday, 15 November 2023

## Planning Customer Service Charter and Planning Enforcement Charter

Executive/routine  
Wards

All

### 1. Recommendations

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- 1.1 It is recommended that the proposed updates to the Planning Customer Service Charter and Planning Enforcement Charter are approved.

**Paul Lawrence**

Executive Director of Place

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

E-mail: [david.givan@edinburgh.gov.uk](mailto:david.givan@edinburgh.gov.uk) | Tel: 07725880395

## Planning Customer Service Charter and Planning Enforcement Charter

### 2. Executive Summary

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- 2.1 The Planning Enforcement Charter requires to be updated every two years. This report sets out some minor changes to it. It also proposes that the Planning Customer Service Charter is updated to enable the service to better respond to applications.

### 3. Background

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- 3.1 The Planning Enforcement Charter was last reviewed by Committee in December 2021 when some minor changes were made. Under Section 158A of the Town and Country Planning (Scotland) Act 1997 it is required to be reviewed and re-published at least every two years. It is therefore due for review now.
- 3.2 There is no statutory requirement to review the Planning Customer Service Charter, however changes in numbers and types of applications mean that some minor changes to working practices are proposed which will help the Planning service process those applications in a timely manner.

### 4. Main report

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- 4.1 It is proposed to update the Planning Enforcement Charter as follows:
- 4.1.1 Providing a clearer explanation of the role of enquirers (those who report possible breaches of planning control) in the enforcement investigation process;
  - 4.1.2 Providing greater clarity on rights of appeal, and to emphasise that the enforcement process cannot overturn other planning decisions;
  - 4.1.3 Updates to better explain proportionate responses to minor, unharmed breaches;



- 4.1.4 Introduction of an additional service strand relating to compliance with enforcement notices; and
- 4.1.5 Introduction of an enforcement quick guide to provide a simple overview of how the enforcement process works and its remit.
- 4.2 It is not proposed that the Enforcement Charter is changed such that the Council takes a more pro-active approach to enforcement for situations where members of the public have not raised an enquiry regarding an alleged breach of planning control. Reports of possible breach of planning control provide a good barometer in determining the public interest in taking enforcement action. Additional officers would be required if this approach were to change.
- 4.3 It is proposed to update the Planning Service Customer Charter as follows:
  - 4.3.1 Revised policy framework section to include National Planning Framework 4 and status of City Plan 2030;
  - 4.3.2 Minor updates to text, including hyperlinks for further information, in relation to pre-application consultation guidance, making an application for planning permission and non-material variations;
  - 4.3.3 Revised text to explain commenting on a certificate of lawfulness applications; and
  - 4.3.4 Removal of references to COVID-19 working practices.

## **5. Next Steps**

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- 5.1 If Committee approves the recommendations of this report, both the revised Planning Customer Service Charter and the Planning Enforcement Charter will be published on the Council's website. A copy of the Planning Enforcement Charter will be sent to each public library in the Council area and two copies of it will be sent to Scottish Ministers.

## **6. Financial impact**

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- 6.1 There is no financial impact arising from this report. If the changes to the Planning Customer Service Charter are made, this will better enable the service to process applications in a timely manner.

## **7. Equality and Poverty Impact**

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- 7.1 There are no changes proposed that impact on equality, human rights, including the rights of children, socio-economic disadvantage. There are no impacts in relation to the public service equality duty.

## **8. Climate and Nature Emergency Implications**

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- 8.1 There are no impacts in relation to climate change or the nature emergency arising from this report. So far as these matters relate to Planning, they are considered through the application of policy and guidance when considering individual development proposals. The effect of the charters is to set out how applications and enforcement cases will be processed, rather than the considerations that will be taken into account when decisions are reached upon them.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 There has been no engagement with the community regarding the changes proposed.
- 9.2 In relation to risk, if the enforcement charter is not approved for publication the Council would not meet the requirements of Section 158A of the Town and Country Planning (Scotland) Act 1997.
- 9.3 There are no health and safety or governance implications arising from this report.

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

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- 10.1 [Section 158A](#) of the Town and Country Planning (Scotland) Act 1997.

## **11. Appendices**

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- 11.1 Appendix 1 - Proposed Planning Enforcement Charter 2023.
- 11.2 Appendix 2 - Proposed Planning Customer Service Charter November 2023.



COUNCILLOR JAMES DALGLEISH

Convenor of Planning Committee

## Planning Enforcement Charter

### Foreword

The government places a strong emphasis on the role of planning enforcement in delivering key policy objectives and maintaining public confidence in the planning system. The Planning etc. (Scotland) Act 2006 sets out a requirement for councils to produce enforcement charters as a means of raising the profile of planning enforcement and to update it every two years.

**As Convenor of the Planning Committee, I will continue to support the work of the Planning Enforcement team in their essential function in the delivery of key policy objectives and maintaining public confidence in the planning system.**

This charter sets out the role the Council plays in enforcement, the service we aim to provide and what happens at different stages of the process.

The public also plays a vital role in informing the Council when they suspect there has been work undertaken without planning permission or listed building consent. If you are unsure if work is a breach of planning control you can check this online at [City of Edinburgh Planning Portal](https://www.edinburgh.gov.uk/planningportal).

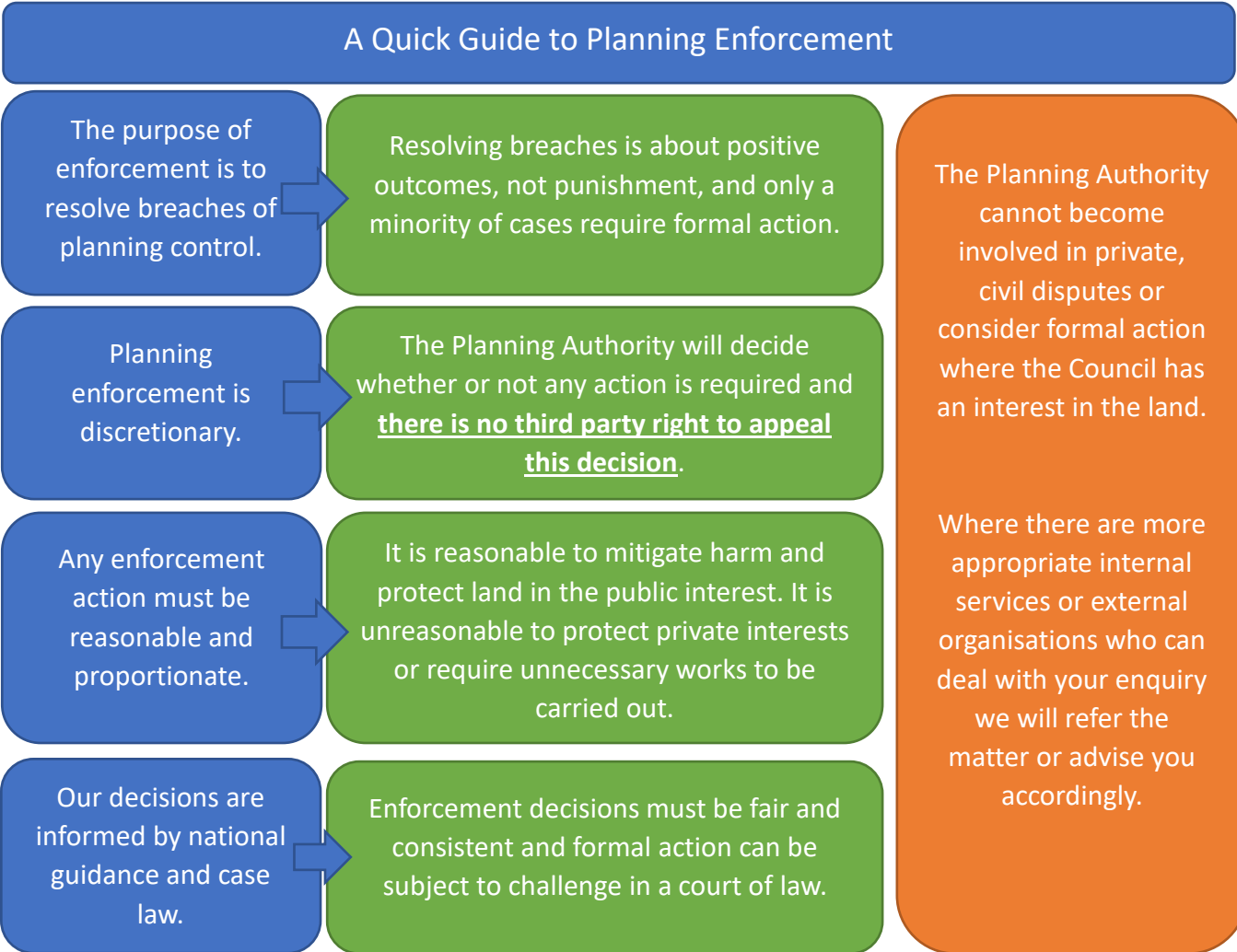
If you believe a breach of planning control has occurred and the work being undertaken should be investigated by an enforcement officer, you can report this using the online form at [www.edinburgh.gov.uk/planningenforcement](https://www.edinburgh.gov.uk/planningenforcement). We know enforcement is an issue that concerns many members of the public and hope that the charter provides reassurance of the commitment of the Council to investigating and resolving planning breaches and providing a robust planning service.

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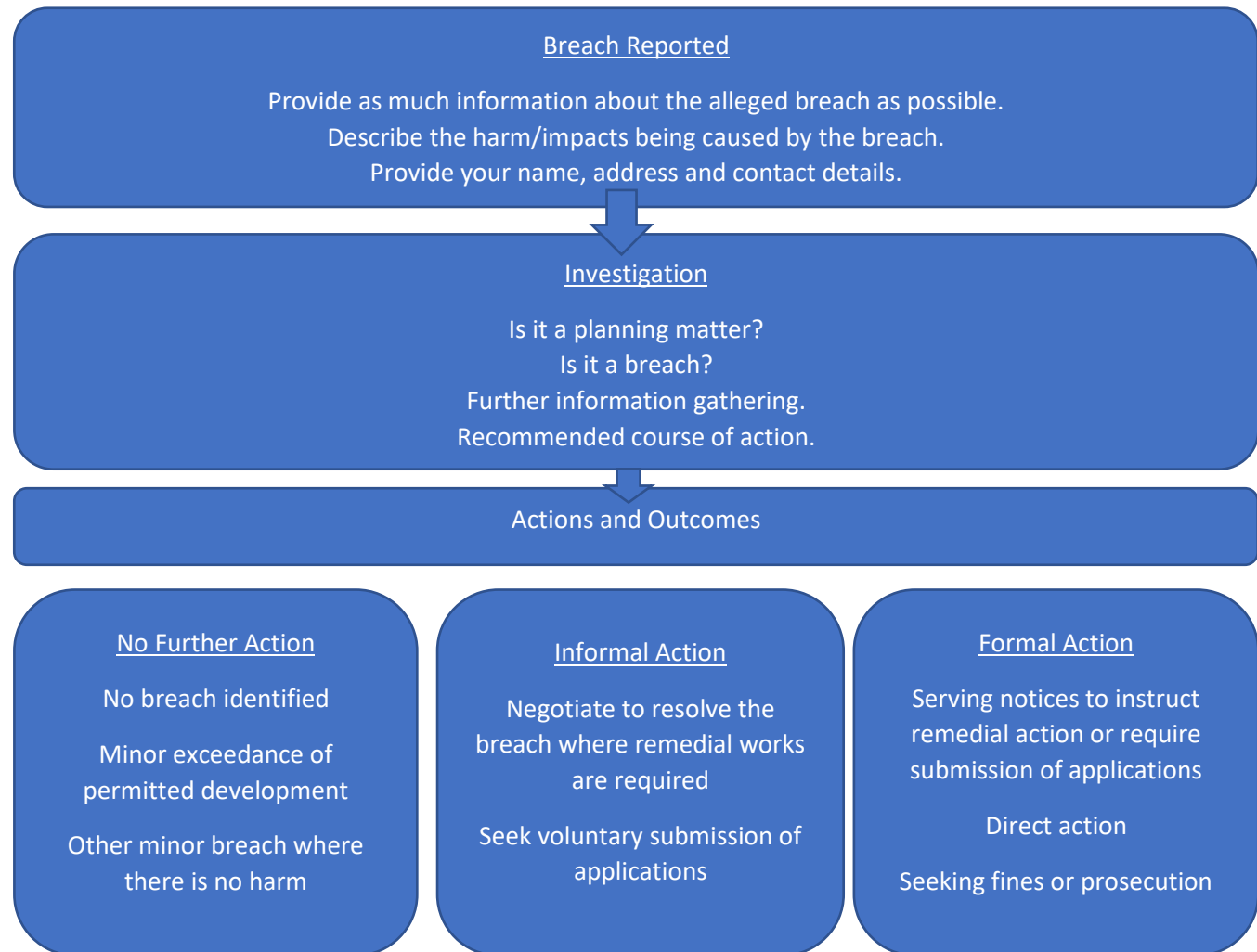
## Introduction

This charter explains the purpose of the Council’s planning enforcement service, the process for handling enquiries, and sets out the standards of service we seek to achieve. It also explains where planning enforcement has no remit. Planning enforcement powers are set out in legislation and the use of these powers is informed by Scottish Government guidance (Planning Circular 10/2009). **The quick guide below highlights the key points:**



The aim of the Charter is to ensure that the Council’s procedures are fair and reasonable, that interested parties are made aware of what is required and that they are kept informed at key stages within the enforcement process. The diagram below illustrates the main stages of the enforcement investigation process. Each of these stages are described in detail in the following pages of the Charter.

## Enforcement Investigation – Key Stages



## Planning Controls

There are three types of planning control against which the Council, as the planning authority, may consider taking enforcement action. Each of these are explained in more detail within this charter, they are:

- Planning Control - relating to development including building works and changes of use;
- Listed Building Control – relating to works to listed buildings;
- Advertisement Control – relating to the display of advertisements.

**Where works do not involve development or where they do not affect the character of a listed building, involve the loss of or damage to protected tress, or involve the display of an advertisement, they will not be subject to planning controls or enforcement.**

### Planning Control

Planning permission is required for most development that takes place in Scotland. Development is defined in legislation and further established in planning case law. Permitted development rights allow a range of works to be carried out without the need to formally apply for planning permission.

**The Council has no remit to assess the merits of or consider enforcement action against permitted development.**

**Similarly, the enforcement service has no remit to revisit or overturn planning decisions, and this includes approved drawings and conditions attached to any planning permission. Concerns with the application process, or with the decision itself would be a matter for the Scottish Courts. These enquiries should in the first instance be directed to the case officer for the application and you may also need to seek independent legal advice.**

### Breaches of Planning Control

A breach of planning control is defined in legislation and can include:

- Works carried out without planning permission or other required planning consents;
- An unauthorised change of use;
- Departures from plans and drawings approved as part of planning permission or other consent;
- Failure to comply with conditions attached to a permission or consent.

**It is important to note that a breach of planning control is not a criminal offence.**

## Identifying and Reporting Alleged Breaches

The Council does not actively monitor the implementation of consents or search for breaches of planning control and relies on members of the public to report potential breaches. Before reporting a possible breach you should use the Council's [online planning service](#) to check if the works have the appropriate consents. If you still believe there is a breach you should submit an enforcement enquiry using the [online form](#).

**Anonymous complaints will not be accepted.** However, if you have concerns about raising an enquiry, you can ask a [local ward Councillor](#) to raise it on your behalf. The Council does not comment on enquiries relating to possible breaches or individual cases on social media.

In accordance with the Environmental Information (Scotland) Regulations 2004 we will treat the identity of enquirers in confidence. We will only release information regarding the identity of an enquirer where it is in the public interest to do so, as a result of a ruling by the Scottish Information Commissioner or if directed to do so by a court of law.

## Our Approach to Enforcement

The planning authority has statutory powers to investigate alleged breaches of planning control and to take enforcement action where it is expedient to do so, having regard to the development plan and any other material planning considerations.

It is important to understand that planning enforcement is a discretionary power, and it is for the Council to take a view on whether or not to exercise that power. **If the Council determine that it is expedient to take enforcement action, then any such action must be reasonable and proportionate to the breach.**

### Expediency and Proportionality

This means that even if a breach of planning control has occurred, the Council must consider if it is in the public interest to take enforcement action. In doing so, the Council will consider the level of material 'harm' that the breach is resulting, or is likely to result in. Although not exhaustive, 'harm' in planning terms can include:



- Adverse impacts to public amenity or the use of land and buildings meriting protection in the public interest.
- Adverse impact on visual amenity.
- Loss of protected trees.
- Loss or damage to a listed building and demolition of buildings in a conservation area.
- Adverse impacts on neighbouring amenity including loss of privacy and daylight, overshadowing, and operational noise.

Where it is appropriate to do so, the Council will seek to resolve breaches through negotiation, and it is only a relatively small number of cases which require formal action.

Where there has been a relatively minor breach of permitted development rights it is unlikely to be expedient to take enforcement action and this applies particularly where there would be no discernible difference in the resulting development.

Where a breach involves more substantial unauthorised development and additional planning controls may be required, it may be more appropriate to formally seek the submission of an application in retrospect.

**While the Council does not condone any breach of planning control, the aim of the enforcement service is to resolve breaches rather than to punish those who carried out the work.**

### Council-Owned Land

Sometimes breaches of planning control occur on land which is under the ownership and control of the Council. In these circumstances it is not expedient to take formal planning enforcement action, however, the planning enforcement service will work with other relevant Council services to try and secure an appropriate resolution.

### Time-Limited Procedures

**In some cases, the Council is time-barred from taking enforcement action.**

For unauthorised operational development, e.g. building, mining, engineering and other physical works, and the change of use of any building to a single dwelling house the time limit is four years. This means that after a period of four years from the date when operations were substantially complete, the development becomes lawful and

no enforcement action can be taken. This could include development such as replacement windows, extensions or the erection of fences and sheds.

For other breaches of planning control including changes of use (other than to a single dwelling house) and breach of conditions, the time limit is ten years from the date of the breach.

### Non-Planning Matters

Sometimes the enforcement service receives enquiries about matters that cannot be controlled or conditioned by planning. These may be civil/legal matters or may fall under different legislative regimes. Examples include:

- Private disputes over land ownership/title deeds/right of access/maintenance and common repairs
- Devaluation of property
- Loss of private views
- Competition between businesses
- Fire Safety
- On street parking or allocation of parking spaces
- Building warrants
- Building safety
- Construction noise/arrangements
- Anti-social behaviour

**Any non-planning matters will be outwith the remit of a planning enforcement investigation.** However, where appropriate, planning will pass enquiries onto the relevant Council service to investigate.

## Other Enforcement Controls

### Listed Building Control

Any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest requires listed building consent.

**Works carried out without authorisation constitute a breach of listed building control and this is a criminal offence. It is important to note that there is no time limit after which unauthorised works to listed building become immune from enforcement action.**

In taking a view on works that are relatively old, the Council will have regard to the nature of the works and whether they have previously given rise to complaints.

It is also important to note that if works to a listed building constitute development then planning permission may be required. Where unauthorised works constitute a breach of planning and listed building control, the Council can take action in respect of either or both breaches.

### Advertisement Control

A wide range of signs and advertisements can be displayed without having to apply for advertisement consent if they meet certain criteria and conditions and if the landowner has given permission for the advertisement to be displayed on their land. This is known as deemed consent.

Advertisements which are displayed without authorisation or deemed consent constitute a breach of advertisement control and this is an offence. Adverts which are attached to and affect the character of a listed building will also require listed building consent.

Within Edinburgh, a regulation 11 Order is in place which removes deemed consent for most advertisements on the Royal Mile. This is known as an Area of Special Control. Unauthorised advertisements within the Area of Special Control which result in unacceptable impacts on amenity will be treated as a priority.

**It is important to note that planning cannot control the content of any advertisement. This would be a matter for the Advertising Standards Agency.**

### Monitoring Major Developments

The Planning (Scotland) Act 2019 introduced provision for Planning Authorities to include a statement within their Planning Enforcement Charter setting out how they monitor and record compliance with planning permission for

major developments.

It is primarily the responsibility of the developer to ensure they are in compliance with the terms of a permission. Where permission has been granted subject to conditions which prohibit the commencement of development on site, Officers undertake to ensure that these conditions are complied with. Information relating to the compliance with conditions is recorded in the application file and is available to view via the planning portal. This approach is supported by the Council's existing monitoring frameworks for legal agreements and the implementation and delivery of major housing and commercial use sites. Where further guidance relating to monitoring of major developments is brought in to force we will continue to review our processes and will update this statement as appropriate.

## Enforcement Service Priorities

The Development Plan provides the policy framework for development across the City of Edinburgh. Unauthorised development which raises significant issues of conflict with the development plan is unlikely to be supported by the Council and may be subject to enforcement action.

### Listed Buildings and Conservation Areas

The City of Edinburgh has a rich heritage with over nine thousand Listed Buildings and fifty designated Conservation Areas. The Old and New Towns are designated as a UNESCO World Heritage Site and are recognised for their contribution to European urban planning.

Planning enforcement has a responsibility in helping ensure that the character and appearance of land and buildings which contribute positively to the city's heritage are preserved.

Priority will be given to remedying unauthorised works which:

- Have resulted in unacceptable impacts to Category A listed buildings and listed buildings within the World Heritage Site;
- Have significant adverse impacts to the character of a conservation area.

However, it is also important to recognise that a number of the City's buildings have been altered and adapted over time and this may have already significantly compromised their character. This will be taken into account when considering the expediency and proportionality of any potential enforcement action.

A similar approach will be taken when considering the expediency and proportionality of any potential enforcement action in respect of unauthorised works within a conservation area.

### Short Term Lets

The Council recognises the impacts that short term commercial visitor accommodation, short term lets, can have on neighbourhood character and residential amenity.

Planning enforcement will continue to investigate and take action where unauthorised changes of use to short term lets would have a materially detrimental effect on the living conditions of nearby residents, or where there is unacceptable conflict with policies in the Local Development Plan. Enforcement action will have regard to **any future the** designated short-term let control area and Planning Enforcement will work with other Council services to support the implementation of any related licensing scheme.

### Trees

It is an offence to carry out works to protected trees that results in their uprooting, felling, lopping or wilful destruction, without the prior consent of the planning authority. This includes trees that are subject to a Tree Preservation Order (TPO), and trees within a Conservation Area. Where protected trees have been removed or destroyed formal action can take the form of service of a Tree Replacement Notice requiring tree replacements. In certain cases, reports for offences in respect of trees may be submitted to the Procurator Fiscal and, if successful, can result in fines up to £20,000.

All enquiries relating to alleged unauthorised work on protected trees will be investigated as a matter of urgency.

### Residential Amenity

Where the Council is concerned that a breach of planning control may require immediate action to address serious material harm to residential amenity, this will be investigated as a matter of urgency.

## Investigation Process

### Registration of your enquiry

When an alleged breach of planning control is submitted, we check it to ensure that it includes all the detail required for a possible enforcement case to be investigated. This must include a full address for the location of the alleged breach (including number and flat position where possible), legitimate enquirer contact details, and a description of the alleged breach and any associated impacts or harm.

It may be necessary to request further information from you before we can register your enquiry. This might include copies of relevant photographs or a more detailed account of the alleged breach and its specific impacts on you.

### Your role in the investigation

In your role as the enquirer, we will need you to engage in the investigation process. For detailed investigations and enquiries involving alleged harm to amenity it may be necessary for enquirers to actively contribute to evidence gathering procedures. This can include providing access to your property to carry out appropriate tests, providing written witness statements and participating in interviews. We may also need to involve other Council services where specific impacts of the alleged breach require additional technical assessments to be carried out. Failure to engage with the investigation process may mean we are unable to progress with a detailed investigation and this is likely to result in the case being closed with no further action being taken.

Our service standards identify the key stages in an investigation where we will provide updates on how the case is progressing. While we aim to respond to correspondence which raises additional material considerations not raised in your initial enquiry in accordance with the [Planning and Building Standards Customer Service Charter](#), we may not be able to provide responses to repeat correspondence or correspondence which does not raise concerns of planning harm.

Occasionally, the behaviour or actions of customers using our service can make it difficult for us to deal with their enquiry. If we consider a customer's actions to be unacceptable we may restrict or change access to our service in accordance with the [Council's managing customer contact policy](#). This is to ensure we can protect our staff and the services we provide to our customers.

Unacceptable actions include aggressive or abusive behaviour, unreasonable demands, unreasonable levels of contact, and unreasonable use of the complaints process. Further information can be found on the Council website.

Where insufficient information is provided and where no significant concerns of material harm have been raised, it may not be possible to carry out a detailed investigation.

Where your enquiry concerns purely non-planning matters an investigation will not be opened however your enquiry will be passed to another relevant Council Service where appropriate.

Service Standard: After preliminary checks, enforcement enquiries which have sufficient information will be registered within five working days of receipt and an acknowledgement will be sent to the enquirer.

### Initial Investigations

To ensure that we focus our resources on investigating and resolving alleged breaches which are resulting in obvious and significant material harm, cases will be allocated to reflect our service priorities.

In practice, this means that if your enquiry raises genuine planning matters, but the level of material harm is low and any associated impacts do not widely affect public amenity, your enquiry may only be progressed to a detailed investigation when there is sufficient capacity to do so, or, timescales to complete the investigation may be affected. This can include enquiries where the alleged breach:

- Is likely to benefit from permitted development,
- Involves very minor departures from approved plans, or
- Is not widely visible from common or public land.

Once an enforcement case has been set up, an Officer will carry out preliminary investigations and may undertake a site visit. The need and timescales for a site visit will depend on the nature and urgency of the alleged breach and the level of information provided by an enquirer.

Once initial investigations have been carried out, a proposed course of action will be decided as soon as possible. In some cases, a more detailed investigation is required to establish if a breach has occurred, and this can significantly lengthen the process involved in reaching a decision.

Service Standard: You will receive an update within 20 working days of registration of your enforcement enquiry. For cases where no breach has been identified or the breach is minor and does not give rise to significant harm, we will aim at this stage to include notification if no further action is being taken and the case is to be closed.

## Actions and Outcomes

### Resolving Cases

Resolving cases involves two decisions – i) whether a breach of planning control has occurred, and ii) where a breach has occurred, whether it is expedient to take enforcement action. The decision to take formal action is at the discretion of the planning authority and is a matter of judgement. **There is no right of appeal if the Council decides not to take enforcement action.**

**There are three possible outcomes when resolving cases; no further action, informal action and formal action.**

### No Further Action

Where there is no breach, or a breach of planning control is identified which is not resulting in material harm and no remedial works are required, it would not be expedient to take any further action and the case will be closed. This can include:

- minor exceedances of permitted development rights
- minor departures from approved schemes
- occurrences where the outcome of any enforcement action would not result in a significant gain or benefit.

Service Standard: Where no further action is to be taken we will aim to close the enquiry no later than three months from the date the initial enquiry was registered.



### Informal Action

Where a breach of planning control requiring remedial action is identified, and where it is practicable to do so, the Council will seek to resolve the breach through negotiation. This can involve a request to carry out further works. It can be difficult to predict timescales and progress can be delayed for a number of reasons.

For more substantial breaches of planning control where the unauthorised development is likely to be acceptable, but may require modification or control by conditions, it may be more appropriate to seek the submission of a planning application and there are provisions in the Planning Acts for the planning authority to require applications to be made in retrospect. In most cases, potential enforcement action is suspended until the application is determined.

The Council recognises that delays can be a source of frustration to those affected by potential breaches, particularly if they consider their amenity is affected. We will try to keep you informed at significant stages in the investigation process, such as when remedial works are agreed or when a planning application is submitted. To ensure efficient use of our resources, Officers may not be able to provide additional interim updates or respond to follow-up enquiries which do not raise new material concerns.

You will be informed once a final decision has been made and an investigation report will be produced to explain why the case is being closed or why formal action is recommended.

Service Standard: Where informal action is appropriate, we will seek to negotiate a suitable outcome to resolve the breach within 3 months from the date the enquiry is registered. (This may take up to 6 months for Short Stay Commercial Visitor Accommodation cases).

### Formal Action

Where unauthorised development is not acceptable, or it has not been possible to resolve the case through informal negotiation, formal action will be taken.

With only a few exceptions, the Chief Planning Officer has delegated authority to proceed with such action without referral to the Development Management Sub-Committee. Formal action is instigated by the service of a notice (see Types of Notice). These all include the following information:

- A description of the breach of control which has taken place;
- The steps which should be taken to remedy the breach;
- The timescales for taking these steps;
- The consequences of failure to comply with the notice; and
- Rights of appeal where appropriate.

The planning authority has additional powers, including the use of interdicts, which complement the serving of notices. Further information is provided on pages 10 to 12 of this charter.

Service Standard: Where formal action is required, we will aim to serve the enforcement notice either within 3 months from the date the enquiry is registered, or within 1 month of the informal action stage where negotiation has not resolved the breach. (This may take up to 6 months for Short Stay Commercial Visitor Accommodation cases).

Where a notice is appealed this will add to the timescale to resolve the breach. If an appeal is successful, the notice will not take effect and the Council may be limited in what further action can be taken.

When a notice has been complied with a closing report will be published on the Planning portal and the enquirer will be notified.

If a notice is not complied with, and it is expedient to do so, the Council may take further action to remedy the breach of planning control, including:

- Prosecution through the Courts;
- Carrying out works in 'default' of an Enforcement Notice. This means the Council may arrange for works to be carried out and then recover the cost of this work from the recipient of the notice. This is known as direct action.

If the recipient of an enforcement notice is found guilty of contravening the notice, a maximum fine of £20,000 may be imposed by the Courts. If the notice is still not complied with, a second prosecution may be sought with a recommendation that courts impose a 'continuance fine' which will apply every day the notice is in breach.

Service Standard: Where a notice has been served, we will aim to confirm that it has been complied with within 1 month of the end of the compliance period or, where appropriate, progress any further action within 3 months from the end of the compliance period.

Service Standard: Where a breach of planning control has required informal or formal resolution an investigation report will be published explaining our decision.

### Appeals

In most cases, if an appeal is lodged against a notice, it is submitted to and considered by Scottish ministers. In almost all cases appeals are dealt with by Reporters from the Scottish Government’s Planning and Environmental Appeals Division (DPEA). There is no appeal against breach of condition notices however these may be challenged in court. There is no provision in planning legislation for enquirers to appeal the Council’s decision. Any challenge to that decision would be a legal matter.

Service Standard: We will inform the enquirer within 5 working days of receipt of an appeal against an enforcement notice served by the Council.

### Burden on Property

In some circumstances where a notice has not been complied with the Council may decide not to take any action and leave an extant enforcement notice as blight on land/property. This can lead to a delay if a house/land is to be sold and the sellers agents require these breaches to be rectified for the sale to conclude. Where there are any outstanding financial implications registered against land/property that appear on a Councils Property Enquiry Certificate, all sums due to the Council will be deducted from the future sale of that land/property.

### Enforcement Register

Details of enforcement notices, breach of condition notices and stop notices are entered into an Enforcement Register, which forms part of the Planning Register. These are available at Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG and on the Council’s website.

## Enforcement Legislation

Planning Enforcement powers are set out in Part VI of the Town and Country Planning (Scotland) Act 1997; in part VII, regulations 24 to 26A of the Town and Country Planning (Control of Advertisements)(Scotland) regulations 1984; and in Chapter IV of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Government policy on planning enforcement is set out in Circular 10/2009: Planning Enforcement. The Planning Acts and this publication are available online

## Customer Care

[The Planning Customer Charter](#) sets out the standards that customers should expect in their dealings with the service. The service is committed to providing high quality customer care and suggestions on how we could improve the service are welcomed. We are committed to dealing fairly, honestly and promptly with any concerns. However, if there has been a service failure, we want to hear from you.

We will consider all complaints made about the way in which your enquiry was dealt with however, disagreement with a decision of the Council will not in itself be a ground for complaint.

The quickest way to sort things out is to talk to the officer concerned. However if you are still dissatisfied, you can use Council's online [Complaints Form](#) to receive a formal response. If, after you have gone through our complaints process you still feel aggrieved, you have the right to take the complaint to the Scottish Public Services Ombudsman (SPSO). The power of the SPSO does not extend to the amendment of planning enforcement decisions – the function of the SPSO in planning cases is to judge whether Councils have fulfilled their duties reasonably.

## Types of Notice

### Breach of Condition Notice

Makes provision for enforcing the conditions to which any planning permission is subject. It is effective on the date of service. It may be used as an alternative to an enforcement notice (see below) and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal against this notice. Those receiving the notice may make representations to the planning authority if they believe the notice to be unreasonable. Summary prosecution in Court is available for contravening a breach of condition notice.

### Enforcement Notice

This notice is generally used to deal with unauthorised development but can also be used for a breach of planning conditions. There are similar notices and powers to deal with listed buildings (see below), and advertisements. An Enforcement Notice will specify a time period to take effect (usually a minimum of 28 days); and will specify what steps must be taken to remedy the breach and the period by which these steps must be completed. There is a right of appeal against an Enforcement Notice, and the terms of the notice are suspended until a decision is reached on the appeal to the Scottish Ministers. Failure to comply with the terms of an **Enforcement Notice within the time specified is an offence and may lead to the imposition of a fine in the Sheriff Court.**

### Fixed Penalty Notices

Where an Enforcement Notice (or Breach of Condition Notice) has been served and has not been complied with, the Council can serve a Fixed Penalty Notice (FPN) on the recipient of the notice. The fine is £2000 for an FPN relating to a planning Enforcement Notice and £300 in respect of failure to comply with a Breach of Condition Notice. There is no right of appeal against these notices, although timeous payment prevents the council from reporting the noncompliance with the original notice to the Procurator Fiscal.

### Listed Building Enforcement Notice

This must be served on the current owner, lessee, occupier and on anyone else with an interest in the property, and the procedures involved are similar to those outlined above. The notice must specify the steps to be taken to remedy the breach and specify a final date for compliance. If the current owner fails to meet the terms of the notice by the date specified, they are guilty of an offence. There is the right of appeal to Scottish Ministers against the notice. Breaches of listed building controls are a serious matter. It is a criminal offence to undertake unauthorised works to demolish, significantly alter or extend a listed building, and this could, in certain circumstances, lead to either an unlimited fine or imprisonment.

### Stop Notice

This is only used in particularly urgent or serious cases where unauthorised activity must be stopped. This is usually where there are implications for public safety or a significant impact on public amenity. A Stop Notice is served with an Enforcement Notice. A Stop Notice cannot prohibit the use of a building as a dwellinghouse or prohibit the carrying out of any activity if the activity has been carried out for a period of more than four years. If a Stop Notice is served without due cause, or a subsequent appeal against a parallel Enforcement Notice is sustained, the Council may be open to claims for compensation. The use of Stop Notices therefore needs to be carefully assessed by the Council. There is no right of appeal against a Stop Notice, and failure to comply with its terms is an offence.

### Temporary Stop Notices

In certain cases where a breach of planning control is considered to have a severe impact on amenity, a Temporary Stop Notice can be served. These do not require to be accompanied by an Enforcement Notice and last for a maximum of 28 days.

### Notice Requiring Application for Planning Permission for Development Already Carried out

Where the planning authority considers that a development which does not have planning permission may be acceptable (i.e. they consider that it might be granted planning permission) they may issue a notice requiring the landowner or developer to submit a retrospective planning application. This application will be considered on its planning merits and handled in the same way as any other planning application. Issuing such a notice does **not** guarantee that permission will be granted; the planning authority may, on consideration of the application, decide instead to refuse permission, or to grant permission subject to conditions or alterations to make the development acceptable.

## Other Powers

### Planning Contravention Notice

Used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier of the land in question; on a person with any other interest in the land; or on a person who is using or carrying out operations on the land. Those who receive a Planning Contravention Notice are required to provide specified information about operations being carried out on the land or relating to conditions or limitations which apply to any planning permission granted in respect of the land. Supplementary information or representations on the matters raised in the notice may also be requested. Failure to comply with the notice within 21 days of it being served is an offence and can lead to a fine in the Courts.

#### Notice under Section 272 (of the Town and Country Planning (Scotland) Act 1997)

Provides limited powers which enable information to be obtained regarding interests in the land, and the use of the land. Failure to provide the information required is an offence.

#### Notice under Section 179 (of the Town and Country Planning (Scotland) Act 1997)

Provides planning authorities with the power to serve a notice on the owner, lessee or occupier of land, the condition of which is adversely affecting the amenity of the area. The notice, which is also known as an 'Amenity Notice' sets out the steps to be taken to decrease the adverse effect of the condition of the land within a specified period.

#### Interdict and Interim Interdict

Used to stop or prevent a breach of planning control. Such applications are considered by the courts. Before initiating proceedings, the planning authority will need to assess the likely outcome and the risk of incurring wasted expenditure.

#### Power to Enter Land

The Council has powers to enter land to find out if there has been a breach of planning control, to check whether there has been compliance with a formal notice, or to check whether a breach has been satisfactorily resolved. This power applies to *any* land and may involve officials entering land owned by neighbours adjacent to the site of the breach or alleged breach.

#### Direct Action

Failure to comply with the terms of an enforcement notice within the time specified can result in the Council carrying out the specified work. The Council may recover any costs it incurs from the landowner.

#### Removal and Obliteration of Placards and Posters

The Council has powers to remove or obliterate placards and posters that do not have express or deemed advertisement consent. If the person who put up the poster can be identified, they have to be given at least two days' notice that the Council intends to take the poster down. If they cannot be readily identified, then the advert can be removed immediately.

Council officials can enter unoccupied land, if necessary, to remove an advertisement. However, they have no powers to remove advertisements displayed within a building to which there is no public access.

## Contact Details

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

Telephone: 0131 529 3550

Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

Report a possible breach of planning control at  
[www.edinburgh.gov.uk/planningenforcement](http://www.edinburgh.gov.uk/planningenforcement)



**HAPPY TO TRANSLATE**

ترجمہ کے لئے حاضر آمانہوں سے انুবاد کر رہا  
يسعدنا توفير الترجمة MOŻEMY PRZETŁUMACZYĆ 很樂意翻譯

The City of Edinburgh Council  
Place Directorate  
December 2023



APPENDIX 2

# Planning Customer Service Charter

## Contents

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## What this Charter does

This Charter explains what the Council's Planning service does and what its customers can expect from us. It begins by setting out what you can expect from us when contacting the service and then more specific standards linked to our three main responsibilities which are planning policy, development management, planning enforcement.

### Planning

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

### What you can expect from us

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

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

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

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

#### If you visit us: \*

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

\* Our Helpdesk is an email service with customer call-backs where necessary.

## Planning service

### Policy Framework

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

Scottish Government legislation requires that all Councils prepare a document setting out principles for where development of land will be allowed and where buildings and green spaces will be protected. These are called **Development Plans**. In Edinburgh, the Scottish Government requires that this Development Plan be made up of two documents: [National Planning Framework](#) 4 and the adopted Local Development Plan.

**The Local Development Plan** for Edinburgh contains detailed policies and proposals for the future use of land and the protection of the natural and built environment over a 10-year period. This includes key topics such as identifying sites for housing to meet the requirements set out by the Scottish Government. Preparation of the document begins with the evidence gathering stage which includes inviting communities to prepare a [local place plan](#) and preparing the evidence report.

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

The next local development plan will be called City Plan 2030 and was approved in its proposed form in September 2021 and it is expected to be adopted in 2024.

## The Local Development Plan

### What you can expect from us:

- The programme for adopting City Plan 2030 and the preparation of the next local development plan – [City Plan 2040](#) – can be found in a document called the Development Plan Scheme at [www.edinburgh.gov.uk/cityplan2030](http://www.edinburgh.gov.uk/cityplan2030)
- We will update this document annually.
- We will use a range of ways of making sure there are opportunities to comment on future plans including using the [Council's Consultation Hub](#), drop-in sessions, website information and workshops.

As stated above, the “Development Plan” for the city consists of National Planning Framework 4 and the Local Development Plan. Planning applications must be decided in line with the content of the Development Plan unless there are important planning reasons for an alternative decision.

## Planning Applications

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

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

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

Further information is on our [major applications webpage](#).

### **Pre-Application Consultation**

#### **What you can expect from us:**

- We will assess Proposal of Application Notices in accordance with the [Edinburgh Development Concordat](#) which sets out how the Council, communities and developers work together on major developments.
- We will expect developers to carry out more than the minimum consultation for more complex and contentious cases and we will encourage developers to set up websites to allow communities to access information and make comment more easily.

Further information can be found in our [Pre-Application Consultation Process Guidance Note](#).

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

- Online applications are submitted via the Scottish Government ePlanning website at [www.edevelopment.scotland.gov.uk](http://www.edevelopment.scotland.gov.uk).
- Forms can be downloaded from ePlanning.

As well as applications for planning permission, there are many other types of application depending on what it is you are proposing.

Heads of Planning Scotland have prepared [standards for the validation and of planning applications and other related consents](#).

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

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

## Making an application for planning permission

### What you can expect from us

- **Within 5 working days**, we will check your application and advise you of any problems. It is the responsibility of the applicant to ensure that their application is submitted correctly. Further information on the process and what should be submitted is in the [guide to the Validation of Applications](#).
- **Within 10 working days** of a valid application being received, we will send you an acknowledgement letter and inform you of the planning officer who will be dealing with it and the timescale for making a decision.
- If a professional agent is used to submit a planning application, we will deal with the agent rather than the applicant in all discussions and negotiations. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to, the process.
- **Within 15 working days** of a valid application being received, we will carry out neighbour notification and consult on the application, where it applies. Notification involves sending a letter to all postal properties within 20 metres of the application site giving details of the proposal and highlighting that comments must be made to the planning service within 21 days from the date of the notification letter. Some applications are also advertised in the Evening News and a site notice is put up nearby.
- **Within 25 working days** of a valid application being received, we will visit the site where appropriate. The case officer will advise if minor changes are needed to make the proposals acceptable. If we do accept amendments during the application process, we will only arrange for neighbours to be re-notified if the changes raise new planning matters. However, if substantial changes are needed, we will refuse the application.



\* Decision making times include period up to signing of any legal agreement, after which planning permission is issued. National average times are published annually by the Scottish Government here: <https://www.gov.scot/collections/planning-statistics/>

### **Time Performance Indicators**

#### **Major and Local Developments**

We aim to issue decisions\* within the timescales set in processing agreements and/or extensions, or faster than the national average time where bespoke timescales have not been agreed.

#### **Householder Developments**

We aim to issue decisions faster than the national average time.

#### **Listed Building Consents**

We aim to issue decisions within 8 weeks.

### **Commenting on someone else's planning application**

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

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

There is no statutory requirement to consult on Certificates of Lawfulness for a Proposed Use or Development, non-material variations and Tree work applications. Comments received on non-material variations and tree work applications are not taken into account in the assessment of these applications.

Comments may be made in relation to Certificates of Lawfulness. However, they will only be taken into account where they raise matters in relation to the lawfulness of the application and not on planning issues as described below.

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

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

We cannot consider comments on non-relevant planning issues such as;

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

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

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

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

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

**What you can expect from us:**

- You will have the opportunity to receive an automatic email acknowledgement when commenting online using the Planning and Building Standards Portal.
- We will send you a letter acknowledging receipt if you comment by letter or email.
- We will consider all comments on applications provided they are submitted on time and the comments are relevant to planning issues. We will only consider late comments if they raise important planning matters that were not previously considered. We do not accept anonymous comments.
- We will make a summary your comments known to the agent during the consideration of an application, but we will not make your personal details available at that time.
- We will only re-notify you of changes to the application if they raise new planning issues: changes can be viewed on the [Planning and Building Standards Portal](#).
- We are unable to discuss the merits or demerits of a case with objectors or other third parties when an application is being considered as this may affect the objective assessment of the proposal. We will not provide a direct response to the issues raised in the comments submitted.
- We will inform you of the decision on the planning application.
- Comments on Committee items will be publicly available online when the agenda is published for the meeting. Comments on delegated items will be publicly available online after the decision has been issued. We will redact personal information such as email addresses, phone numbers and signatures. Comments will be taken offline 6 months after the decision is issued.
- We will deal with requests for comments to be taken offline before 6 months as sympathetically as possible.

### **Making a decision on a planning application**

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

In other cases, the planning officer makes a recommendation to the [Development Management Sub-Committee](#) or a Full Council meeting in some circumstances and the decision is then taken by the city’s councillors.

#### **What can you expect from us:**

- We will notify you or your agent within 4 working days of the decision being made.
- We will notify all those who have made comments on the application within 4 working days of the decision being made.
- We will place a copy of the decision notice and the report of handling on Planning and Building Standards Portal.

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

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

In cases that cannot be decided by a Local Review Body, the applicant has the right to appeal to Scottish Ministers. Further information is available at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk)

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

\*Our Helpdesk is an email service with customer call-backs where necessary

**If a scheme needs to be changed after the decision:**

A Non-Material Variation can be requested for changes which are unlikely to raise any new planning issues. For changes which raise new planning issues requiring assessment, a new planning application will be required.

Further details on Non-Material Variations are available at [Non-Material Variations](#).

**Seeking Advice**

The Council is committed to giving advice on a range of planning proposals. Details of general planning advice and our pre-application service are online.

**What you can expect from us:**

- If you have a general enquiry about a planning matter, we will aim to respond within 10 working days. As part of this process, we will advise you to where you can find the information online.
- The Planning Help Desk operates between 9am – 1pm and will respond to general enquiries by email every weekday other than between Christmas and New Year. \*
- The Council offers two tiers of [pre-application advice](#): **generic** and **bespoke**.  
**Generic** advice is free on the Council website that customers can use to determine whether their proposals are in accordance with planning policies.  
We will not generally give advice on the following types of development as the information can be found online; householders, windows, driveways, straight forward change of uses, adverts. Advice on these types of proposals can be accessed in the [planning quick guides](#).

### **Works where there is no Record of Permission**

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

#### **In relation to Planning**

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

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

If you have a listed building and have done work to it without consent or confirmation that may need consent, you should read out guide to [Selling Your Home](#).

You can check [online whether work has consent](#).

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

#### **Retrospective Works - What you can expect from us:**

- In all cases, the target response time is 10 working days.
- We will direct you to our online systems if you want to check whether work has permission.
- We will direct you to our enforcement breach form if you think work has been carried out without Planning permission.
- We will advise you to apply for a certificate of lawfulness if you need a legal decision on whether planning permission is needed.
- We will direct you to our guidance on Guide to selling your home if work has been done to your listed building without consent. Alternatively you can apply for listed building consent as we do not issue letters of comfort.

### Information Requests

The Planning Service holds a great deal of information. Some has to be kept in perpetuity, but other information is only kept in accordance with a records retention schedule. Under the Public Records (Scotland) Act 2011 the Council is obliged to keep schedules of what records we keep and for how long we keep them. You can check if we've already published the information that you want. If you cannot find the information you want online, you can request information via our [Managing Information](#) webpage. Information requests are dealt with centrally within the Council and the Planning service will send any information requests to that unit for processing.

Anyone has a right to request information from a public authority. Many planning applications and certain data relating to building warrants are available online on the [Planning and Building Standards Portal](#).

Details of Tree Preservation Orders are online at [www.edinburgh.gov.uk/privatelyownedtrees](http://www.edinburgh.gov.uk/privatelyownedtrees)

### What you can expect from us:

- We will hold information in accordance with our records retention schedule.
- We will make information available online in accordance with the [Council's publication scheme](#).
- The [Plan Store](#)\* where you can view and copy paper records, when authorised to do so, will be open from 9am to 12 noon and 2pm to 4pm, Monday to Thursday. It is closed all day Friday and between Christmas and New Year.
- Document requests to the Plan Store can be made using the online request form, with all requests sent out by post / email
- We will send any environmental information requests to the Freedom of Information team for processing and you will receive a response within 20 working days.

\* The plan store is currently closed to the public.

### Complaints

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

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

- frontline resolution
- investigation

### **Frontline resolution**

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

### **Investigation**

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

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

### **Data Protection**

When handling personal data, the Council must do so fairly and lawfully in accordance with the General Data Protection Regulations. Our [privacy notice](#) sets out what happens to your details when you make a planning application or submit comments. You should note that your name, address and stance will be published on the public comments tab of the planning portal as soon as you make your comment. Personal details such as email addresses, phone numbers and signatures will not be published.

Where appropriate other "sensitive" personal information within documents will also be removed prior to publication online.

However, all other information relating to a planning application will be available for public inspection in line with the planning acts.

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



**What you can expect from us:**

- We will comply with the Data Protection Act when we publish information.
- We will redact any personal email addresses, phone numbers, signatures and other personal information from our online records
- We will consider whether we can remove information from our website if you are not happy about its publication.



## Contact Us

### Planning Enquiries

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

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

Sign up to the [Planning Blog](#) to keep up-to-date on planning related

news Follow us on Twitter [@planningedin](#)



# Planning Committee

2.00pm, Wednesday, 15 November 2023

## Training and Awareness Raising Programme

Executive/routine  
Wards

All

### 1. Recommendations

---

- 1.1 It is recommended that Committee agrees the themes for the training and awareness raising workshops for 2023/24.

**Paul Lawrence**

Executive Director of Place

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

E-mail: [David.givan@edinburgh.gov.uk](mailto:David.givan@edinburgh.gov.uk) | Tel: 07525618478

## 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 for 2023/24.

### 3. Background

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- 3.1 A member training and awareness raising programme has been in place for the Planning Committee over the last six 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 [9 February 2023](#) the Council approved the Council Diary 2023/24. The five dates approved for training and awareness will be added to the Council diary for the identified afternoons as follows:
- Wednesday 29 November 2023;
  - Wednesday 20 March 2024;
  - Friday 26 April 2024;
  - Thursday 13 June 2024 Annual Committee Tour (half day); and
  - Friday 21 June 2024.

4.2 Proposed themes for the 2023/24 programme will include:

**4.2.1 Planning Legislation**

- Planning Act 2019 progress;
- Update on planning legislation and/or regulation changes; and
- Update on National Planning Framework 4 Delivery Programme.

**4.2.2 Development Planning and Policy**

- Update on Proposed City Plan 2030;
- Update on Proposed City Plan 2040;
- Overview of Local Place Plans; and
- Provision of focused training on addressing the nature emergency and biodiversity considerations for new development.

**4.2.3 Development Management**

- Internal and external consultee engagement in the application process;
- Planning Obligations workshop;
- Cycle and car parking; 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 Committee 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**

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5.1 The proposed training and awareness themes will be delivered over the course of the remaining year and into 2024.

## **6. Financial impact**

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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. Equality and Poverty Impact**

---

- 7.1 There are no impacts on equality, human rights or socio-economic disadvantage arising from this report.

## **8. Climate and Nature Emergency Implications**

---

- 8.1 There are no impacts on climate change and the nature emergency arising from this report.

### **Environmental Impacts**

- 8.2 There is no direct impact on the environment resultant from the training and awareness programme.

## **9. Risk, policy, compliance, governance and community impact**

---

- 9.1 There are expected to be no significant impacts relative to risk, policy, compliance and governance resultant from the training and awareness programme.
- 9.2 By providing training and raising awareness it is anticipated that the community will benefit due to supporting and enhancing the knowledge of elected members on planning matters.
- 9.3 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.

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

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- 10.1 None.

## **11. Appendices**

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- 11.1 None.

# Planning Committee

2.00pm, Wednesday, 15 November 2023

## Edinburgh as a Feminist City – Appointment of Working Group

Executive/routine  
Wards

All

### 1. Recommendations

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- 1.1 Planning Committee is asked to:
  - 1.1.1 Appoint the membership of the Edinburgh as a Feminist City Short Life Cross Party Working Group as detailed in Appendix 2;
  - 1.1.2 Approve the remit of the Working Group as detailed in Appendix 2.
  - 1.1.3 Instruct the Working Group to prepare the workplan referred to in the Edinburgh as a Feminist City Motion in Appendix 1; and
  - 1.1.4 To request that the Working Group updates Committee, in due course, on the outcome of this work.

#### Paul Lawrence

Executive Director of Place

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

E-mail: [David.givan@edinburgh.gov.uk](mailto:David.givan@edinburgh.gov.uk) | Tel: 07525618478

## Edinburgh as a Feminist City – Appointment of Working Group

### 2. Executive Summary

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- 2.1 This report presents a proposal for an Edinburgh as a Feminist City - Short Life Cross Party Working Group to be established to ensure that Edinburgh can deliver gender equality through its design and culture fostering the creation of safe and inclusive spaces for women and people of marginalised genders.

### 3. Background

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- 3.1 An adjusted motion by Councillor O'Neill (Appendix 1) was agreed by the Council on 4 May 2023, which outlined the need to create safer, more inclusive spaces for women and people of marginalised genders. Gender equity was identified as being central to land use planning, and the management and design of public spaces as a means of improving Edinburgh to be considered a 'Feminist City'.
- 3.2 The amended motion requested that a Short Life Cross Party Working Group be established to consider how both ongoing and planned strands of work within the Council and relevant to the promotion of safety of women in public spaces, could support the production of a report to be presented to Planning Committee summarising key outcomes to meet the motion aims.

### 4. Main report

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- 4.1 Committee is asked to approve the establishment of an "Edinburgh as a Feminist City Working Group", comprising Elected Members and Officers, in line with the requirements of Framework of the Appointments to Working Groups Report approved at Council 16 March 2023.
- 4.2 The Working Group will liaise with representatives of the Women's Safety in Public Places Community Improvement Partnership (WSPP CIP) to share regular updates on progress.



- 4.3 The proposed membership of the Working Group should be nominees from the five main party groups. In addition, officers who represent relevant service areas will be included within the membership as required by the chair of the Working Group. Appendix 2 contains the proposed membership.
- 4.4 Membership, as proposed, ensures elected members' leadership and representation, together with officer input from service areas that link to Planning, Placemaking and Mobility and Public Protection, especially the Equally Safe Edinburgh Committee which is working to promote the safety and equality of women and girls across Edinburgh.
- 4.5 The Working Group will provide a forum to discuss existing and emerging work streams within the Council which relate to delivering gender equality through design of development and culture, fostering the creation of safer and more inclusive spaces for women and people of marginalised genders.

## **5. Next Steps**

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- 5.1 If Committee approve the recommendations in this report:
- 5.1.1 The Working Group will be established;
  - 5.1.2 The Council will explore and implement steps to deliver gender equality through design and through developing a culture that promotes safe and inclusive spaces for women and people of marginalised genders in Edinburgh;
  - 5.1.3 The Working Group will consider and implement a plan to evaluate the impact of any changes and measures implemented as a result of this work; and
  - 5.1.4 The Working Group will report to Planning Committee by end 2024. Where work relates to the remit of other committees, separate reports will be prepared.

## **6. Financial impact**

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- 6.1 There are expected to be some financial impacts arising from potential policy changes recommended by the working group.
- 6.2 Impacts may include reappportioning existing budget within the Planning service to resource additional work. Full details of any impacts will become clear as work progresses.

## **7. Equality and Poverty Impact**

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- 7.1 There is expected to be a positive impact on all protected characteristics, particularly those relating to sex and gender as a result of the work undertaken by

the Working Group and associated outcomes. Full details of any impacts will become clear as work progresses.

## **8. Climate and Nature Emergency Implications**

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### **Environmental Impacts**

- 8.1 There is no direct impact on the environment resultant from the formation of the Working Group and any potential impact from resultant policy implementation will be assessed.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 There are expected to be some governance impacts associated with Planning Committee as governing body for the working group. There may also be policy impacts associated with the report to be produced by the Working Group. Full details of any impacts will become clear as work progresses.
- 9.2 The WSPP CIP have been consulted on the proposal to establish this Working Group. The WSPP CIP is chaired by the Equally Safe Edinburgh Committee and reports to the Edinburgh Community Safety and Justice Partnership and is fully supportive of any work to make Edinburgh safer for women and people of marginalised genders.
- 9.3 A comprehensive consultation and engagement process will inform the production of any policy and guidance resultant from the report summarising the outcomes of the working group.

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

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- 10.1 None

## **11. Appendices**

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- 11.1 Appendix 1 – ‘Edinburgh as a Feminist City’ Motion approved by the Council on 4 May 2023.
- 11.2 Appendix 2 - Working Group Proposed Membership and Terms of Reference for consideration once formed.

## Appendix 1

Approved motion - - 4 May 2023

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- 1) To recognise that more work was needed to create safer and inclusive spaces for women and people of marginalised genders and that it was fundamental that gender equity was central to land use planning, and the management and design of public spaces.
- 2) To also recognise the disparity in women's everyday lives which was exacerbated by lack of local and accessible job opportunities, lack of proximity to services including women's healthcare services, lack of efficient public transport, and lack of access to green space and a safe public realm.
- 3) To note the Violence Against Women and Girls Priority Papers published by Public Health Scotland which identified key areas of work including Place, Early Years, Mental Health, Inclusive Economy and Being Healthy and Active.
- 4) To commend the existing work of Equally Safe Edinburgh that promoted the delivery of an integrated, high-quality response to violence against women and girls, and children and young people affected by gender-based violence in Edinburgh.
- 5) To further commend the work of the Women's Safety in Public Places Community Improvement Partnership, which was taking a broad approach to tackling the safety of women in the public spaces of the city.
- 6) To note the other review work being done to create a more inclusive Edinburgh across the Council, including Equality Impact Assessments, the refreshment of Edinburgh Design Guidance, Active Travel Plan, the Circulation Plan, Open Space Strategy, and the formation of City Plan 2030.
- 7) To note the process to 'The Getting Home Safely' street audit work undertaken to inform the George Street and First New Town Transformation Project, and this approach was viewed as good practice for similar such projects.
- 8) To further note work being carried out through Transport and Environment Committee, looking at mobility analysis – using CCTV systems to collect a wide range of traffic and mobility data including how pavement users moved around at junctions and locations.
- 9) To believe a gender-neutral approach to city development did not work and that women and people of marginalised genders had diverse needs that were not currently reflected in practice.
- 10) To believe that we could learn from other European cities such as Vienna and Barcelona who had recently published a manual called 'Gender mainstreaming made easy', and a 'Handbook for everyday life urban planning: Urban planning with a gender perspective' respectively, resulting in the implementation of wider pavements, more benches in public spaces, improved lighting, ramps for wheelchairs and buggies and visible commemorations of women and the queer community.
- 11) To recognise that a number of strands of work were either ongoing or being developed to promote the safety of women in public spaces.

12) To agree to set up a short time cross party working group to consider how all these strands could be brought together into a single plan that a) took into account the experience from Vienna and Barcelona, b) made sure the City can provided safer spaces for women and people of marginalised genders and c) ensured gender equity was central to land use planning and the management and design of public spaces.

13) To agree the outcome of this work should subsequently be reported to the Planning Committee.

## **Appendix 2**

### Edinburgh as a Feminist City Short Life Cross Party Working Group

#### **Proposed Membership**

Five representatives, comprising one representative from each of the following Political Groups.

- Conservative Group
- Green Group
- Labour Group
- Liberal Democrat Group
- Scottish National Party Group

In addition, officers who represent relevant service areas will be included within the membership as required by the chair of the Working Group.

#### **Terms of Reference**

##### *Introduction:*

The City of Edinburgh Council will work to ensure that Edinburgh can deliver gender equality through its design and culture, fostering the creation of safer and inclusive spaces for women and people of marginalised genders.

##### *Remit:*

The working group will consider how ongoing and planned strands of work relevant to the promotion of safety of women in public spaces, can support the production of a report to be presented to Planning Committee summarising key outcomes to meet the motion aims. Where there are outcomes relevant to other Committees these will be reported to accordingly. Officers will link to Council service areas as appropriate to ensure a coordinated cross Council approach is maintained throughout. As appropriate, the Working Group will engage with other groups and strands of work (including Accessible Streets and the Women's Safety in Public Places Community Improvement Partnership) as well as other Councils.

##### *Timescale:*

The group will be established in November 2023 to progress the actions agreed by the Council over the course of 2024, with a report summarising outcomes proposed to be presented to Planning Committee in late 2024.

##### *Meeting Arrangements:*

The group will select a chair at its first meeting. The working group will meet frequently in line with key milestones in the strategy development process, until the completion of a report in late 2024 with findings for consideration by Planning Committee. The Group may establish sub-groups to progress individual elements of the overall remit, inviting additional Officers and external Stakeholders as required.

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## Planning Committee

2.00pm, Wednesday, 15 November 2023

### Responsible Construction – Appointment of Working Group

Executive/routine Wards	All
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#### 1. Recommendations

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- 1.1 Planning Committee is asked to:
  - 1.1.1 Appoint the membership of the Responsible Construction Working Group as detailed in Appendix 2;
  - 1.1.2 Approve the terms of reference of the Working Group as detailed in Appendix 2;
  - 1.1.3 Instruct the Working Group to consider options to encourage more responsible construction as referred to in the Motion detailed in Appendix 1; and
  - 1.1.4 To request that a report on findings of the work is brought to Committee within two cycles.

**Paul Lawrence**

Executive Director of Place

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

E-mail: [David.givan@edinburgh.gov.uk](mailto:David.givan@edinburgh.gov.uk) | Tel: 07525618478

## Responsible Construction – Appointment of Working Group

### 2. Executive Summary

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- 2.1 This report presents a proposal for a Responsible Construction - Short Life Working Group to be established to consider options to encourage more responsible construction via engagement with stakeholders including elected members, officers, and representatives from community councils (via the Civic Forum) and members of the Development Forum.

### 3. Background

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- 3.1 The Planning Controls over Construction report to Planning Committee of [13 September 2023](#) was provided in response to a request from the Council on 22 June 2023 regarding control and amendments to permissions which would reduce the impact of construction works on nearby residents. This arose from a motion to Council by Councillor McKenzie.
- 3.2 On 13 September, Planning Committee agreed the report subject to a motion (Appendix 1).
- 3.3 The motion requested that a short life working group be established with stakeholders to consider options to encourage more responsible construction, and to report back to committee within three cycles from that Committee date.

### 4. Main report

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- 4.1 Committee is asked to approve the establishment of a “Responsible Construction Working Group”, comprising Elected Members, Officers, and representatives from community councils via the Civic Forum and representatives of the Development Forum in line with the requirements of Framework of the Appointments to Working Groups Report approved by the Council on 16 March 2023.
- 4.2 The proposed membership of the Working Group should be nominees from the five main party groups. The mover of the original motion to Council should also be included in line with the agreed motion of 13 September 2023. In addition, officers



who represent relevant service areas will be included within the membership as required by the chair of the Working Group. Appendix 2 contains the proposed membership and terms of reference.

- 4.3 Membership, as proposed, ensures elected members' leadership and representation, together with officer input from service areas that link to Planning including Transport and Environmental Health.
- 4.4 The Working Group will provide a forum to discuss ways in which those involved in the construction process can be more responsible which may help to mitigate potential impacts on the amenity of those living within communities in Edinburgh.

## **5. Next Steps**

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- 5.1 If Committee approve the recommendations in this report:
  - 5.1.1 The Working Group will be established;
  - 5.1.2 The group will consider options to encourage more responsible construction, and its findings will be reported back to committee within two cycle; and
  - 5.1.3 Where any recommendations relate to the remit of other committees that will be reported to those committees as appropriate.

## **6. Financial impact**

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- 6.1 If this work recommends changes to Council practices, there may be resultant financial impacts. Such impacts would be reported to committee in the report on the findings of the working group.

## **7. Equality and Poverty Impact**

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- 7.1 There is expected to be no adverse impacts on equality, human rights or socio-economic disadvantage as a result of the work undertaken by the Working Group and associated outcomes.

## **8. Climate and Nature Emergency Implications**

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### **Environmental Impacts**

- 8.1 There is no direct impact on the environment resultant from the formation of the Working Group and any potential impact from resultant implementation of any recommendations will be assessed.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 There are not expected to be governance impacts associated with Planning Committee as governing body for the working group, however any impacts would be reported to Committee with the report on the findings of the Working Group.
- 9.2 If there are requirements for any consultation resulting from the findings of the Working Group, these will be included in the report on findings.

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

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- 10.1 None

## **11. Appendices**

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- 11.1 Appendix 1 – Planning Controls over Construction Motion approved by Planning Committee on 13 September 2023.
- 11.2 Appendix 2 – Responsible Construction Working Group Proposed Membership and Terms of Reference.

## Appendix 1

Approved motion - 13 September 2023

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- 1) To note that planning controls over construction were limited but the Council did exercise some control to ensure adverse impacts of construction were mitigated in relation to noise and on the road network.
- 2) To note the information provided with planning decision notices was reviewed to better signpost developers to expectations around good working practices in relation to neighbours.
- 3) To agree that in addition to 5.1 of the report by the Executive Director of Place that Officers would explore the possibility of improving the information held on the Council website so that residents could better understand what controls the Council did have and who to contact if they had concerns.
- 4) To agree to establish a short-life working group, consisting of representatives from communities affected by construction, representatives of developers and/or the construction industry, one representative per party group and the mover of the original motion, and relevant council officers, to consider options to encourage more responsible construction, and to report back to committee within three cycles.
- 5) To engage with members on advice and expectations around construction that will be sent to developers.
- 6) To discuss with colleagues in environmental health restricting the hours of construction sites.
- 7) To liaise with members on constituent feedback regarding issues that surrounded construction sites.

## **Appendix 2**

### Responsible Construction Working Group Proposed Membership and Terms of Reference

#### **Proposed Membership**

Five representatives, comprising one representative from each of the following Political Groups and the Independent Member who moved the original motion to Council of 22 June 2023.

- Conservative Group
- Green Group
- Labour Group
- Liberal Democrat Group
- Scottish National Party Group

In addition, officers who represent relevant service areas will be included (Planning, Transport and Environmental Health) within the membership as required by the chair of the Working Group, as well as representatives from the Community Councils (3 members) via the Civic Forum and members of the Development Forum (3 members).

#### **Terms of Reference**

##### *Introduction:*

The Working Group will consider options to encourage more responsible construction and review ways in which to mitigate potential impacts associated with construction on the amenity of those within communities in Edinburgh.

##### *Remit:*

The working group will consider how work relevant to controls over the impact of construction on local communities, can support the production of a report to be presented to Planning Committee summarising key outcomes to meet the Motion aims. Where there are outcomes relevant to other Committees these will be reported to accordingly. Officers will link to Council service areas as appropriate to ensure a coordinated cross Council approach is maintained throughout.

##### *Timescale:*

The group will be established in early 2024 to progress the work with a report summarising findings and recommendations to be presented within to Planning Committee for April 2024.

##### *Meeting Arrangements:*

The group will select a chair at its first meeting. The working group will meet frequently in line with key milestones in the strategy development process, until the completion of a report within three cycles by April 2024 with findings for consideration by Planning Committee. The Group may invite additional Officers and external Stakeholders as required.

# Planning Committee

2.00pm, Wednesday, 15 November 2023

## Conservation and Adaptation

Executive/routine  
Wards

Executive  
All

### 1. Recommendations

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- 1.1 It is recommended that Planning Committee:
  - 1.1.1 Note the content of this report; and
  - 1.1.2 Agree that this report discharges the remit set by Planning Committee on 2 November 2022

**Paul Lawrence**

Executive Director of Place

Contact: Daniel Lodge, Planning Officer

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## Conservation and Adaptation

### 2. Executive Summary

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- 2.1 This report responds to the Motion and Amendment approved by Planning Committee on [2 November 2022](#) acknowledging the challenges for residents who live in listed buildings and/or conservation areas to adapt their homes in response to climate change and the cost-of-living crises. This report identifies and analyses the challenges drawn from the response to a city-wide consultation undertaken and discusses what can be done to address them, including the cost to the city's built heritage of any change required.

### 3. Background

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- 3.1 The Motion and Amendment approved by Planning Committee on 2 November 2022 requested that an online consultation be undertaken to seek views on the challenges for residents, who live in listed buildings and/or conservation areas, to adapt their homes in response to climate change and the cost-of-living crises. The analysis of the consultation responses were to be used to inform a short-life working group.
- 3.2 The requirement to share the knowledge generated through the consultation and the input provided through the various interest groups represented on the short-life working group was emphasised by the Motion and Amendments, by setting four key questions for the short-life working group to consider:
- 3.2.1 What the challenges are for residents to adapt their homes in response to the climate and cost of living crises;
  - 3.2.2 What can (presently) be done to alleviate these challenges;
  - 3.2.3 What needs to change to address these challenges; and
  - 3.2.4 What is the cost to our built heritage of any changes.
- 3.3 It was requested that a report covering the examination of the analysis drawn from consultation and discussions of the short-life working group is presented to the Committee within four cycles.

## 4. Main report

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- 4.1 This report covers the analysis of the consultation responses and the discussions of the short-life working group, established to consider what can be done in the short and longer term to address the challenges identified and what the cost to the city's built heritage would be of any changes required.

### **Analysis of the response to the Conservation and Adaptation Consultation**

- 4.2 The Conservation and Adaptation Consultation ran on the Council's Consultation Hub for a period of 10 weeks between March and June 2023. A total of 434 properties and 431 respondents were represented in the response received.
- 4.3 The response to the consultation identified a range of views relating to the questions on values, challenges, processes, and guidance. A summary of the analysis of the responses is attached at Appendix 1 and full detailed analysis, undertaken by the University of Edinburgh (UoE), is attached at Appendix 3.
- 4.4 The key findings found that, overwhelmingly, 88% of respondents view climate change as 'an urgent and immediate problem' with 64% considering the preservation of architectural character and historical interest to be 'very or extremely important'. However, this is lower than the percentages of respondents who considered 'achieving energy efficiency' (85%), 'fabric adaptation' (75%) and 'making sustainable choices' (80%) to be 'very or extremely important'.
- 4.5 Financial cost was seen as the most significant challenge, selected by 70% of the respondents; followed by the process of applying for permissions (55%); impact on the special architectural character (49%); availability of tradespeople (35%); and seeking agreement from neighbours (32%).
- 4.6 Feedback received in respect to the planning process found that 28% of respondents have applied for some form of consent over the last year. Respondents left comments relating to the difficulties and duration of the application process and expressed a desire for consistency, better communication and assistance from the Council.
- 4.7 In relation to the Council's planning guidance, the majority of respondents agreed that guidance was clear and easy to understand. However, there were comments relating to the Council's perceived prioritisation of 'appearance' over the 'climate emergency' and 'cost of living' crises in assessing applications with suggestions that the guidance should be relaxed or the requirement for formal permission removed under certain circumstances to address this.

### **Conservation and Adaptation Short-Life Working Group**

- 4.8 The membership of the short-life working group consisted of planning officers, elected members, community councils, resident associations and relevant bodies with an interest in the historic environment, energy saving and fuel poverty. The report produced by UoE was used to inform the two meetings of the working group held in August and September 2023.

- 4.9 The two meetings of the working group produced much discussion incorporating many interrelated issues. Appendix 2 provides a more detailed account of the discussions and membership. The key areas of the discussion comprised:

*Repair, Maintenance and Adaption*

- 4.10 Poorly maintained buildings can result in higher fuel bills which in turn increases the building's carbon footprint. By ensuring a property performs as it was designed to will improve energy efficiency. Maintenance and repair are the first steps in increasing resilience, but climate change presents new challenges and buildings now need to be adapted if they are to cope with the projected changes and meet the national and local carbon reduction commitments.

*Embodied carbon and operation carbon emissions*

- 4.11 Understanding the difference between embodied and operational carbon when considering the credentials of different intervention types to improve the energy efficiency warrants careful consideration. Historic Environment Scotland (HES) has been examining the embodied and operational carbon of various representative building types and the impact of different types of works to improve energy efficiency including case studies. The results of the research will enable informed comparisons between interventions that retain and upgrade existing fabric and interventions that introduce new fabric in terms of the overall carbon cost.

*Energy Performance Certificates (EPC)*

- 4.12 The Scottish Government's reform of EPC including new metrics in measuring performance will feed into its Heat in Buildings Strategy that will set regulatory targets based on EPC rating. Whilst the Reduced Data Standard Assessment Tool (RDSAP) to measure performance will be updated to take into consideration longstanding issues in connection with traditional buildings and EPC, the Scottish Government has not confirmed what technical exemptions or spending threshold there will be. Ultimately, it is unclear what targets traditional buildings are being asked to aim for.

*Permitted Development Rights*

- 4.13 The Scottish Government is conducting a substantial review of permitted development rights and could include renewable energy equipment and replacement windows to unlisted buildings within designated conservation areas. The [Council responded](#) to the consultation and will review its position when the legislation comes into force.

*Statutory tests under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – Listed Building Consent*

- 4.14 Unlike the Planning Application statutory tests, when assessing applications for listed building consent (LBC) under section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (LBCA Act), there is no reference to



material considerations or the development plan. Section 14(2) of the LBCA Act states:

*(2) In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 4.15 This limits the scope of the assessment for applications for LBC to focus the consideration on the ‘*the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses*’. The assessment of LBC applications without reference to material considerations or the development plan removes the strong focus of climate change and sustainability supported by the policies of the Councils adopted and proposed local development plans and National Planning Framework 4. The statutory tests under the LBCA Act places a statutory duty on the Council to determine applications for LBC within the existing legislative framework, leaving it open to challenge within the courts if this duty is not fulfilled.

*Statutory tests under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – Planning Permission*

- 4.16 For a planning application where the property is a listed building or located in a conservation area, in addition to the usual statutory tests of the Town and Country Planning (Scotland) Act 1997 (TCP Act), it must first be assessed against sections 59 and 64 of the LBCA Act. This includes cases where proposed works materially impact the character of the exterior of a building and require planning permission. In terms of the LBCA Act, if the proposed works are found to harm the listed building or its setting or conflict with the objective of preserving or enhancing the character or appearance of the conservation area then there is strong negative presumption against the grant of planning permission. This strong negative presumption can only be overcome if there are considered to be significant public interest advantages of the development which can only be delivered at the scheme’s proposed location that are sufficient to outweigh it. Crucially compliance with development plan policies cannot override the strong negative presumption arrived at through consideration of development proposals against Sections 59(1) and 64(1) of the LBCA Act. Consideration of development plan policies is only relevant for the separate assessment of the application against the legal tests contained in the TCP Act.

*Availability, accessibility and clarity of information and guidance*

- 4.17 The availability and accessibility of existing information and guidance including case studies and how effectively these are communicated and made available for use by members of public is considered crucial. There is a specific role for the Council in collaboration with its partners to consider how this can be achieved.

- 4.18 Reviewing the Council's planning guidance to cover a wider range of building and intervention types would provide greater clarity on the options available for homeowners. Crucially, there is a role for it to provide a more decisive and instructive steer than exists in the externally produced guidance and advice. Increased clarity on the range of options available and the likelihood of receiving permission would help determine the types of interventions that would be considered acceptable and provide greater incentives for homeowners to undertake retrofitting.

### **Conclusions**

- 4.19 It is recognised that there are opportunities to alleviate the challenges identified for residents who live in listed buildings and/or conservation areas to adapt their homes in response to climate change. However, the potential cost to the city's built heritage of the change required is, at present, difficult to fully appreciate. The outcomes of the national legislative reviews will influence how far the city's historic buildings need be adapted to meet targets including how changes for some buildings are regulated. Nevertheless, the requirement to provide clear up to date planning guidance and advice on the range of options available to assist the public to refurbish and improve the efficiency of the city's historic buildings and to reduce carbon emissions is clearly acknowledged.
- 4.20 Whilst the Council establishes policy and guidance, the biggest impact will come from those who own, or have an interest in, the built environment implementing policies and best practice.

## **5. Next Steps**

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- 5.1 In partnership with HES, Edinburgh World Heritage and the UoE, officers will consider how to effectively communicate the breadth of externally produced technically specific information and guidance currently available to members of the public.
- 5.2 Alongside the current review of the Edinburgh Design Guidance and the proposed review of the Guidance for Householders, a review of the Council's Guidance for Listed Buildings and Conservation Areas is proposed which would include a specific focus on works to address the agendas of climate change and net zero carbon.
- 5.3 In collaboration with the UoE, establish the number of individual properties in the city that are designated as listed buildings and/or within a conservation area to appreciate the scale of the change required.

## **6. Financial impact**

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

## **7. Equality and Poverty Impact**

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- 7.1 There are no impacts on equality, human rights or socio-economic disadvantage arising from this report.

## **8. Climate and Nature Emergency Implications**

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### **Environmental Impacts**

- 8.1 This report contributes to addressing the Climate Emergency declared by the Council in 2019 and helping to meet the Council's target of net zero emissions by 2030 by undertaking consultation on and developing guidance to alleviate the challenges people face to making their homes more energy efficient. It aligns with the Council's forthcoming draft Climate Ready Edinburgh Plan by directly addressing some of the actions relating to reducing the vulnerability of our built environment to extreme weather events and reducing energy demand for heating in buildings.

## **9. Risk, policy, compliance, governance and community impact**

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- 9.1 The responses to city-wide public consultation undertaken informed the discussions of a short-life working group that included, as part of its membership, a number of community councils and residents associations. The engagement of communities directly informed the content and outcomes discussed in this report.
- 9.2 The content and proposed guidance review outlined in this report contributes towards work to meet the Council's priority of delivering a net zero city by 2030.
- 9.3 Stakeholders and the community have a significant role to play in implementing and delivering the Council's policy and guidance.
- 9.4 The Council's planning policy and guidance helps to create sustainable development and adaptation to climate change. Consultation will be undertaken on any substantive reviews of guidance.

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

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- 10.1 [City of Edinburgh Council Response to Scottish Government on Phase 3 Permitted Development Rights Review](#)

## **11. Appendices**

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- 11.1 Appendix 1 - Report: Analysis of the response to the Conservation and Adaptation Consultation
- 11.2 Appendix 2 - Report: Analysis of the discussion of short-life working group

11.3 Appendix 3 - Conservation and Adaptation: Analysis of the City of Edinburgh Council Public Consultation – Report Prepared for Short-Life Working Group (University of Edinburgh).

## APPENDIX 1

### Report: analysis of the response to the Conservation and Adaptation Consultation

#### 1. Analysis of the response to the consultation

- 1.1 Responses to survey questions were analysed quantitatively (multiple-choice responses) or qualitatively (free-text responses). The report by the University of Edinburgh on 'Conservation and Adaptation – Analysis of Responses to the City of Edinburgh Council Public Consultation' contained at Appendix 3 provides full details.
- 1.2 Findings show that 'cold/draughts' are the most common issue, followed by 'roof repairs'. While 'condensation' is the third most common in flatted properties, for detached/terraced housing it is 'stonework/masonry'. Notably, a significantly higher proportion of flatted properties experienced issues from 'condensation' and 'failed gutters and downpipes'.
- 1.3 With respect to types of work undertaken or considered, 'window improvement' and 'alternative heating source' are highest (54% and 61% respectively), where respondents wish to carry out work but face barriers. However, 'window improvement' and 'more efficient heating system' show the highest proportion of properties where works are complete or in progress. It should be noted that not all work types included in the survey are relevant to all property types.
- 1.4 Responses highlighted a number of barriers to undertaking work to improve energy efficiency or mitigate flood risk. Financial cost was the greatest barrier (selected by 70% of respondents); followed by the process of applying for permissions (55%); impact of the special architectural character (49%); availability of tradespeople (35%); and seeking agreement from neighbours (32%). It should be noted that many of these barriers also contribute to overall financial cost.
- 1.5 The response to the free-text entry question on barriers received comments from over 70% of respondents. They noted that upfront costs, maintenance and application costs all contributed to the overall financial burden and made reference to the requirement for sympathetic materials, in particular the requirement for timber sash and case windows as opposed to uPVC framed windows. As a consequence, many respondents found designation as a listed building or location within a conservation area, and by extension the Council, as a barrier itself. Other notable barriers included a lack of skilled and trustworthy tradespeople, as well as centralised, clear and neutral advice on selecting and proceeding with the most appropriate and cost-effective works.

Respondents also referred to the current limitations of financial support as a further barrier to undertaking work.

- 1.6 Within the survey questions on the Council's planning guidance on 'Listed Buildings and Conservation Areas', the majority agreed that the guidelines were clear and easy to understand. However, free-text responses suggest a more nuanced view, including a desire for greater clarity where technical jargon is used. Crucially, respondents overwhelmingly believe a balance can be reached between adapting to climate change and protecting the city's built heritage assets, but only if guidance is relaxed or the need for formal permission is removed under certain circumstances. Comments were also made on the Council's prioritisation of 'appearance' over the climate emergency and cost of living crises when assessing applications. Further comments reflected a desire for a long-term decarbonisation plan as well as specific community-wide approaches to adaptation. This suggests further support for a more nuanced approach within planning guidance.
- 1.7 Feedback received in response to the survey questions on the 'planning application process' found that 28% of respondents have applied for consent over the last year, with only a small proportion reporting a positive experience. More respondents left comments relating to the difficulties and duration of the application process and expressed a desire for better communication and assistance from the Council. Furthermore, whilst respondents appreciated that there is no such thing as precedent in planning, many comments reflected a desire for consistency, as numerous (apparent) violations that have not been subject to planning enforcement action were noted.
- 1.8 Analysis of responses relating to climate change, adaptation, comfort and architectural conservation found that 88% of respondents view climate change as 'an urgent and immediate problem'. In respect to architectural conservation, 64% considered that preservation of architectural character and historical interest was 'very or extremely important'. This is lower than the percentages who considered 'achieving energy efficiency' (85%), 'fabric adaptation' (75%) and 'making sustainable choices' (80%) to be 'very or extremely important'.

## APPENDIX 2

### Report: analysis of the discussion of short-life working group

#### 1. Introduction

##### *Short-life working group membership*

- 1.1 Alongside Councillors from each of the political groups represented on the Council's Planning Committee and a variety of officers representing Planning, Building Standards, Climate Change, Flood Prevention, Shared Repairs and Sustainable Construction Delivery from the Council, the membership of the short-life working group consisted of representatives from a variety of different bodies from the public and third sectors. These included, The Scottish Government, The University of Edinburgh, Historic Environment Scotland, Edinburgh World Heritage, The Cockburn Association, The Architectural Heritage Society of Scotland, Changeworks and Home Energy Scotland. Communities within Edinburgh were represented on the short-life working group by Community Council representatives from Marchmont & Meadows, Stockbridge & Inverleith, New Town/Broughton, Old Town, West End, Queensferry & District, Trinity, Tollcross, Southside, Portobello and Leith with resident association representatives for the Stockbridge Colonies and Regent, Royal, Carlton Terraces and Mews.
- 1.2 The first meeting of the working group was held in person on 15 August in the Council's Business Centre at the City Chambers with 54 participants. The meeting was structured around three presentations and breakout group discussions addressing the four key questions set by the Motion and Amendments. The presentations covered 'climate vulnerability and risk for Edinburgh's built heritage assets'; 'planning legislation, guidance, and current approaches'; and the analysis drawn from the response to the Conservation and Adaptation consultation.
- 1.3 The second meeting was held virtually via Microsoft Teams on 1 September and was attended by a similar mix of representatives with 31 participants. The meeting was informed by a brief presentation providing a recap of the discussions held during the first meeting and a detailed presentation from Historic Environment Scotland's (HES) Technical Research Team covering the overarching principles of altering and adapting traditional buildings; available and forthcoming guidance from HES; principles and priorities for improvement; other work streams aligned with energy retrofit; and some thoughts on the evolving nature of energy retrofit.

## 2. Responses to Key Questions

### 2.1 Q1: Challenges for residents to adapt their homes in response to the climate and cost of living crises

#### *Quality and accessibility of information and guidance*

- 2.1.1 The availability and accessibility of information and guidance was identified as an area warranting attention and potential collaboration. The amount of advice and guidance covering energy retrofit currently available makes it particularly overwhelming and difficult for members of the public to distinguish what advice and guidance is appropriate given the many inaccuracies and contradictions identified. Property Home Reports and metrics used under the current Energy Performance Certificates (EPC's) for example, are particularly unhelpful given that, they can inform the basis of interventions considered by new homeowners. While the revised methodology for measuring performance sitting under SG's reform of Energy Performance Certificates (EPCs) would address this to a degree, it is clear that much attention should be given to positively promoting the retrofit journey to owners of traditional buildings with clear signposting of information and guidance.

#### *Embodied carbon and operation carbon emissions*

- 2.1.2 Understanding the difference between embodied and operational carbon when considering the credentials of different intervention types to improve the energy efficiency requires careful consideration. It was noted that HES has been examining the embodied and operational carbon of various archetypal building types and the impact of different types of works to improve energy efficiency including case studies, but the results are not yet published. It was however noted that embodied and operational carbon saving cannot be easily compared for traditional buildings as they can for more modern buildings given the metrics used in the current EPC. Crucially, it was noted that, while a conservation-based retrofit score highly in terms of embodied carbon, it is very challenging to significantly reduce operational carbon emissions given the design and the fabric used to ventilate and allow traditional buildings to breathe.

#### *Ventilation*

- 2.1.3 The importance of ventilation in our homes to our health given the experiences provided by the COVID pandemic warrants careful consideration by society in terms of whether we want a highly energy efficient buildings and a healthy population. To achieve both, it's not one single metric of factor relating to incredibly high air tightness and very high insulation value. Historically, the importance of ventilation was very well understood for a lot of reasons some of which, were medical and that, tenements in particular, are



well equipped with passive ventilation strategies to ensure respectable air quality. Mechanical ventilation strategies will help attain the modern energy ratings that modern software systems and energy assessment protocols provide but, cautiousness was expressed as to whether this is the right approach for our traditional building stock particularly within a domestic setting.

#### *Low carbon heating solutions*

- 2.1.4 Whilst there is agreement on the accuracy and scope of work, including case studies previously undertaken in relation to determining possible solutions for traditional buildings, questions on implementation of low carbon heating systems were noted. Edinburgh World Heritage are currently considering further case studies on the implementation of low carbon heating systems in traditional buildings and the results will assist in informing future guidance.

#### *Tackling impacts as opposed to causes*

- 2.1.5 The workshops and accompanying report produced by the HES, EWH and the Council on the application of the 'Climate Vulnerability Index' (CVI) on the Old and New Towns of Edinburgh World Heritage Site (ONTEWHS) found that the biggest drivers of climate change are cloud burst management, flooding and wind speed. A concern that stakeholders are paying disproportionate attention to adaptations to windows while data collected through the CVI on the ONTEWHS suggests that the priority should lie elsewhere such as considering the effectiveness of rainwater goods. Furthermore, in relation to flooding and instances within the city where flood doors have been installed, it is suggested that addressing the causes within the wider environment is more appropriate, such as the area-based climate mitigation solutions considered as part of the Council's work on Edinburgh's Green Blue Network.

#### *What are the targets for traditional buildings?*

- 2.1.6 In addressing net zero targets and rolling out the changes required at scale, it is critical that the targets are clearly understood. Although it is understood that the SG will base targets on EPCs, they have not confirmed what technical exemptions or spending threshold there will be. Further lack of clarity relates to the differences between net zero carbon emissions, EPC ratings, carbon reduction and embodied carbon. Ultimately, it is unclear what targets traditional buildings are being asked to aim for.

#### *Legislative framework: what requires consent?*

- 2.1.7 From a legislative perspective it was noted that there are works that are not considered as 'development' and thus, not requiring of planning permission. There are also works that would generate negligible impacts on the special interests of listed buildings when listed building consent would not be required. This undoubtedly has a strong bearing on the Council's influence in

managing change for particular intervention types where no formal consent is required. Furthermore, there currently exists Permitted Development Rights (PDR) for particular interventions to unlisted buildings located within conservation areas. Crucially though, the current SG review on PDRs, proposing extended PDRs within conservation areas, would significantly extend the scope of interventions achievable for unlisted buildings within conservation areas without the requirement of planning permission. The Council and stakeholders will need to review their position on receipt of the legislation adopted by the SG.

- 2.1.8 Notwithstanding these regulatory considerations, there is a role for the Council and organisations with a stake in the historic environment to assist and guide the public through the retrofit journey. Whether this concerns providing guidance on the particular building types and their appropriate maintenance, through to guidance on more substantial interventions to improve efficiency, a clear and accessible route map including options would help members of the public engage with the retrofit journey more actively.

*Statutory tests under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – Listed Building Consent*

- 2.1.9 Unlike the Planning Application statutory tests, when assessing applications for listed building consent (LBC) under section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (LBCA Act), there is no reference to material considerations or the development plan. Section 14(2) of the LBCA Act states:

*(2) In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

- 2.1.10 This limits the scope of the assessment for applications for LBC to focus the consideration on the ‘*the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses*’. The assessment of LBC applications without reference to material considerations or the development plan removes the strong focus of climate change and sustainability supported by the policies of the Councils adopted and proposed local development plans and National Planning Framework 4. The statutory tests under the LBCA Act places a statutory duty on the Council to determine applications for LBC within the existing legislative framework, leaving it open to challenge within the courts if this duty is not fulfilled.

*Statutory tests under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – Planning Permission*

2.1.11 For a planning application where the property is a listed building or located in a conservation area, in addition to the usual statutory tests of the Town and Country Planning (Scotland) Act 1997 (TCP Act), it must first be assessed against sections 59 and 64 of the LBCA Act. This includes cases where proposed works materially impact the character of the exterior of a building and require planning permission. In terms of the LBCA Act, if the proposed works are found to harm the listed building or its setting or conflict with the objective of preserving or enhancing the character or appearance of the conservation area then there is strong negative presumption against the grant of planning permission. This strong negative presumption can only be overcome if there are considered to be significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it. Crucially compliance with development plan policies cannot override the strong negative presumption arrived at through consideration of development proposals against Sections 59(1) and 64(1) of the LBCA Act. Consideration of development plan policies is only relevant for the separate assessment of the application against the legal tests contained in the TCP Act.

## 2.2 **Q2 + Q3: How the identified challenges / barriers might be addressed at present and in longer term**

### *Reviews of national legislation*

2.2.1 The on-going reviews of legislation at a national level by the Scottish Government (SG) carries particular implications for the scale of the challenge for traditional buildings in addressing the climate emergency and the targets for net zero carbon emissions. The SG reform of Energy Performance Certificates (EPCs) including the research on new metrics in measuring performance feeds into the SG Heat in Buildings Strategy that will set regulatory targets. For traditional buildings, these targets are at present, still unknown. It therefore, remains unclear what the targets might be for buildings designated as listed or located within conservation areas. SG propose to introduce the reformed EPC shortly after amended Energy Performance of Buildings Regulations are introduced in Winter 2023/24, ahead of proposed Heat in Buildings regulations being introduced in 2025.

2.2.3 The Reduced Data Standard Assessment Tool (RDSAP) is the methodology that sits under Energy Performance Certificates (EPC's) and is being updated to take into consideration the longstanding issues in connection with solid masonry walls common to traditional buildings and EPC's. It should however be noted that EPC's were never designed as a tool for testing compliance, rather as a methodology to compare one building with another. Nevertheless, the new RDSAP 10 which comes into force next year will be an improvement allowing the more accurate assessment of traditional buildings. Guidance on

RDSAP 10 and EPC's will be provided by HES once it comes into force in 2024.

- 2.2.4 The SG is also conducting a substantial review of the permitted development rights (PDR). 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. Of particular relevance, the review proposes PDR for renewable energy equipment (solar panels and air and ground source heat pumps) and replacement windows within designated conservation areas. Over the summer 2023, the [Council responded](#) to the SG consultation on the PDR review. A Paper qualifying the final position of the SG is expected in early spring 2024 before coming into force on 31 March 2024 (estimated). The Council will review its position on receipt of the final legislation adopted by the SG.

#### *The planning process*

- 2.2.5 The planning process is perceived as overly complex and a considerable barrier to submitting applications by members of the public. The ability of the Council to address this and make it simpler and more user-friendly - offering more direct and specific service to the public was noted. Suggestions of how to address this considered collective action and whole house approaches to understanding how a range of traditional building types were designed to perform and the interventions that could be applied to them to improve their efficiency. In doing so, proposed schemes for particular building and intervention types with application templates produced to help inform and assist the public were cited as, particularly beneficial to navigating the planning process for members of the public. Other suggestions related to ability to submit had copy applications and the Planning and Building Standards to work more collaboratively with both their Help Desk's providing a walk-in service to members of the public.

#### *Collaboration and engagement*

- 2.2.6 Discussion on collaboration and engagement amongst residents and the Council further developed the discussion around tailored interventions to particular building types. Collaboration between multiple owners in sourcing communal solutions to address climate impacts with engagement from the Council to help find appropriate and effective mechanisms to address efficiency whilst protecting the special characteristics of the heritage assets could also help share the burden and reduce costs. Localised place plans could help bring more precise, personal, and accurate information to communities and function as an appropriate vehicle for assisting with its delivery.

#### *Planning guidance*

- 2.2.7 Aligned with the feedback received through the consultation, issues were raised with the vocabulary and some of the terms used within the existing Council guidance for 'Listed Buildings and Conservation Areas' regarding its

possible misinterpretation and clarity for members of the public. Views were also expressed on the content that would help provide greater clarity such as including definitions of the essential characteristics of listed buildings and conservation areas within contextual sections, before defining principles and reasoned justification for protection and intervention.

- 2.2.8 It is acknowledged that, with the amount of advice and guidance concerning energy retrofit and green heating sources current available, it was hard for members of the public to distinguish which advice and guidance was appropriate. While the guidance produced by recognised heritage bodies such as Historic Environment Scotland and Edinburgh World Heritage were regarded as factually accurate and identified as particularly useful, the requirement for more detailed Council produced guidance providing a more decisive and instructive steer to help determine what would be acceptable or not for homeowners was deemed necessary.
- 2.2.9 Detailed guidance for particular building and intervention types would help consider both the number of new interventions currently being formally applied for and the impact of them on the range of historic building types within the city was noted as particularly meaningful given the lack of breadth in coverage contained within the Council's existing planning guidance. The rapid rate of change required within the context of the climate emergency and the technological advances in products in response to this, further amplifies the requirement for revised / new guidance to consider. Detailed consideration of these new interventions both, in terms of their effectiveness including their potential to generate unintended detrimental impacts and their impact on the range of different characteristics exhibited by the city's build heritage assets was raised as fundamental to any revision to the planning guidance.
- 2.2.10 Within the context of indicative solutions for different building types, the University of Edinburgh are currently progressing a project with SG funding and have recently run a workshop analysing the different building typologies and the ways in which the wealth of information, guidance and case studies available on them can be gathered together and condensed to provide a clear resource for homeowners. The project is being developed in an archetypal approach considering the different typologies of buildings via a decision tree / flow chart to allow homeowners to identify their particular property type and the types of interventions and solutions that would be effective and appropriate for it.
- 2.2.11 To help assist the production of revised / new guidance, the use case studies within guidance were cited as a particularly effective tool in expressing the effectiveness and appropriateness of particular intervention types on a range of different building types. Case studies would help promote good practice and discourage bad practice to reassure and guide applicants in undertaking effective interventions that are appropriate for their particular building type. This could potentially, provide a greater incentive for members of the public to engage with the planning process given the likelihood of receiving permission.

2.2.12 Conservation Area Character Appraisals (CACA's) were also cited as possible vehicles in assisting with the delivery of more bespoke guidance for interventions to unlisted buildings such as tenements where circumstances and character can vary greatly within the city. For example, window surveys could help understand and more accurately define the contribution of windows to the essential characteristics of particular conservation areas with bespoke guidance tailored accordingly.

### **2.3 Q4: what are the costs to the cultural heritage of our built heritage assets if change is required?**

2.3.1 Reflecting on the fourth question concerning the potential cost to our built heritage of any change, a more accurate understanding of the scale of the task in both quantitative and qualitative terms was considered necessary to fully evaluate the potential costs both in financial terms and in the manner change may impact the characteristics of the city's built heritage assets. In order to unpack this consideration, the Council in collaboration with the University of Edinburgh are in the process of calculating the figures for the number of individual properties designated as listed buildings and/or within a conservation area within the city. Notwithstanding the results generated through this exercise, under the current EPC, that more than half of Edinburgh wouldn't meet the standards and that financial cost to homeowners in upgrading their properties would be the most significant burden.

2.3.2 There was, however, a general appreciation that, adaptations to address climate change will generate some loss of character to an extent for listed buildings and conservation areas to prevent further environmental damage. However, such a loss could be explained as a way to help preserve the use of our historic buildings and thus, characteristics of the city's built heritage and places. Nevertheless, it is clear that a cautious approach is required. Understanding historic buildings from both conservation and energy perspectives is considered fundamental before embarking on an adaptation scheme. The worry is that adaptations to improve energy performance could give rise to unintended consequences of a negative nature and that, it is necessary that change is managed in an informed and balanced manner.

## **3. Conclusions drawn from the discussions considering the key questions**

3.1 Pulling together the various strands of the discussion in relation to the focussed questions set out as part of the Motion and Amendments agreed by Committee, it is clear that, the availability, accessibility and breadth of technically specific information and guidance currently available requires consideration in terms of how it is linked together, further developed, consolidated and supplemented with case studies. Crucially though, how it is effectively communicated to members of the public is considered essential.

- 3.2 From a Council perspective, consideration of reviewing the existing guidance on Listed Buildings and Conservation Areas or the production of standalone guidance for climate adaptations to historic buildings would assist in pulling together and consolidating the key messages and the technical possibilities expressed in wealth of guidance currently available. Providing a more decisive steer to help determine whether and under what circumstances interventions would or wouldn't be acceptable would provide greater clarity for homeowners. Including new intervention types and emerging technological advances in particular products that currently, there exists no Council guidance for, would provide further options and clarity on their acceptability within the context of formal applications.
- 3.3 In considering and producing revised or new guidance, the Council will need to actively engage with organisations with a stake in the historic environment in order for the guidance to be effective. Collaboration will assist in capturing the full range of historic building and intervention types and help address what is technically possible, what isn't, and where the balance should be struck between allowing interventions to improve efficiency and preserving the essential characteristics of the city's listed buildings and conservation areas. The guidance should also help members of the public navigate the range of different intervention types available by providing information on their effectiveness and appropriateness for particular building types in relation to their potential impact on operational carbon, embodied carbon, EPC's, financial costs and the special interests of different types of historic buildings and places.
- 3.4 While the need to refurbish and improve the efficiency of the city's historic buildings and reduce carbon emissions to meet national and local targets is clearly acknowledged, understanding if and what exemptions will exist and resolving the conflict between embodied and operational carbon and how that will be reflected in the technical targets set for historic buildings requires resolution from the SG. The potential change in regulation with regard to the proposed extension of PDR for unlisted buildings in conservation areas, may require the Council to review its position when the legislation comes into force. Depending on the outcomes, it may be considered appropriate for any guidance review to separate out the planning guidance for Listed Buildings and Conservation Areas to provide tailored guidance for listed building and conservation areas separately.

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# **Conservation & Adaptation: Analysis of Responses to the City of Edinburgh Council Public Consultation**

Report prepared for the Short-Term Working Group

21 August 2023

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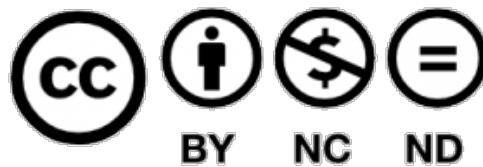
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## 0 Executive Summary

A consultation targeted towards owners of listed properties and properties in the conservation areas was carried out by the City of Edinburgh Council (CEC) from 31 March – 11 Jun 2023. The purpose of the consultation, which was conducted in the form of an online questionnaire survey, was to learn about owners' experience of maintaining, repairing, and adapting their historic properties. A total of 434 unique properties and 431 unique respondents were represented in the sample.

Overall, 33 out of 50 conservation areas were represented in the sample. The sample also has more flat properties (62%) than detached/terraced properties (33%). The vast majority of the properties dated pre-1900 and only 42% of the properties have known Energy Performance Certificate (EPC) ratings, with three-quarters in the D to G band. Half of the respondents have owned their properties for ten years or more. The sample is comprised of slightly more male-identified respondents (51%), with more than half of all respondents aged 55 or older.

Responses to the multiple-choice questions with pre-determined categories were analysed quantitatively; whereas responses to the free-text questions were qualitatively analysed and coded into themes and sub-themes. The key takeaways are as followed:

- On issues experienced in historic properties:
  - On average, flat properties have more *types* of issue than detached/terraced house properties.
  - Cold/draughts is the issue most experienced by all owners; followed by roof repairs. Whilst condensation is the third most experienced issue in flat properties, for house properties the third most experienced issue is with stonework/masonry.
  - Significantly higher proportions of flat properties have experienced the following issues: condensation, failed gutters and downpipes.
- On status quo of retrofit and adaption works in historic properties:
  - Not all works are relevant for all property types. Among the different works, 'window improvement' and 'alternative energy source' have the highest proportions of properties where the owners wish to carry out the work but face barriers.
  - 'Window improvement' and 'more efficient heating system' also have the highest proportions of properties where the owners have already carried out the work or are in the progress of doing so.
  - 'Alternative energy source' and 'flood prevention measures' have the least number of properties having had the work done.
  - Significantly higher proportion of house properties than flat properties have had 'window improvements' and 'wall or loft insulation' carried out. In contrast, significantly higher proportion of flat properties have owners that *wish* to carry out window improvements and guttering or downpipe improvements but are facing barriers.
- On current barriers to retrofit and maintenance works:
  - Financial cost is overwhelmingly the biggest barrier, selected by 70% of all respondents; followed by the process of applying for permission (55%), impact on special architectural character (49%), availability of tradespeople (35%), and seeking agreement with neighbours (32%).

- Many of the barriers in turn contribute to the overall financial cost of undertaking the retrofit or maintenance work and to the time required to carry out the work.
- Even for those who reported no change or better in their financial situation in the past year, 66% still indicated financial cost as a barrier.
- 70% of all respondents wrote in comments to elaborate on the barriers they face when maintaining or adapting their properties.
  - The cost barrier has multiple sources: upfront cost, maintenance cost, and application cost.
  - The upfront cost is exacerbated by the requirement for period-appropriate materials in the conservation areas. Most prominently, respondents found that timber frame windows to be much more expensive than uPVC frame windows. As a result, many respondents see the conservation area designation or listing status, and by extension the CEC, as a barrier itself.
  - Current available financial support has a number of limitations.
  - Additional barriers include lack of non-financial resources such as skilled and trustworthy tradespeople, as well as clear, centralised, and neutral advice on selecting and proceeding with the most cost-effective works.
- Feedback on the CEC Listed Building and Conservation Areas Guidance
  - The majority of the respondents agreed that the guidelines are clear and easy to understand. However, free-text comments suggest a more nuanced view on the current guidance.
  - There is a desire for greater clarity in terms of technical jargon (e.g. 'sightline') and certain guideline phrasings such as 'like for like', 'disrepair', or 'significant proportion'.
  - There is a desire for guidance on long term decarbonisation plan as well as community-wide approaches (especially for flat owners).
  - Comments from the respondents overwhelmingly reflected that it is possible to strike a balance between adapting to climate change and conserving historic properties if only some rules can be relaxed. Specifically, several respondents felt that permission should be allowed (or not even required) for works done on the rear façades. One respondent noted the importance of not letting 'the perfect be the enemy of the good'.
  - Owners felt that the authorities prioritise appearance over more urgent issues, such as cost-of-living crisis and the climate emergency; and that the current regulation is not in step with the time.
  - Whilst there is 'no precedent in planning', comments from many respondents clearly reflected a desire for consistency as they see many (apparent) violations around them where the rules are not reinforced.
- Feedback on the planning application process:
  - Only 28% of all respondents have applied for some form of consent in the past year.
  - A small proportion of respondents have had a positive experience. More respondents commented that the process was difficult and slow.
  - Many respondents expressed their wish for better communication from the Council in assisting with the application process and fielding queries.

- Respondent views on climate change, adaptation, comfort, and heritage conservation:
  - The respondents overwhelmingly (88%) view climate change as ‘an immediate and urgent problem’.
  - 64% of the respondents considered the preservation of architecture character and historical interest of properties to be ‘very or extremely important’. However, this is lower than the percentages of respondents who considered achieving energy efficiency, fabric adaptation, and making sustainable choices to be ‘very or extremely important’ (85%, 75%, 80%, respectively). Only a few respondents expressed in the free-text comment that conservation should be valued above all else.
  
- Feedback on this consultation exercise:
  - The vast majority of the respondents considered that they have been given all the information they needed (60%) and the opportunity to have their say (73%). They also agreed that the consultation was easy and clear to understand (72%).
  - Respondents expressed a clear desire to be kept informed of the outcome and to see swift actions from the Council.
  - Several respondents felt that the consultation was not sufficiently well publicised.
  - A few respondents also expressed the desire to discuss the issues in more depth (rather than via a survey) and be given the opportunity to provide suggestions directly to the authorities.

## 1 Introduction

This report presents the analysis of responses to the City of Edinburgh Council’s Conservation & Adaptation public consultation.<sup>1</sup> The consultation exercise is the first of three stages of the ‘Conservation & Adaptation’ motion agreed by the Planning Committee of the City of Edinburgh Council on 2 November 2022. The purpose of the public consultation is to understand the challenges faced by residents who own and live in listed buildings and/or conservation areas in adapting and maintaining their properties in response to the climate emergency and cost-of-living crisis.

Results of the consultation exercise serve to inform the discussions of a short-term working group (STWG) established as the second stage of the motion. The STWG is comprised of the City of Edinburgh Council’s Planning Officers and Councillors, Scottish Government Policy Officers, heritage bodies (Historic Environment Scotland, Cockburn Association, Scottish Historic Buildings Trust, Architectural Heritage Society of Scotland, and Edinburgh World Heritage), organisations addressing energy saving and fuel poverty (Changeworks, Energy Saving Trust, Edinburgh Climate Change Institute), and representatives from Edinburgh community councils and resident associations.

Discussions of the STWG, informed by the consultation responses, aim to address the following:

1. The barriers residents faced when adapting or maintaining their historic properties
2. What can currently be done to help lower the barriers;
3. What needs to be done in the longer term; and
4. Associated cost to Edinburgh’s built heritage from these changes

The City of Edinburgh Council (CEC) declared a climate emergency in 2019 and published its 2030 Climate Strategy in December 2021.<sup>2</sup> The strategy sets out the ambition for the city to become net zero by 2030, which requires a radical reduction of CO<sub>2</sub> emission across all sectors, including a 25% reduction in average household electricity and gas use for at least 50,000 homes across the city. It is no surprise then that Priority 1 of the Climate Strategy is to accelerate energy efficiency in homes and buildings.

In Scotland, Pre-1919 buildings make up 19% of the existing housing stock.<sup>3</sup> The percentage is likely higher in Edinburgh as the city has one of the highest concentrations of listed buildings in the UK outside of London. Out of almost 68,000 listed buildings in Scotland, more than 10,000 are located in Edinburgh.<sup>4</sup> As the Council has double statutory duty to achieve the carbon reduction target and to protect the city’s historic buildings, measured considerations are required in balancing heritage conservation and energy efficiency adaptations.

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<sup>1</sup> The original consultation call can be found at: <https://consultationhub.edinburgh.gov.uk/sfc/conservation-adaptation2023/>

<sup>2</sup> The strategy is available at: <https://www.edinburgh.gov.uk/climate-2/climate-target-net-zero-2030>

<sup>3</sup> Scottish House Condition Survey 2021. Available at: <https://www.gov.scot/collections/scottish-house-condition-survey/#technicalreports>

<sup>4</sup> Based on Historic Environment Scotland’s 2020 Listed Building database, available at: <https://portal.historicenvironment.scot/downloads/listedbuildings>



## 2 Research Method

This consultation was carried out as a questionnaire survey developed by the City of Edinburgh Council (CEC) Planning – Built Heritage Team and hosted online at the CEC's *Consultation and Engagement Hub* (<https://consultationhub.edinburgh.gov.uk/>). The consultation was open from 31 March – 11 Jun 2023 and targeted towards residents who own and live in listed buildings and/or conservation areas.

In addition to the usual promotion carried out by the Consultation and Engagement Hub via its website and mailing lists, the consultation was promoted via the following channels:

- CEC's corporate communication channels including the main page of the CEC website;
- The CEC planning blog website (<https://planningedinburgh.com/>);
- Relevant social media channels such as 'My Neighbourhood' where they are covered by conservation area designations and/or have a high concentration of listed buildings;
- Planning Committee members' Community Councils and Resident Associations;
- CEC Planning's partner organisations: Historic Environment Scotland (HES) and Edinburgh World Heritage (EWH)
- Other organisations of interest such as Home Energy Scotland, Changeworks, and the Cockburn Association

Paper copies of the questionnaire survey were made available at all Edinburgh public libraries. The hard copy was created as a bespoke form that can be filled in by hand and submitted at the libraries. All library staff were briefed on the consultation and were available to facilitate the public in filling in the consultation through the libraries' computers. Service was also offered at the libraries to translate the survey into different languages or Braille. However, at the end of the consultation period, no paper copies have been completed. This analysis report therefore focuses entirely on the online survey responses.

This analysis report is based on the de-identified version of the data where each respondent's name, email, and organisation represented (if provided) were removed. The data were validated to remove duplicate responses, spams, tenants, and those whose properties are neither listed nor located within a conservation area. In total, there were **448 validated submitted responses**; nine of which are on behalf of organisations. Responses representing an entire organisation (n = 9) are omitted from descriptive and statistical analysis (e.g. split of building type, respondent age group) in this report.

Several respondents own more than one property and completed the survey once for each property. On the other hand, several properties have co-owners and each owner submitted separate responses. To avoid double counting, wherever the survey question pertains to the property (e.g. building type), percentages are calculated based on the number of **unique properties (n = 434)**; whenever the question pertains to individual opinions (e.g. views on climate change), percentages are calculated based on the number of **unique respondents (n = 431)**.

The questionnaire survey was set up such that respondents can skip questions they do not wish to answer or select 'prefer not to say', leading to missing data in certain questions. A technical error with the survey platform also resulted in a small proportion of the respondents not shown four questions pertaining to their properties. In this report, 'NA' or 'not available' is used to indicate these missing responses.

The questionnaire survey contains 26 questions, of which four were free-text and three had both a multiple-choice and free-text (e.g. 'other') component. Responses to the multiple-choice questions with pre-determined categories were analysed quantitatively; whereas responses to the free-text questions were qualitatively analysed and coded into themes and sub-themes. Both quantitative and qualitative analyses are presented in this report.

There were four free-text comment sections where respondents can elaborate on the barriers they face and comment on the existing guidelines, application process, and this consultation exercise. Analysis of the free-text comments includes all unique respondents as well as respondents representing organisations ( $n = 431 + 9 = 440$ ). However, not all respondents made comments in all sections. Out of 440 responses, 70% ( $n = 299$ ) commented on the barriers they face when maintaining or adapting their properties; 33% ( $n = 146$ ) provided comments and/or suggestions about the guidelines; 26% ( $n = 112$ ) commented on their application experiences; and 32% ( $n = 140$ ) made comments on this consultation. There was no word limit to any of the comment sections. Altogether, free-text comments amount to around 38,000 words. As part of data protection best practice, if the respondents included personal information (e.g. address or application number) in their comments, these were redacted before their quotations are used in this report. All capital emphasis in quotations are the respondents' own.

### 3 Profile of respondents and their properties

This section provides an overview of the respondents (n=431) and their properties (n=434).

#### 3.1 Respondent characteristics

A breakdown of respondent characteristics (that were asked in the questionnaire survey) is summarised in Table 1. There are slightly more respondents who identified as male. Just over 50% of all respondents (222 out of 431) are 55 or older. The majority of the respondents (72%) reported no health conditions but around 16% of the respondents (n = 70) indicated that their day-to-day activities are at least a little reduced due to their health condition. Just over 27% of the respondents (n = 118) noted having caring responsibilities; most of which (n = 79) is for the caring of children under 18.

Just under half (47%) of all respondents indicated that their personal financial situation has worsen over the past year. Over one third (37%) of the respondents reported no change whereas 11% indicated that their situation has improved. Figure 1 illustrates the breakdown of the respondents by age group and change in personal financial situation. The proportion of respondents reporting faring worse is slightly higher among the younger age groups; whereas the proportion reporting no change is higher among the older age groups (65+).

<b>Sex</b>		
Female		190 (44.1%)
Male		221 (51.3%)
Other/Prefer not to say		20 (4.6%)
<b>Age Group</b>		
16-24		4 (0.9%)
25-34		38 (8.8%)
35-44		73 (16.9%)
45-54		83 (19.3%)
55-64		98 (22.7%)
65-74		84 (19.5%)
75+		40 (9.3%)
NA/Prefer not to say		11 (2.6%)
<b>Physical/mental health conditions lasting/expected to last 12 months+?</b>		
No		311 (72.2%)
Yes		78 (18.1%)
NA/Prefer not to say		42 (9.7%)
<b>Condition/illness reduce ability to carry out day-to-day activity?</b>		
Not at all		235 (54.5%)
Yes, a little		58 (13.5%)
Yes, a lot		12 (2.8%)
NA/Prefer not to say		126 (29.2%)
<b>Caring responsibility?</b>		
No		283 (65.7%)
Yes		118 (27.4%)
NA/Prefer not to say		30 (7.0%)
<b>Change of personal financial situation over the past 12 months</b>		
Much better		4 (0.9%)
Better		45 (10.4%)
No change		160 (37.1%)
Worse		167 (38.7%)
Much Worse		36 (8.4%)
NA/Prefer not to say		19 (4.4%)

**Table 1**  
Characteristics of respondents represented in the consultation survey responses (based on 431 unique respondents)

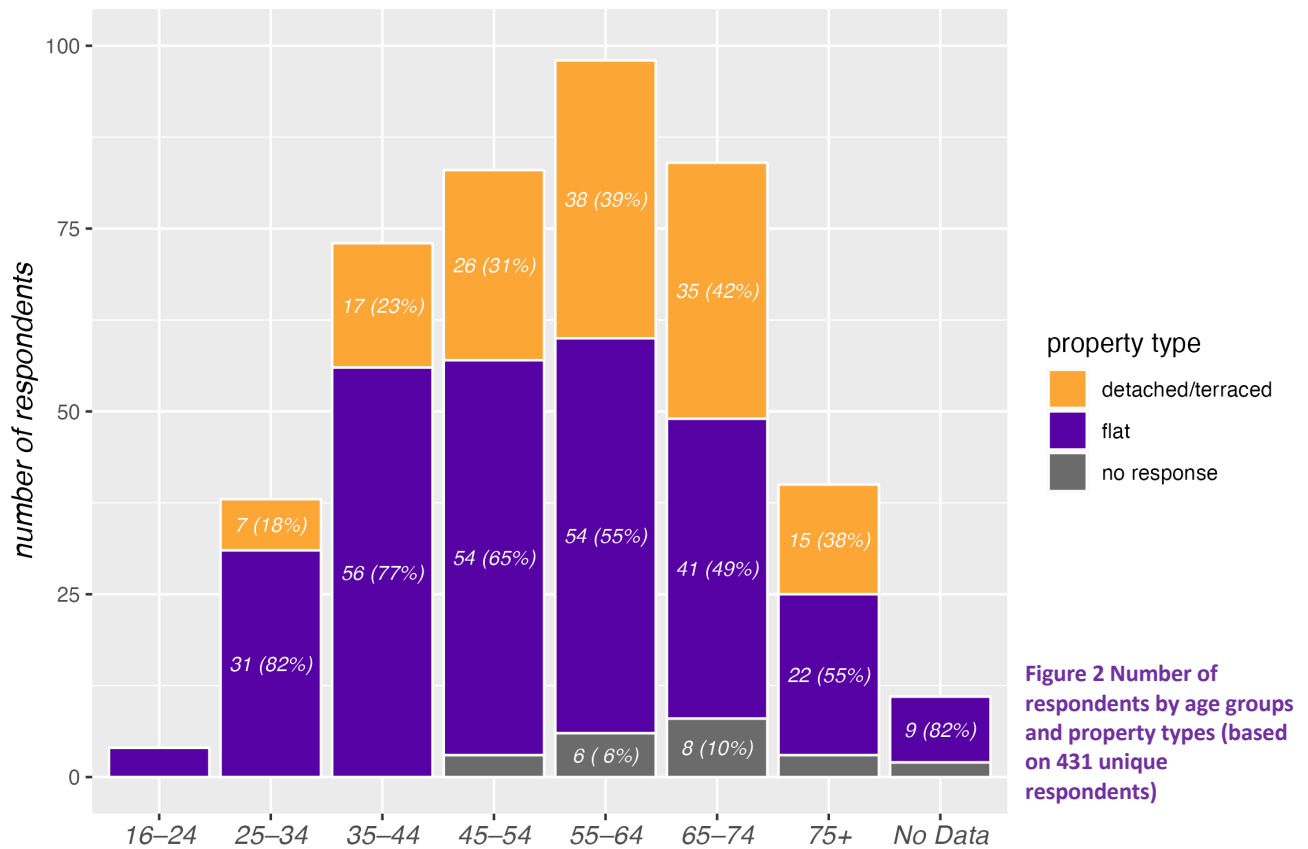
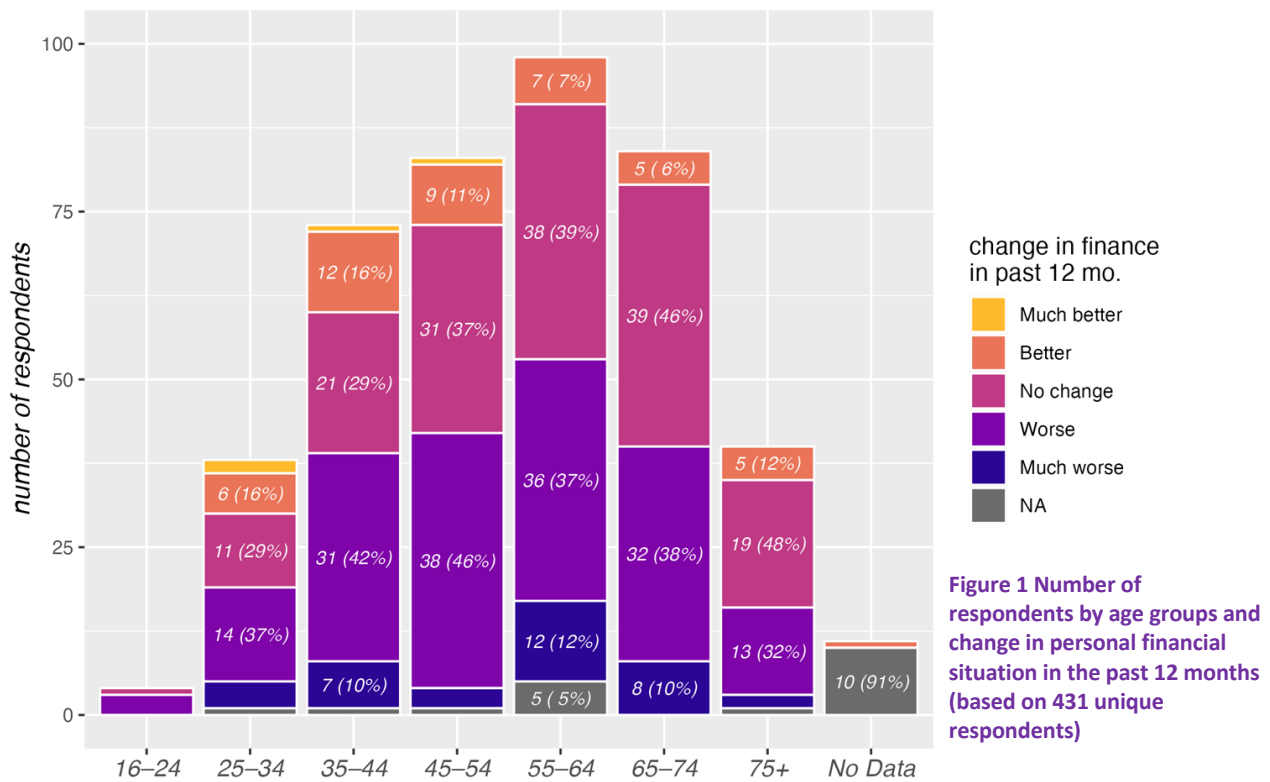


Figure 2 illustrates the breakdown of the respondents by age group and property type. Detached, semi-detached, and terraced properties are grouped together as 'houses' as these properties typically do not share either floor or ceiling with others. Significantly higher proportion of respondents in the younger age groups (especially under 45) are flat owners.

### 3.1.1 Potentially vulnerable respondents

Vulnerable population is typically defined as those at greater risk of poor physical, mental or social health. The vulnerable status is determined differently in different contexts, but is usually based on various demographic and socioeconomic factors. In this consultation survey, not all relevant attributes (e.g. disability, household income) were collected. Of the attributes that were asked in the survey, almost a third of the respondents (29%) prefer not to answer one or more of the questions. As a result, there is insufficient data to perform a rigorous comparison between vulnerable and non-vulnerable respondents. However, some information collected in the survey *potentially* point to a possible vulnerable status. These are the following:

- Answered 'yes' to the question 'Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?' (n = 78 out of 431 unique respondents); or
- Selected 'yes, a lot' to the question 'Does your condition or illness/do any of your conditions or illnesses reduce your ability to carry-out day-to-day activities?' (n = 12); or
- Of age group '75+' (n = 40); or
- Indicated they are the primary carer for disabled children, disabled adults, or elderly (n = 23)

Based on these criteria, a total of 116 *potentially* vulnerable respondents were identified. Analysis by this potentially vulnerable status was performed wherever relevant in the rest of this report.

## 3.2 Property Characteristics

A breakdown of property characteristics (that were asked in the questionnaire survey) is summarised in Table 2. There are more house-type properties (detached or terraced/semi-detached dwellings that do not share floor or ceiling with another unit) than flat/maisonette-type properties. Usurprisingly, the vast majority of the properties (80%) are noted as pre-1900. Importantly, 14% of the properties do not have an Energy Performance Certificate (EPC) and almost half of the properties (44%) are missing this information.

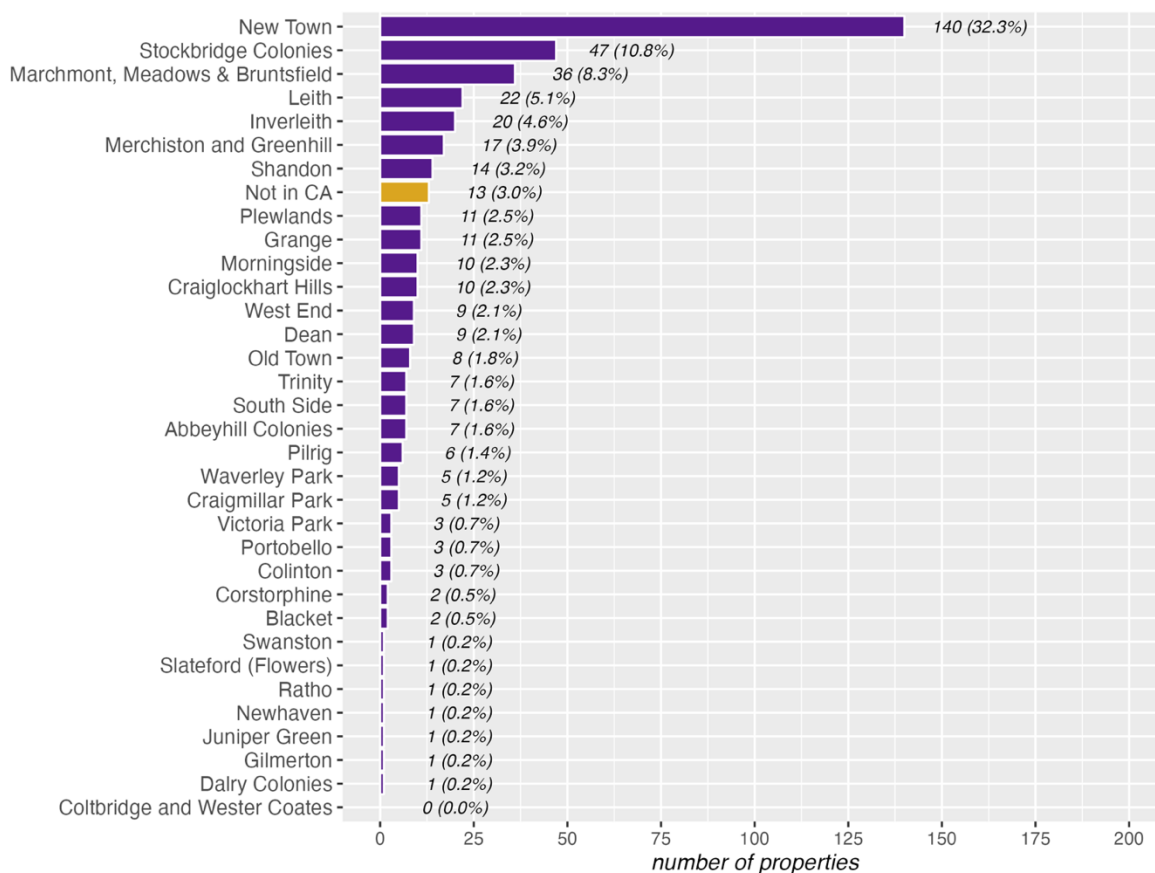
The City of Edinburgh has 50 Conservation Areas. However, only 33 are represented in this consultation (Figure 3). New Town has the most representation at 32% of all properties, followed by Stockbridge Colonies at 11% and Marchmont, Meadows, and Bruntsfield at 8%. It should be noted that not all listed properties are situated within a conservation area, although the majority of them do. In this report, 'historic property' is used to refer to both listed properties and properties that are not listed but located inside a conservation area.

A significantly higher proportion of house owners have owned their properties for 10 years or more (Figure 4). There is no significant difference between the property types in terms of the owners' potentially vulnerable status (Figure 5).

Listed / Conservation Area Status	
In CA only	129 (29.7%)
Listed and in CA	292 (67.3%)
Listed only	13 (3.0%)
Property Type	
Detached	10 (2.3%)
Terraced/Semi-detached	131 (30.2%)
Flat/maisonette	270 (62.2%)
NA (missing data)	23 (5.3%)
Property Age	
Pre-1900	346 (79.7%)
1900s	62 (14.3%)
2000s	5 (1.2%)
NA (missing data)	21 (4.8%)
Property EPC	
A to C	47 (10.8%)
D to G	136 (31.3%)
Don't have an EPC	62 (14.3%)
NA (missing data)	189 (43.5%)
Ownership length	
< 2 years	60 (13.8%)
2 to < 5 years	62 (14.3%)
5 years to < 10 years	77 (17.7%)
10+ years	215 (49.5%)
NA (missing data)	20 (4.6%)

} Grouped together as 'houses'

**Table 2**  
**Characteristics of properties represented in the consultation survey responses (based on 434 unique properties)**



**Figure 3** Number of properties in the response sample by conservation area (only 33 out of 50 Conservation Areas are represented)

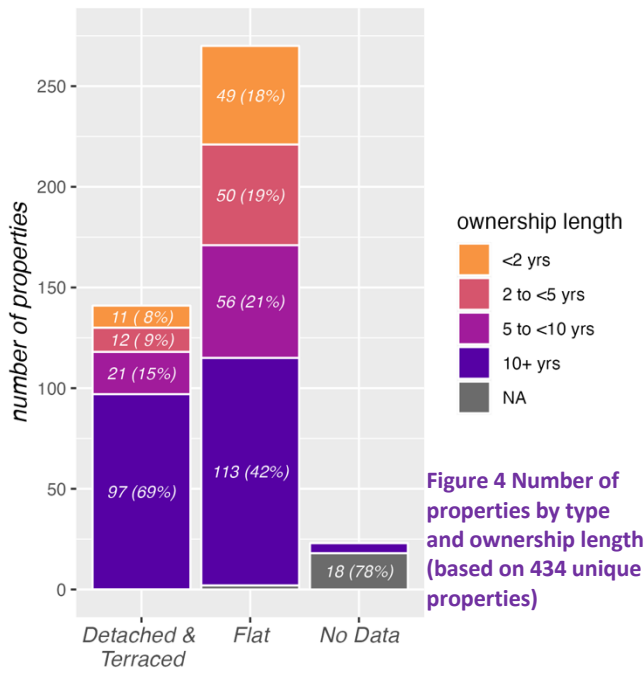


Figure 4 Number of properties by type and ownership length (based on 434 unique properties)

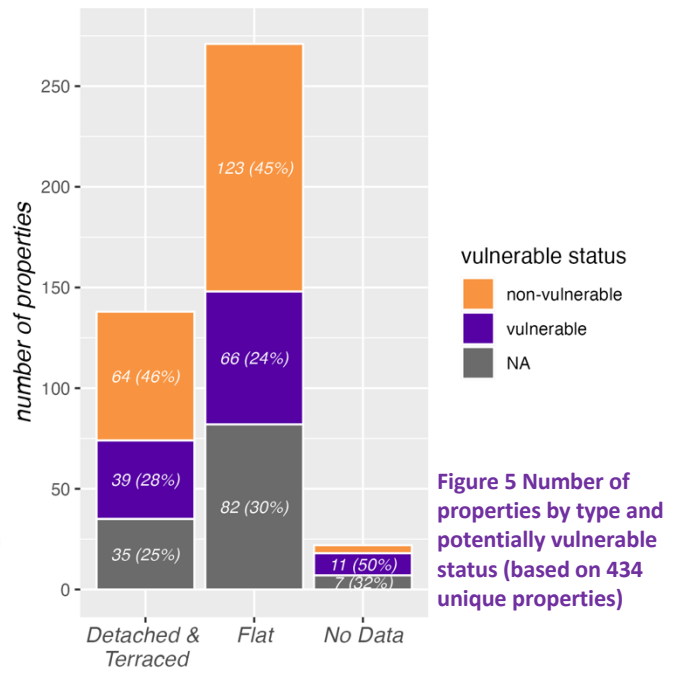


Figure 5 Number of properties by type and potentially vulnerable status (based on 434 unique properties)

## 4 Issues experienced in historic properties

### Question phrasing as appeared in the survey:

Have you experienced any of the following in relation to your property / properties? (Tick all that apply)

- Damp to external walls
- Damp to internal walls
- Mould
- Condensation
- Wet and dry rot
- Water ingress/flooding
- Drainage issues
- Failed gutters and downpipes
- Roof repairs/structural issues
- Overheating
- Cold/draughts
- Poor ventilation
- Issues with stonework/masonry
- Others

Out of 434 properties, only 26 (6%) had not experienced any issue. On average, flat properties have more types of issue than detached/terraced house properties. Specifically, owners of detached/terraced houses experienced 3.9 ( $sd^5=2.4$ ) different types of issues, whereas for flat owners it is 4.6 ( $sd= 2.5$ ). This difference is statistically significant ( $p^6 < .05$ ) with a small effect size (0.25), which measures the *strength* of that difference. Figure 6 illustrates the *proportion* (expressed as percentages) of each property type experiencing each issue. A comparison by proportion rather than by the number of properties is necessary because the numbers of house and flat properties differ widely (141 vs. 271).

For both detached/terraced houses and flats, cold/draughts is the issue most experienced by owners; followed by roof repairs. Whilst condensation is the third most experienced issue in flat properties, for house properties the third most experienced issue is with stonework/masonry. Several respondents wrote in element-specific issues, including:

- Window repair and maintenance (n = 11)
- No or poor loft/wall insulation (n =10)
- Single-glazed cupolas (n = 3)

Two respondents also noted 'traffic noise' as an issue.

The *proportions* of each property type experiencing each issue are comparable for the most part. However, significantly more flat properties have experienced the following issues than have house properties. These differences are statistically significant.

- Condensation ( $p < .01$ , effect size = 0.29)
- Failed gutters and downpipes ( $p <.01$ , effect size = 0.30)

<sup>5</sup> sd = standard deviation

<sup>6</sup>  $p$ -value = probability that the data would have occurred by random chance. In this instance,  $p < .05$  means that there's less than 5% chance that the difference we observe between the number of issues house owners and flat owners experienced happen by random.



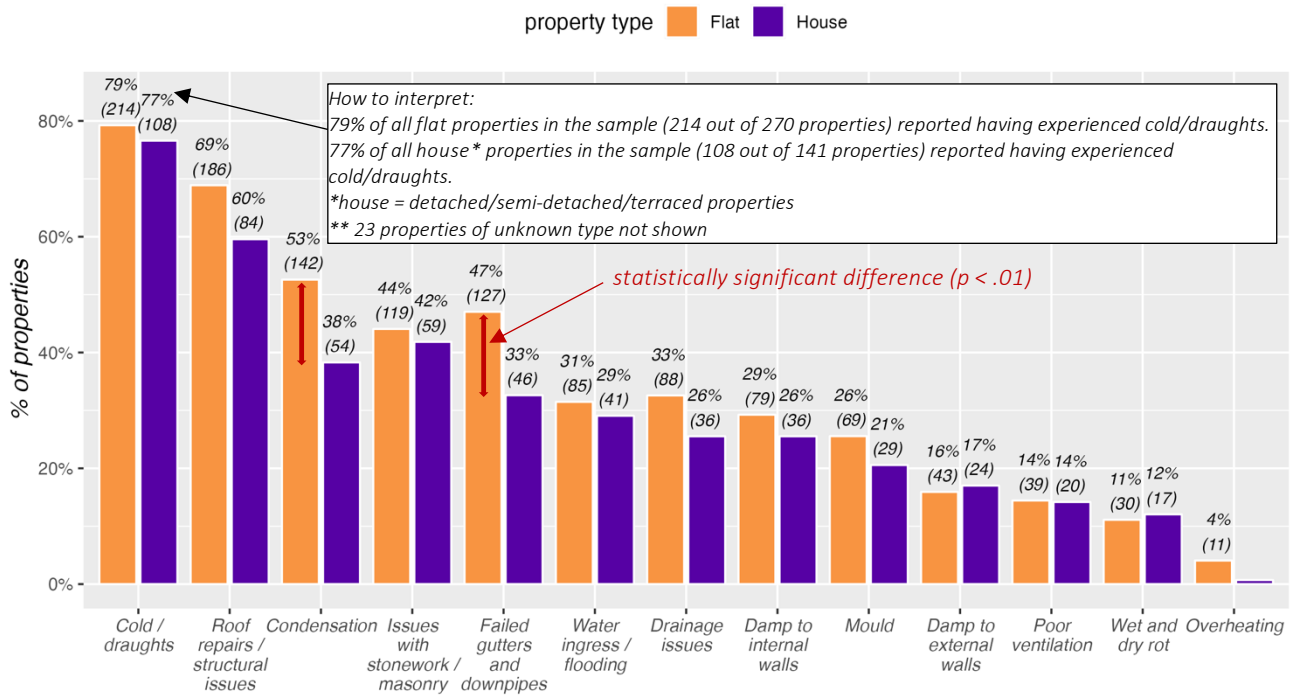


Figure 6 Issues experienced in historic properties by property type; expressed as proportion (percentage %) of each property type

## 5 Status quo of retrofit and adaptation works in historic properties

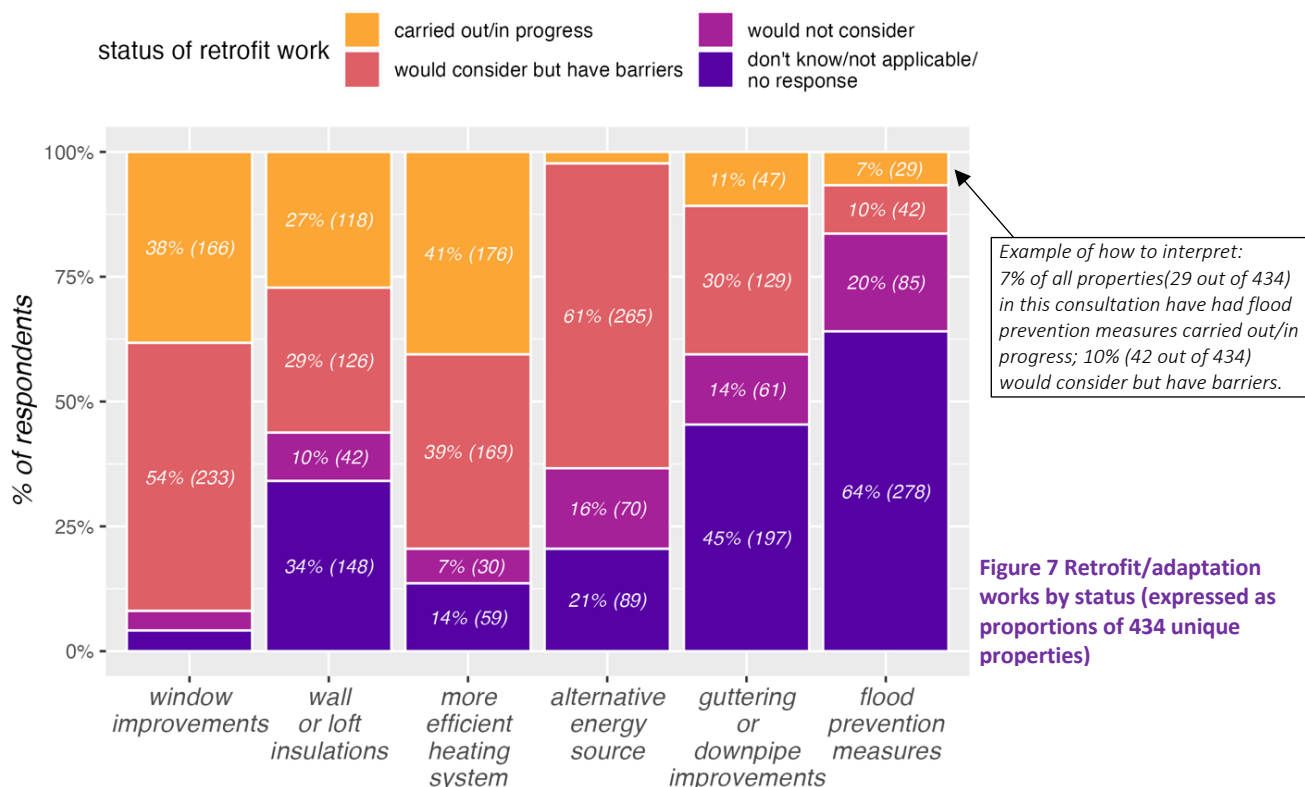
**Question phrasing as appeared in the survey:**

Have you considered carrying out any of the following works to your property / properties?

- Window improvements such as double or secondary glazing
- Cavity wall or loft insulation
- Adaptation / installation of guttering and downpipes to increase capacity and/or provide rain overflow outlets
- Installation of flood prevention measures to your building; its boundaries; or within garden ground / site
- Installation of new heating system such as a more energy efficient boiler
- Installation of an alternative energy source heating system such as an air / ground source heat pump, solar panels, wind turbine or other

Figure 7 illustrates the status breakdown of each retrofit/adaptation work. Not all works are relevant for all property types. Among the different works, ‘window improvement’ and ‘alternative energy source’ have the highest proportions of properties where the owners wish to carry out the work but face barriers (54% and 61%, respectively). ‘Window improvement’ and ‘more efficient heating system’ also have the highest proportions of properties where the owners have already carried out the work or are in the progress of doing so. ‘Alternative energy source’ and ‘flood prevention measures’ have the least number of properties having had the work done (n = 10 and n = 27, respectively).

A statistical analysis comparing the status of work between houses and flats found that significantly higher proportion of house properties than flat properties have had window improvements carried out (46% vs. 33 %;  $p < .05$ , effect size = 0.27) and wall or loft insulation carried out (46% vs. 17 %;  $p < .001$ , effect size = 0.63). In contrast, significantly higher proportion of flat properties have owners that wish to carry out window improvements (61% vs. 42%;  $p < .001$ , effect size = 0.63) and guttering or downpipe improvements (33% vs. 21%;  $p < .05$ , effect size = 0.27) but are facing barriers.



## 6 Current barriers to retrofit and maintenance works experienced by historic property owners

### Question phrasing as appeared in the survey:

What barriers prevent you from doing work to maintain or adapt your property / properties? (Tick all that apply)

- Financial cost
- Don't know who to contact or where to look for advice or support
- Process of applying for appropriate consent / permissions
- Availability of skilled tradespeople and professionals
- Timescales to undertake work
- Complexity of work required
- Seeking agreement with neighbours for shared repairs / work to be carried out
- Impact on the special architectural character or historical interest of the building / area
- Other

### 6.1 Difference in barriers experienced between flat and detached/terraced house property owners

When asked to identify the barriers that prevent works being carried out, 70% of all respondents (303 out of 434 properties) selected financial cost, 55% (238 out of 434) selected the process of applying for permission, 49% (212 out of 434) selected impact on special architectural character as barriers, followed by the availability of tradespeople at 35% (153 out of 434) and seeking agreement with neighbours at 32% (139 out of 434). It is important to recognise that many of the barriers in turn contribute to the overall financial cost of undertaking the retrofit or maintenance works (discussed in section 6.4 below).

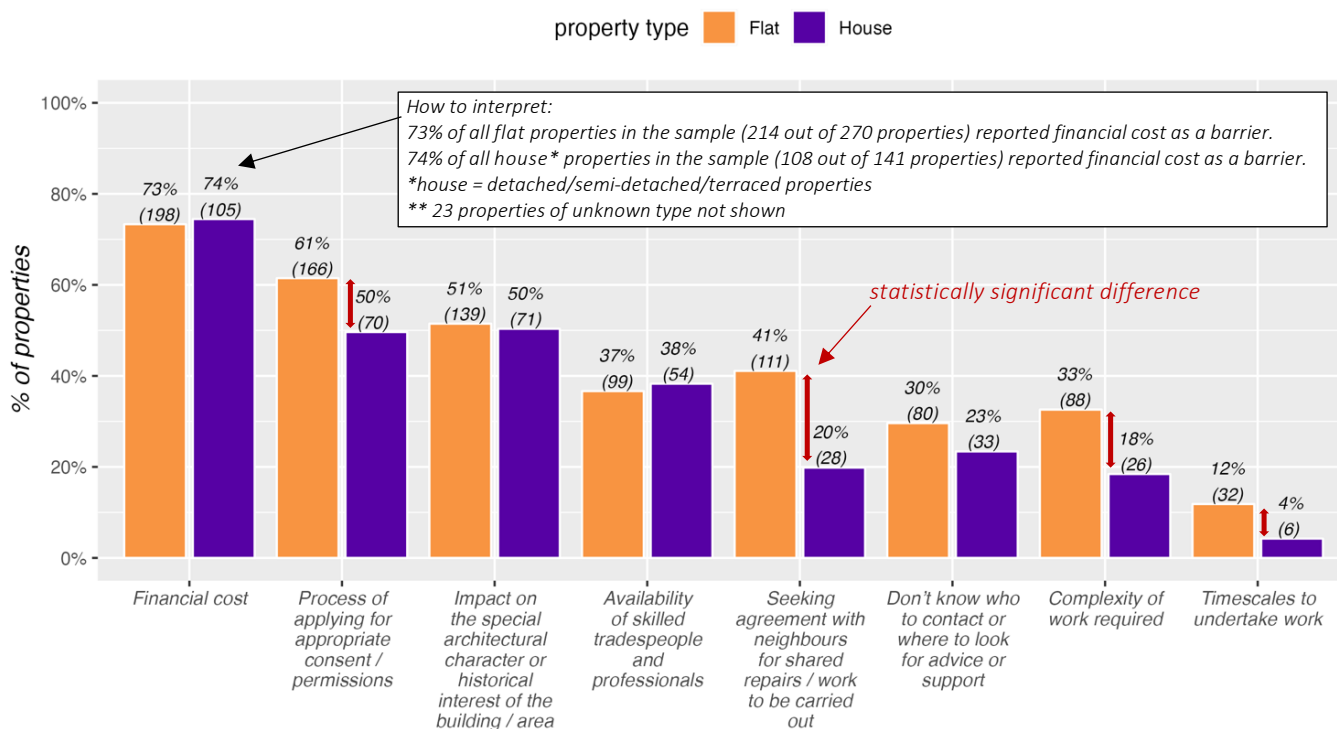


Figure 8 Barriers to retrofit/maintenance works by property type; expressed as proportion (percentage %) of each property type

The average number of barriers owners of detached/terraced houses have is 2.8(sd=1.6), whereas for flat owners it is 3.4(sd= 1.7). This difference is statistically significant ( $p < .001$ ) with a small effect size (0.36), which measures the *strength* of the difference.

Figure 8 illustrates the breakdown of the barriers experienced by property types. Significantly higher proportions of flat properties have experienced the following barriers than have house properties. These differences are all statistically significant:

- Process of applying for appropriate consent/permissions ( $p < .01$ , effect size = 0.33)
- Seeking agreement with neighbours for shared repairs/work to be carried out ( $p < .001$ , effect size = 0.47)
- Complexity of work required ( $p < .01$ , effect size = 0.33)
- Timescales to undertake work ( $p < .05$ , effect size = 0.29)

## 6.2 Difference in barriers experienced between vulnerable and non-vulnerable respondents

No statistically significant difference in barriers experienced were found between potentially vulnerable and non-vulnerable populations. However, this result should be interpreted cautiously, because not enough data were collected to compare between potentially vulnerable and non-vulnerable respondents, as explained in section 3.1.1.

## 6.3 Difference in barriers faced by respondents experiencing different changes in financial situation

There is, however, a statistically significant difference in the financial burden experienced between respondents who have had no change (or fared better) in personal financial situation and respondents who had fared worse in the past year (Figure 9).

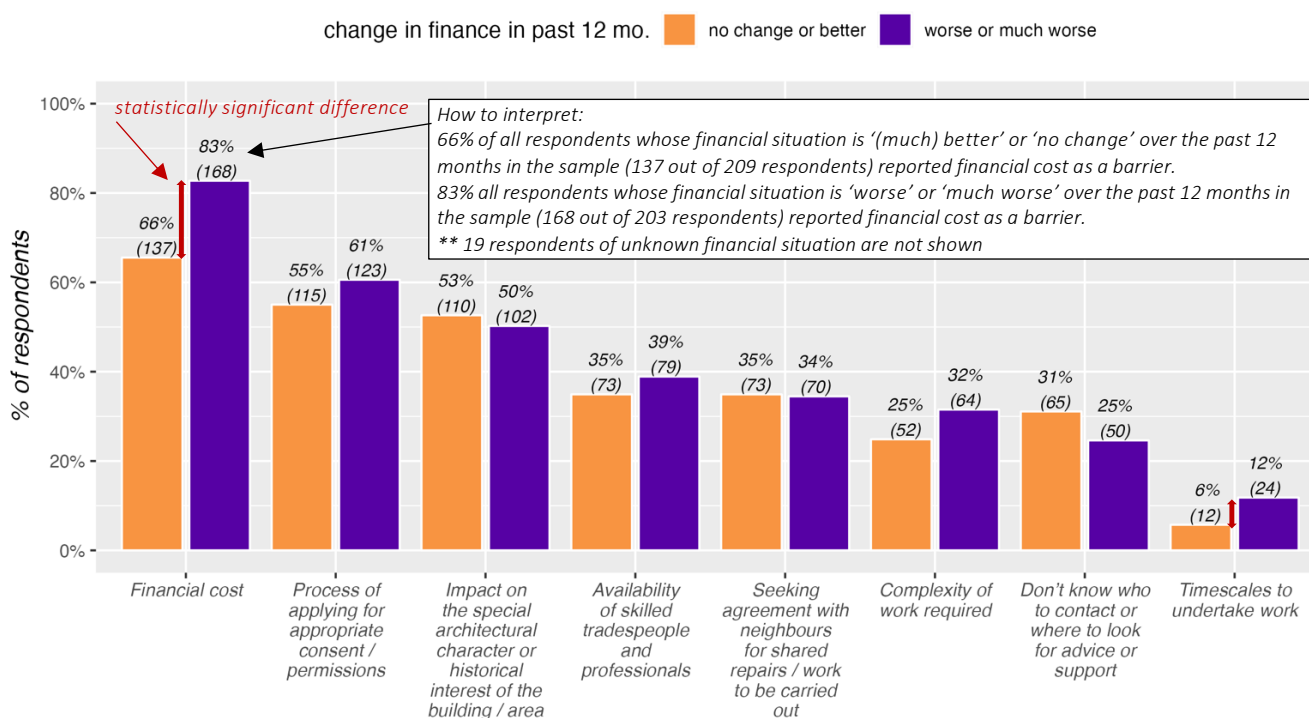


Figure 9 Barriers to retrofit/maintenance works by change in financial situation in the past 12 months; expressed as proportion (percentage %) of those answered 'no change', 'better', or 'much better', and those answered 'worse' or 'much worse'

This difference is strongly statistically significant ( $p < .00001$ ) and is of medium-large effect size (0.40), which measures the *strength* of the difference. It is important to note that even for those who reported no change or better in their financial situation in the past year, 66% still indicated financial cost as a barrier. The other barrier that affected different property types disproportionately is ‘timescales to undertake work’, where again it is the respondents who had fared worse in the past year who had a higher proportion facing this barrier ( $p < .05$ , effect size = 0.22). However, notably overall this barrier is only experienced by 8% ( $n = 36$ ) of all respondents (regardless of property type).

## 6.4 Free text comments about barriers to retrofit and maintenance

### Question phrasing as appeared in the survey:

Please use the space below for any comments relating to the barriers you face when maintaining or adopting your property/properties.

The free text analysis accounts for comments by all unique respondents, including respondents representing organisations ( $n=440$ ). Out of 440 responses, 299 (70%) wrote in comments to elaborate on the barriers they face when maintaining or adapting their properties.

### 6.4.1 Unpacking the cost barrier

As previously shown, cost is overwhelmingly the most encountered barrier – selected by 70% of all respondents including those who reported no change or better in their personal financial situation in the past year. In addition to selecting ‘financial cost’ in the survey question, 123 respondents elaborated on this particular barrier in the free-text comment section. Analysis of these comments suggests three sources of cost when considering or undertaking retrofit and maintenance work in a historic property:

#### 1. Upfront cost of having the work done

A total of 52 respondents remarked on how the upfront cost is exacerbated by the requirement for period-appropriate materials in the conservation areas. Most prominently, respondents found that timber frame windows to be much more expensive than uPVC frame windows.

- ‘The cost of using traditional materials is a major barrier. We recently replaced out original, single-glazed sash and case windows with policy compliant double glazing. The additional costs compared with using modern alternatives was significant - possibly £10,000 more.’ – age 45-54
- ‘The ban on PVC windows in conservation areas makes keeping draughts out totally unaffordable...PVC sash and case are almost a third of the price of timber (we were quoted £11k for sash and case PVC that look just like timber from the street, compared to £27k plus timber maintenance for timber)...I appreciate that timber can last longer, but the upfront cost is so high that we just can’t afford it.’ – age 35-44
- ‘We have had quotes to have [single-glazed windows] replaced but because we are a listed building it will cost over £30,000 to have all the windows in our house replaced in accordance with the Listed Buildings Consent process. This is because it requires us to use timber sash and case windows rather than being able to use more modern materials which are cheaper and, as advised by the glaziers, more effective/efficient. If we could use these cheaper options (e.g. aluminium/PVC) we could afford to replace our windows.’ – age 35-44
- ‘The requirement to ensure that window/door replacements match the design and materials utilised in the existing build means that installing double glazing is prohibitively expensive. I have been quoted from around £14k-£16k for double-glazed sash windows, which I simply cannot afford. This would be prohibitively expensive at the best of times, but the current cost-of-living crisis means I have less disposable income to save for energy

*efficiency improvements, and current rates of interest mean that borrowing money to fund improvements is similarly unaffordable.* – age 25-34

- ☞ *'...to replace with wood would cost at least double, which for something which is already expensive is prohibitive.'* – age 45-54
- ☞ *'The only windows which are allowed under planning restrictions are 3 to 4 times more expensive than uPVC windows.'* – age 65-74
- ☞ *'Cast iron gutter and drainage (external) pipes are very costly and alternatives should be possible! Repairs to listed buildings are more expensive because of expensive materials and labour'* – age 65-74
- ☞ *'Cast iron guttering to the rear of the building should probably be replaced. However planning portal says it must be replaced by cast iron. Cost of this is currently around £37 per metre. Cost of cast iron effect PVC guttering is currently around £8 per metre.'* – age 65-74

Furthermore, due to limits on the width of the between-pane cavity (in order to preserve window sightlines<sup>7</sup>) many respondents felt that the only double-glazing option they have is the slim-profile type, which is inferior to the standard double-glazing windows (with wider between-pane cavity) in terms of thermal performance and durability:

- ☞ *'Slimelite is twice as expensive as regular double glazing. The units also fail more and need replacing.'* – age 35-44
- ☞ *'Given the cost involved in installing double glazing & the fact it may have to be a slimline version in order to comply with regulations & the reduced effectiveness of thermal gain with slimline units as opposed to normal gap units make me consider whether the cost is justifiable for the performance gain.'* – age 65-74
- ☞ *'The required windows that are within the regulation for our type of listed building are excessively expensive and do not deliver adequate improvement to the EPC.'* – age 35-44
- ☞ *'I have slimline glazing which helps but still have lots of draughts and this means heating costs are very high.'* – age 75+

Research<sup>8</sup> conducted by Glasgow Caledonian University in 2010 has demonstrated that slim-profile<sup>9</sup> double glazing provides 'a significant improvement [over single-glazing but] are not optimised for thermal performance'. Specifically, the whole-window U-values<sup>10</sup> of the slim-profile double-glazed windows range between 2.3-3.4 W/m<sup>2</sup>K (depending on the type of gas used to fill the gap; vacuum can bring it down to 1.9 W/m<sup>2</sup>K but is significantly more expensive); whereas a single-glazed window is 5.2 W/m<sup>2</sup>K.<sup>11</sup> As a comparison, the Scottish Building Standards for new build domestic properties stipulated a maximum U-value (i.e. worst allowed) of 1.4 W/m<sup>2</sup>K for windows.<sup>12</sup> The Glass and Glazing Federation (GGF) has also issued a statement<sup>13</sup> expressing their concern that many slim-profile double glazing windows may not conform to BS EN 1279 (a product standard for the manufacture of insulated sealed glass units).

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<sup>7</sup> Window sightline refers to the amount of window frame you see when viewed from the front of the window; wider between-pane cavity means a thicker overall window ensemble which requires thicker frame to hold

<sup>8</sup> Baker, Paul (2010). 'In situ measurements of the U-values of double glazed replacement units in Georgian sash and casement windows'. Part of Historic Environment Scotland's Technical Paper 09, available at <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=8c01582b-c71e-45d7-8991-a59400e44b0d>

<sup>9</sup> Often referred to as 'slimline' or 'slimlite', which is a product name of one of many available slim-profile double glazing windows

<sup>10</sup> Whole-window U-value differ from U-value of the glass pane as it accounts for thermal bridging such as via astragals

<sup>11</sup> Baker, Paul (2010). 'Calculation of whole-window U-values from in-situ measurements'. Also part of Historic Environment Scotland's Technical Paper 09.

<sup>12</sup> Building Standards Domestic Technical Handbook: June 2023 Edition. Available at <https://www.gov.scot/publications/building-standards-technical-handbook-2023-domestic/>

<sup>13</sup> <https://www.ggf.org.uk/low-sightline-insulated-glass-units/>

## 2. Cost of maintenance

The extra cost of period-appropriate material carries over to the maintenance of properties. With respect to windows replacement, several respondents commented on their wish to avoid wood frame windows not only due to the higher upfront cost, but also the ongoing cost (and hassle) of repainting:

- ☞ *'Wooden window frames rots are costly to try and maintain especially if they are 7 foot high.'* – age 55-64
- ☞ *'I do not want wooden frames as that is extra cost for painting. I have kept my windows when replaced in the 80's to sash style which is in keeping but would like to change to triple glazing still sash but without the upkeep of painting them.'* – age 55-64
- ☞ *'Wooden windows also require ongoing maintenance (repainting) in a way that PVC does not.'* – age 45-54

## 3. Cost of applying for permission

Whilst the Listed Building Consent application does not carry a fee, planning permission and building warrant applications do. But in addition to the application fees, respondents also found the cost of managing this process – specifically the hiring of professionals to deal with the paperwork and do the required drawings – added to the overall cost of carrying out work on their properties:

- ☞ *'The financial cost of these measures is also prohibitive to start with so adding additional planning costs makes it unpalatable.'* – age 35-44
- ☞ *'...paying for planning permission, even though it was a few hundred pounds meant I did not go ahead.'* – age 55-64
- ☞ *'It is so costly to have to get drawings each time we want to do any work to our homes because of the need for a building warrant.'* – age 35-44
- ☞ *'Had to get an architect involved as there is no way I'd try myself. This makes it very expensive to even simply get permissions!'* – age 45-54

However, from the comments there emerged areas where clarifications may make the planning application process easier and, in some cases, obviate the need to hire a professional and therefore reduce the cost associated with the application process. For instance, the below respondent noted:

- ☞ *'Perhaps add to portal that an architect's survey of property may not always be required. When I applied for permission to replace windows, the information showed that I needed some property drawings ... A friendly architect told me all that was needed was a map from the Ordinance Office. Saved me vast expense and was accepted by planning.'* – age 45-54

An additional barrier related to cost is the long return on investment (ROI), especially for owners who do not plan to stay in the property long. As Figure 2 illustrates, older age group residents are more likely to be house property owners, suggesting that the younger property owners trade in their flats for detached or terraced homes as they progress through life stages such as having a family.

- ☞ *'We expect to stay only a few years, efficiency gains will take too long to pay back improvements.'* – age 25-34
- ☞ *'In our late seventies with equity release- it makes no sense.'* – age 75+
- ☞ *'Options such as secondary glazing do not give a good return on investment - the pay pack period is ten years plus even with today's electricity prices!'* – age not given
- ☞ *'We are elderly and so don't see any personal benefit.'* – age 75+

### 6.4.2 Conservation area designation and listing status as a barrier

The costs associated with using period-appropriate material and the application process led many respondents (n=139) to see the conservation area designation or listing status, and by extension the CEC, as a barrier itself. In answering the original survey question 'What barriers prevent you from doing work to



maintain or adapt your property?' 35 respondents selected 'other' then wrote in either 'the council' or 'conservation area':

- 💬 *'Edinburgh planning dept. forcing high cost wooden sash /case whereas modern uPVC sash/case is more cost effective with less maintenance. Almost seems like there is a closed shop with planners and wooden window companies are in cahoots.'* – age 65-74
- 💬 *'The overwhelming feeling I - and others I know - have is that the council barely want us to touch a scratch on our home and would rather have rotting old window casings than energy efficient double glazing.'* – age 45-54
- 💬 *'Having listened to the minutes from the councillors who refused [our planning application to upgrade windows], their main reasoning was that we could install timber framed windows as it was only a "little" bit more expensive. In fact the cost of doing that was £25k, 2.5X more expensive than installing PVC. They had obviously no appreciation for the cost of these kind of changes.'* – age 25-34

In terms of alternative energy source, specifically the installation of photovoltaic panels, 33 respondents noted that the conservation area status prevented them from installing or limited their installation of PV panels on their roofs:

- 💬 *'Would love to install solar and wind but as we are in a conservation area we could possibly install only a few panels where it can't be seen from the street which wouldn't make it worthwhile. it would need to be the whole roof area which would make it then worthwhile but council would object.'* – age 35-44
- 💬 *'Roofs with perfect south orientation for solar panels but barrier due to conservation area.'* – age 45-54
- 💬 *'I couldn't install on a partial flat roof because regulations say that height must not be increased'* – age 75+

#### 6.4.3 Limitations with currently available financial support

As cost emerged as the biggest barrier, it is no surprise that many respondents expressed a wish for financial support in the form of grants or loans. A number of schemes exist. However, respondents' comments suggest that there are several limitations with the financial support that are currently available:

- Grants/loans condition tied to EPC or Home Energy Report, which does not recognise the conservation area/listed status and often recommends improvements such as internal wall insulation that is often inappropriate or unpractical for historic properties. It also ignores the impacts of certain features that are common in historic properties, such as cupola.
  - 💬 *'I still have the original single-glazed cupola which allows a huge heat loss. I have no more funds to replace this and looked to the home energy trust for funding. However because this wasn't picked up on my home energy report they were unable to give funding.'* – age 45-54
- Grants/loans application process is slow:
  - 💬 *'I did apply for loan for secondary glazing but by the time they responded the quote was out of date and I lost the will'* – age 55-64
  - 💬 *'Have accessed three HES loans but slow and bureaucratic.'* – age 45-54
- Grants/loans conditions exclude historic buildings by targeting lower-cost solutions which are not permitted in conservation area or listed buildings:
  - 💬 *'There are grants for PVC windows but if you live in a conservation area you aren't allowed to use this material so everyone with wooden frames gets no support.'* – age 65-74
  - 💬 *'Lots of schemes financing window replacement don't cover heritage windows so can't get financing for double glazing.'* – age 25-34
  - 💬 *'Many of these improvements cost lots of money and, while covered by grant funding from Home Energy Scotland, often they aren't possible in a listed building.'* – age 35-44



- Grants not available for double glazing:<sup>14</sup>
  - 🗨️ *'Grants are available for the installation of air-source heat pumps but only if the applicable property has already had conservation area compliant doubled glazed windows installed for which... no grants are available. The outlay for this is so considerable that it's unlikely that owners would ever afford to progress to the installation of an air-source heat pump.'* – age 65-74
  - 🗨️ *'Large Victorian windows greatest heat loss but no available grants.'* – age 65-74
  
- Grants/loans amount not sufficient:
  - 🗨️ *'My house has 14 single-glazed windows. I have already used the maximum allowance of the council's interest free finance scheme to upgrade 2 windows which is all I could afford because I'm in a conservation area.'* – age 45-54
  - 🗨️ *'An air-source heat pump, is far too expensive to afford even with grant funding.'* – age 35-44
  - 🗨️ *'Only had 2 double glazed windows done. loft partially insulated and tried to get a grant but was unable to although I am just above income benefit level'* – age 65-74
  
- Grants/loans not available for some of the 'low(er)-hanging fruits' in terms of improving energy efficiency, such as window draughtproofing, which is recommended by current guidance as a step to take before considering window replacement:
  - 🗨️ *'Some grants are available, but not support for the things I feel are important first (e.g. airtightness and possible ventilation, as a result).'* – age 55-64
  - 🗨️ *'It does not make sense to heat all rooms in the property when 2 or 3 are occupied, but the cost of smart valves (e.g. Tado<sup>15</sup>) is a barrier'* – age 35-44

#### 6.4.4 Lack of skilled, trustworthy, and available tradespeople

Around a third of the respondents noted that the lack of appropriate tradespeople as a barrier (Figure 8). The free-text comments from 40 respondents suggest that in addition to skills (that are quality assured) and availability, trustworthiness and affordability are also important considerations:

- 🗨️ *'Very difficult to find tradesmen that [are] good, turn up and are not overpriced.'* – age 45-54
- 🗨️ *'The lack of skilled, reliable, trustworthy tradespeople to carry out any tiny jobs, let alone serious big repairs and maintenance to old, listed homes is the biggest hurdle of all.'* – age 65-74
- 🗨️ *'Found it difficult to find a specialist company who could repair our wooden shutters to enable them to close properly for better winter thermal efficiency.'* – age 55-64
- 🗨️ *'A number of tradespeople refuse to carry out work due to the location of the property (difficulty parking and very expensive!) and the fact that it's on the third floor with no lift.'* – age 35-44
- 🗨️ *'Don't really know where to start, and any engagement with commercial contractors is likely to end up in a sales-driven process.'* – age 45-54
- 🗨️ *'Concern that tradespeople would not use appropriate materials and cause longer term issues e.g. not using lime mortar.'* – age 55-64

#### 6.4.5 Trouble liaising with neighbours

As Figure 8 above illustrates and can be expected, significantly more flat owners experience trouble in seeking agreement with neighbours. Respondents' comments suggest two main issues: the lack of legally enforced

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<sup>14</sup> Home Energy Scotland does not offer grants for double glazing and loans are capped at £8000, see <https://www.homeenergyscotland.org/funding/grants-loans/overview/>

<sup>15</sup> A smart heating system that allows one to set temperatures in individual rooms (rather than the whole house) by controlling individual thermostatic radiator valves (TRV)

accountability of all involved (instead of relying on goodwill) especially when the neighbouring units are rental properties; and the lack of clarity on title deeds.

- 💬 *'Honestly, we can barely get the neighbours to pay for things like THE ROOF IS LEAKING, never mind upgrades. It took a lot of stress to get the gutters cleaned.'* – age 35-44
- 💬 *'The most difficult thing I have faced has been seeking agreement with my neighbours. Even for a smaller building like us, one of our residents is an absentee-landlord with absolutely no interest in improving the property or even allowing us access to perform upgrades/maintenance. There is no one to turn to for help in this matter. It's very frustrating.'* – age 16-24
- 💬 *'We set up an owners association but there is no legal measure to require payment of regular maintenance funds in communal account in an old tenement.'* – age 25-34
- 💬 *'About a third of flats are Air B&B. Owners reluctant to spend money on maintenance has been a problem'* – age 75+

The challenge of getting different owners to agree extends to the installation of alternative energy source such as photovoltaic panels and gas-alternative heating systems such as heat pumps. Again this is an issue that disproportionately impacted flat owners:

- 💬 *'Owning a tenement flat makes it really difficult to consider things like ground or air-source heat pumps, solar panels etc because they need [to be] located on common ground or roof space any fixings to common areas would mean you are responsible for the part of the building if anything goes wrong.'* – age 45-54, flat owner
- 💬 *'We have spoken to several neighbours who are very in support of the installation of heat pumps in the neighbourhood, but are hesitant or discouraged because others say that they would object to planning applications or make complaints if they saw heat pumps installed.'* – age 35-44, flat owner

#### 6.4.6 Lack of clear, centralised, and neutral advice

Financial, regulatory, and cooperative barriers aside, 58 respondents commented on the lack of clear, centralised, neutral, and practical advice regarding retrofit and adaptation works. It is not clear if these respondents are aware of existing resources such as *The Engine Shed*<sup>16</sup> or Home Energy Scotland<sup>17</sup>, and most recently, the EcoCosi service<sup>18</sup> offered by Changeworks.

- 💬 *'Mainly knowing who and where to go for help in a listed building, I would love to start making some of the changes but not sure where and how best to start.'* – age 45-54
- 💬 *'The uncertainties arising from there not being a single reliable independent trustworthy source of information and advice - there is a lot of more or less conflicting advice there.'* – age 55-64
- 💬 *'Listed building issues should be incorporated within a retrofit one-stop shop to ensure it's simple for owners to upgrade buildings.'* – age 65-74
- 💬 *'More detailed information on how listed buildings could be improved would be useful for lay people to actually understand what is involved'* – age 55-64
- 💬 *'The [guidance] document starts with the assumption that you know what work you want to do. I am starting from the point where I know my flat is energy inefficient but require expert help on the most cost-effective changes that can be made that don't compromise the integrity or character of the building and which will be permissible to do (either with or without planning permission).'* – age 55-64

Incidentally, several respondents also commented on not knowing where to find grants/financial support or feeling that available financial support had dwindled:

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<sup>16</sup> The Engine Shed is part of Historic Environment Scotland. <https://www.engineshed.scot/building-advice/>.

<sup>17</sup> <https://www.homeenergyscotland.org/>

<sup>18</sup> <https://www.changeworks.org.uk/energy-advice/homeowners/>

- ☞ *'Cost could be prohibitive for all concerned and not aware of any grants or financial support we could apply for' – 65-74*
- ☞ *'Some grants etc for "green" interventions but confusing and difficult to find'. – 65-74*
- ☞ *'Once there were grants to help now there appear none.' – age 65-74*

#### 6.4.7 Time implications of the barriers

Whilst 'timescale to undertake work' appears to be a barrier least experienced by all respondents (Figure 8), free-text comments suggest that the time it takes to organise and manage the practical details of retrofit or maintenance work is not trivial (due to other barriers discussed in this report), regardless of the time required for the actual work itself.

- ☞ *'Even minor changes/improvements such as fitting double glazing is complicated and time consuming and often rejected.' – age 55-64*
- ☞ *'It just takes a long time to get listed building consent and then for the glazing firm to have time to do the work.' – age 55-64*
- ☞ *'Other flats are rental. Have done work but it takes time to get people on board.' – age 65-74*

In addition to time, several respondents also noted 'hassle', 'disruption', and 'mess' as barriers. For residents with disability or illness, these can be especially daunting:

- ☞ *'Health issues, our age as well as financial restraints make installations daunting. We would probably have to move out if major work was needed and one of us has to use a dialysis machine overnight, every night making major work something we couldn't face or undertake.' – age 75+*

#### 6.4.8 Limited retrofit and adaptation options due to building design

The physical designs of many historic properties limit the type of retrofit and adaptation works that can be undertaken. Specifically, many respondents remarked that internal wall insulation (an energy efficiency measure frequently recommended by the EPC) simply does not suit historic properties for several reasons: (1) it reduces internal floor area; (2) it is a complicated process, driving up the hassle factor and cost; and (3) it is especially inappropriate for listed buildings where cornices and moulding may be damaged. Several respondents also noted the difficulties of carrying out loft insulations.

- ☞ *'The level of work necessary ... on internal walls etc. would seriously damage the style of the listed building and the cost would be beyond what a pensioner like me could afford.' – age 65-74*
- ☞ *'I would like to insulate my lounge walls, but there is a recessed cupboard, wall panelling, a mantelpiece, built-in bookcases, and an ornate cornice. it would be a horrendous job and very expensive.' – age 65-74*
- ☞ *'We would like to get roof insulation but the space is not accessible.' – age 45-54*
- ☞ *'Part of my property's roof is flat, and there is no gap (for example, attic space) between the inside area and the outside area, therefore there is a large area that cannot be easily insulated.' – age 45-54*

#### 6.4.9 Specific barriers to gas-alternative heating systems

Despite the Government-funded Electrification of Heat project<sup>19</sup> concluded that 'there is no property type or architectural era that is unsuitable for a heat pump', respondents from this consultation raised several feasibility issues in Edinburgh's historic properties. Three major barriers are identified:

1. Space (either physical or permitted) limitation:

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<sup>19</sup> The Electrification of Heat (EoH) demonstration project (<https://es.catapult.org.uk/project/electrification-of-heat-demonstration/>) – funded by the Department for Business, Energy and Industrial Strategy (BEIS) – installed 742 heat pumps of various types across Great Britain (including South East of Scotland) from July 2020 – October 2021. The projects' *Installation Statistics Report* (available on its website) indicates that 58 properties (7.8%) covered by the project dated pre 1919 but none of which is of the flat property type. Overall, the project installed 41 (5.5%) heat pumps in flat properties.

- 💬 *'Installing an ASHP is unlikely due to physical space constraints at the rear of the building (first floor, near a lot of windows)' – age 35-44, flat owner*
- 💬 *'The shape and accessibility of my back garden doesn't really lend itself to the installation of vertical or horizontal elements.'* – age 45-54, terraced property owner

2. Property not insulated enough for heat pump to be cost effective; this is often related to the window improvement and insulation barriers discussed above:

- 💬 *'We were told we can't have a heat pump as the building can't be insulated enough to make it work.'* – age 35-44, terraced property owner
- 💬 *'Think house is unsuitable to maximise benefit of heat pumps as house not well enough insulated'* – age 45-54, flat owner

3. Cost: not only the initial outlay of the heat pump installation itself, but also additional required work for heat pump to work efficiently (larger radiators, new piping)

- 💬 *'Installing a heat pump would be great, but I've been told it wouldn't work since the radiators wouldn't give out enough heat and the property is too draughty for it to cope.'* – age 45-54, terraced property owner
- 💬 *'I would also like to replace my gas boiler with an air-source heat pump... but as I understand it would involve a costly retrofit to the radiators'* – age 25-34, flat owner

## 7 Feedback on the CEC Listed Building and Conservation Areas Guidance

Out of 431 unique respondents, 67% (289) has read the guidance. The other 33% (142) responded 'Don't know/Can't remember'. A copy of the guidance<sup>20</sup> was linked to and displayed in-browser on the questionnaire platform. For the most part, respondents who did not read the guide did not go on to answer the rest of the three questions about the Guidance, and are therefore omitted in the following analysis. Figure 10 illustrates the breakdown of the level of agreement to each statement regarding the CEC guidance.

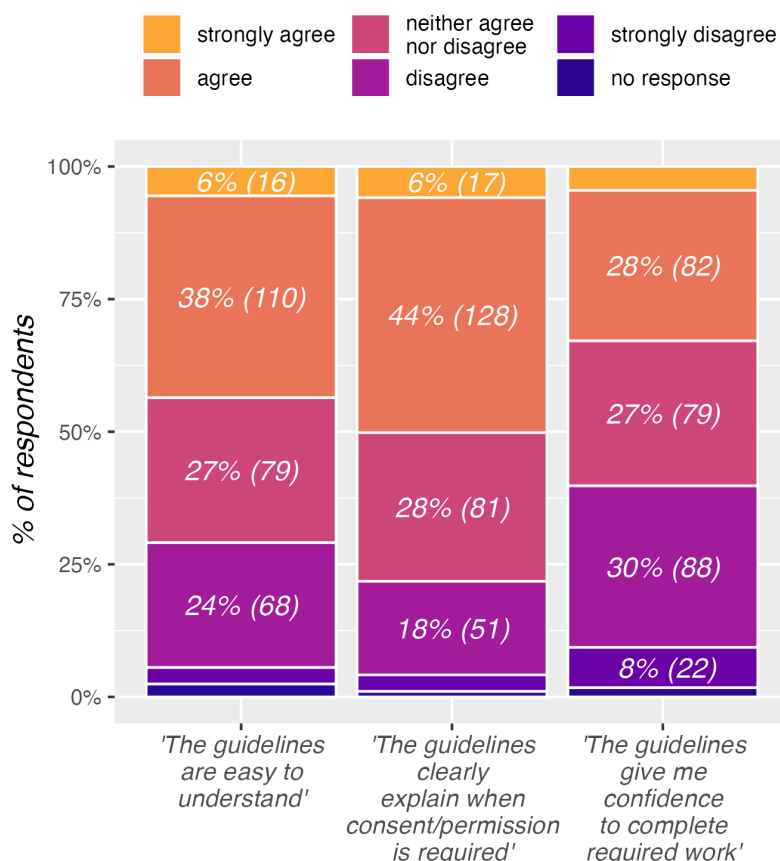


Figure 10 Distribution of the degree agreement with each statement regarding the CEC guidelines. Only respondents who have read the guidelines are represented in this figure (n=289).

### 7.1 Free text comments about the CEC Listed Building and Conservation Areas Guidance

**Question phrasing as appeared in the survey:**  
 Please use the space below for any comments or suggestions about the guidelines.

Out of 440 responses, 146 (33.2%) provided comments and/or suggestions about the guidance document. Several themes emerged and are discussed below.

<sup>20</sup> Available as a PDF at [https://consultationhub.edinburgh.gov.uk/sfc/conservation-adaptation2023/supporting\\_documents/Listed\\_Buildings\\_Guidance\\_14\\_October\\_2022.pdf](https://consultationhub.edinburgh.gov.uk/sfc/conservation-adaptation2023/supporting_documents/Listed_Buildings_Guidance_14_October_2022.pdf)

### 7.1.1 Desire for clarity

Several respondents expressed the wish for a glossary or laymen's explanations for technical terms such as 'sightline' and 'permitted development'. More importantly, many respondents noted that some guidelines are too vague and open to interpretation:

- ☞ *"Like for like" is very poorly defined (upgrading is by definition NOT like for like)' – age 25-34*
- ☞ *'The guidelines mention a "Where a significant proportion of historic glass (such as Crown, cylinder and drawn sheet) remains on an individual window, it should be retained or re-used" but does not state what a significant proportion is.' – age 45-54*
- ☞ *'The guide left a lot open to interpretation and no pre application discussion was allowed.' – age 35-44*

### 7.1.2 Desire for compromise

Comments from the respondents overwhelmingly reflected that it is possible to strike a balance between adapting to climate change and conserving historic properties if only some rules can be relaxed. Specifically, several respondents felt that permission should be allowed (or not even required) for works done on the rear façades:

- ☞ *'In my view planning should not be required ... for homes in a conservation area so long as the panels and associated equipment is not visible from the road.' – age 35-44*
- ☞ *'I feel for rooms that do not face on to the street, I should be able to double glaze as I see fit.' – age 25-34*
- ☞ *'At least normal double glazing should be applied to the rear of the buildings.' – age 65-74*

The overall sentiment is not to disregard conservation wholesale, but to allow some flexibility in detail, which would also ensure larger damage would not occur:

- ☞ *'[Allowing] conservation-grade PVC windows would ... ensure people don't put in cheap and ugly PVC windows which is what is happening.' – age 55-64*
- ☞ *'Solar panels should be of uniform design and appearance and that their layout on the roof-slope should be uniform in pattern (e.g. in regular rows as close as possible to the bottom of the slope) - all in order to maintain so far as possible the ordered appearance of terraced housing ... and avoid the development of a haphazard and "higgledy-piggledy" profusion of different panels laid out in different arrangements on different roofs.' – age 75+*
- ☞ *'I think the important issue is balance; preserving the character does not necessarily mean keeping things exactly as they were, and we should not let the perfect be the enemy of the good. And then there's the urgency aspect- if one believes the climate situation is urgent, then by not allowing sensible efficiencies to be made, our sandstone buildings won't be preserved anyway' – age 45-54*

Several respondents also remarked that it is possible to get uPVC frame windows that look like timber frame windows, especially when the windows are on upper storey where one can only view from afar:

- ☞ *'I work in heritage and completely agree with the need to maintain the character of the neighbourhood. However, today one can purchase sash and case uPVC windows that look exactly like the timber replacements' – age 45-54*
- ☞ *'I wish to install conservation grade, high quality, woodgrain effect uPVC double-glazed windows which will be indistinguishable from the original windows, and which will be more thermally efficient than timber.' – age 35-44*

Currently, the comments from the respondents suggest that historic property owners felt that the authorities prioritise appearance over more urgent issues, such as cost-of-living crisis and the climate emergency, and that the current regulation is not in step with the time:

- 💬 *'The image, at the very least, is that building conservation is far prioritised over living, energy, and environmental issues. We love Edinburgh, its heritage, and its architecture. But we need to prioritise our families' wellbeing and their future.'* – age 45-54
- 💬 *'I do believe it's important to protect architectural heritage. However the level of restriction can actively have an impact on standard of living.'* – age 45-54
- 💬 *'There's an existential climate emergency facing us all and yet the planning restrictions' focus on aesthetics blocks important work being done (e.g. no solar PV visible from the street; restrictions on thicker double glazing etc). The balance of priorities needs to be shifted to better reflect the desperate reality.'* – age 35-44
- 💬 *'The fact that Planning restricts people from making important changes to adapt to climate change and to reduce the risk of fuel poverty and/or improve the comfort and health of their homes is incredibly frustrating.'* – age 55-64
- 💬 *'Planning rules and building listing status are so outdated and predate concerns around climate change and cost-of-living and now require serious review and revision.'* – age 45-54
- 💬 *'I am very pro maintaining the historic and architectural beauty of Edinburgh, however it is my view that we cannot prioritise this, over sensible and much needed practical changes to the city's buildings, to support the collective need to combat global warming and climate change.'* – age 55-64
- 💬 *'Changing windows which look the same in conservation areas to high quality uPVC with double or triple glazing is far more important to the future of this planet than making sure it looks traditional. It is time planning consents caught up with the crisis facing the world.'* – age 55-64
- 💬 *'The guidelines do not make any allowance for sympathetic energy efficiency measures. They are not in step with climate targets'* – age 45-54

### 7.1.3 Desire for consistency

Whilst there is 'no precedent in planning', comments from many respondents (n = 34) clearly reflected a desire for consistency as they see many (apparent) violations around them where the rules are not reinforced:

- 💬 *'You can't conserve an area when there is so much non-compliance /inappropriate buildings/conversions being approved.'* – age 65-74
- 💬 *'Feels inconsistent approach applied with some properties having double glazing that is non-compliant'* – age 45-54
- 💬 *'I strongly support maintaining our historic built environment. However, our home is surrounded by properties with uPVC or equivalent replacement windows. We have paid a significant premium to comply with a policy that is at best inconsistently applied, or more likely simply ignored by many homeowners.'* – age 45-54
- 💬 *'The approach is also not consistent, e.g. I was allowed to installed double glazing because it was "like for like" (probably illegal installation by previous owners) but my neighbours can only install single glazing or slimline double- there is no difference in how they look but a massive difference in energy efficiency.'* – age 35-44
- 💬 *'The most frustrating thing is most of the flats in my area are already double-glazed with PVC even though it's a conservation area. But by following the rules I have to suffer. Or by breaking the rule I take an absolutely enormous risk of having to pay to revert them back to non-PVC if its challenged.'* – age 35-44

### 7.1.4 Current guidance does not recognise the limitations of alternative measures

Respondents' comments suggest that alternative measures to improve thermal performance of windows, such as window refurbishment, draughtproofing, and using internal shutters<sup>21</sup>, may not be sufficient in all situations:

- 💬 *'We have refurbished the windows but feel this is not enough to prevent draughts.'* – age 45-54, Grange
- 💬 *'We spent around £5000 to have sash windows refurbished with insulation brushes, but this had less effect on draughts than expected.'* – age 45-54, Merchiston & Greenhill

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<sup>21</sup> As recommended on page 12 of the CEC Guidance

- ☞ *'Draught proofing is not completely effective for very old windows (late 19th century) which are 12 ft tall.'* – age 55-64, New Town
- ☞ *'We also refurbished all our windows at vast expense ... We are still cold and losing heat big-time from large bay window.'* – age 75+, New Town
- ☞ *'Had sash and case windows refurbished. Expensive but still draughty.'* – age 75+, New Town

### 7.1.5 Desire for long-term plan

Respondents reflected that there is a lack of long-term planning on decarbonisation, specifically on eliminating gas-reliant heating. The position is particularly precarious for those who are on the precipice of replacing an old boiler:

- ☞ *'We shall have to install a gas boiler and have no idea what we will do when the Scottish government bans them from use.'* – age 55-64
- ☞ *'Gas boiler reaching end of life and would be keen to replace with zero emissions alternative but not clear about whether we are likely to part of heat network area or should seek to install heat pump.'* – age 45-54
- ☞ *'The guidelines do not take a zero-carbon future into account and do not give guidance on what can be done today or in the next 10 years to prepare for a zero carbon future.'* – age 45-54

### 7.1.6 Desire for larger scale or community-wide approach

Several respondents from different conservation areas have expressed a wish for a community-wide approach:

- ☞ *'We need to make it easy for homeowners to heat their homes without fossil fuels, and district heating<sup>22</sup> looks far more promising to me than trying to get individual homeowners to install heat pump systems on a large scale'* – age 25-34, flat owner
- ☞ *'it might make sense to have one large heat pump for whole stair in back green? ... Stair are civil but not all are interested. seems too daunting to start.'* – age 55-64, flat owner
- ☞ *'There should be a street by street / area-based approach to energy efficiency and heat decarbonisation. Allowing an ad hoc property by property approach, led by homeowners themselves leads to piecemeal improvements, and will not support the wholesale adoption of [heat pumps] or the installation of district heating.'* – age 45-54, flat owner
- ☞ *'It would be great to see a community heat pump/local technology that heats a large number of homes without having to adapt individual houses.'* – age 25-34, flat owner

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<sup>22</sup> District heating is not the same as community heating. See Energy Saving Trust's blog (<https://energysavingtrust.org.uk/what-district-heating/>)



## 8 Feedback on the planning application process

### Question phrasing as appeared in the survey:

*In the past year, have you applied for any of the following consents for work to be carried out?*

Out of 431 unique respondents, a total of 122 (28.3%) have applied for some form of consent in the past year. Table 3 shows the breakdown by application type and property type.

	Detached/ Terraced	Flat	Not specified	Total (% of all respondents)
Listed Building Consent (LBC)	12	27	2	41 (9.5%)
Planning Permission	19	25	2	46 (10.7%)
Building Warrant	12	21	2	35 (8.1%)

**Table 3 Number of respondents who have applied in the past year by**

### 8.1 Free text comments about the application process

#### Question phrasing as appeared in the survey:

*Please use the space below for any comments about your experience or suggestions on how we could improve this process.*

Out of 440 responses, 112 (25.5%) commented on their experience applying for planning permission, LBC, or building warrants. Sixteen respondents reported having had a (relatively) positive experience:

- 💬 *'The process was relatively straightforward but the communication was poor.'* –age 35-44
- 💬 *'I applied for a completion certificate for my building warrant. I liked the online system for this and found it relatively easy to use.'* –age 65-74
- 💬 *'The process was fine. Our architects secured consent in reasonable time.'* – age 55-64

However, significantly more respondents (n=52) commented that the process was difficult either from first-hand experience, having looked into the process (but had not actually made an application), or perception from the experiences of neighbour/family/friends:

- 💬 *'I was put off ... by the complicated planning process due to living in a conservation area.'* – age 25-34
- 💬 *'Very slow. Very difficult to navigate through portal. Cannot get a site visit as so few building officers.'* – age 55-64

Six respondents commented on the usability of the planning application website whilst several respondents (n=19) specifically noted the slowness of the process:

- 💬 *'Planning permission was slow and quite hard to approach as felt the planning officer did not know the area and the range of styles/ alterations in the [neighbourhood redacted]'* – age 25-34
- 💬 *'...a process that took 3 months - longer than the actual renovation.'* – age 75+

Several respondents of varying age groups also pointed out that they did not know where to begin or are concerned about the application process:

- 💬 *'I find the listed building consent confusing and unsure how to proceed with appropriate consents for replacing windows with double glazing.'* – age 25-34
- 💬 *'My greatest plea is for help with submitting a Planning Application'* – age 75+

- 💬 *'Wouldn't know where to begin to get planning permission' – age 55-64*

Although it appears that the difficulties may have more to do with the communication and instructions for the application process, and not the process itself. One respondent noted:

- 💬 *'Having been initially daunted by the guidelines and application process, I spent time, together with a neighbour, in working through the guidelines and came to the conclusion that the application process was not as difficult as it appeared. My neighbour and I then wrote guidance for people living in similar properties as ourselves to help them feel less daunted by the process.'* – age 65-74

Nevertheless, the current state of the application process is perceived as difficult and complex enough such that many respondents opted to hire professionals to take care of the application process for them, which added to the total cost burden of carrying out the work (discussed in section 6.4.1):

- 💬 *'We used a company to fit double-glazing in our main home ... who offered the service of getting LBC for us, that was the only reason we chose them - although a professional ... in my day job, I felt too daunted by trying to ascertain what would be needed, do drawings, get specs for the new windows etc.'* – age 45-54
- 💬 *'Our improvements were done in partnership with an architect who guided us through this. I would have been confused otherwise I am sure!'* – age 35-44
- 💬 *'The planning dept. is so difficult to deal with and so unhelpful that without paying an architect or technician to deal with the applications, it is so difficult to make any headway with CEC.'* – age 35-44

An area in the application process that needs clarification is whether consent is required. Several respondents commented that they went through the process only to find out that consent was not even needed. Others also found Planning Department's advice to 'apply and see' to be frustrating:

- 💬 *'Process took ages and in the end consent did not appear to be required. Complete waste of time.'* – age 45-54
- 💬 *'After explaining the situation to three different planning officers, I was told there was no way the council could tell me if I needed ... and I would have to apply for full permissions to find out. A lengthy process later, we were told we did not need any permissions - or to have needed to apply for planning permission... Absolute waste of time.'* – age 35-44
- 💬 *'I have lived in two listed properties...Both times, I have applied for listed building consent and planning for different things - both times have tried to find out if I actually need listed building consent/planning for the planned works and have been told I have to apply anyway to find out. Both times, I have not needed listed building consent/planning for parts of my works, meaning it has been a waste of time and resources for both us and the Planning Department!'* – age 35-44
- 💬 *'I contacted the council via email to find out if permission was needed. They said the only way to find that out was by completing an application form.'* – 25-34

Finally, several respondents (n=21) commented on the unresponsiveness of the Planning Department and expressed their wish for better communication in assisting with the application process and fielding queries:

- 💬 *'Impossible to contact Planning Department to obtain advice' – age 65-74*
- 💬 *'It is impossible to get easy to understand pre-application advice from anyone.'* – age 55-64
- 💬 *'Policy guidelines are all very well but over-the-counter discussion is often the only way to get the advice one needs.'* – age 75+
- 💬 *'Lack [of] pre application discussion. Trying to even speak with a person in planning was impossible. People asking the phone telling you to email, when you email you get a generic response.'* – age 35-44
- 💬 *'Reinstating the in-person planning help desk would make it easier to clarify the Council's requirements and avoid unnecessary work and cost for both the Council and applicants.'* – age not specified

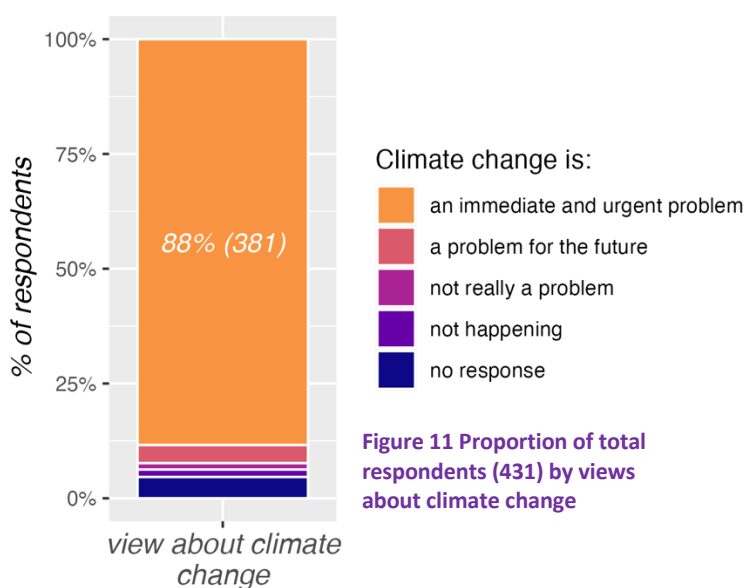
## 9 Views on climate change, adaptation, comfort, and heritage conservation

**Question phrasing as appeared in the survey:**

Which of the following statements, comes closest to your own view about climate change? Climate change is...

- ... an immediate and urgent problem
- ... a problem for the future
- ... not really a problem
- ... not happening

The respondents overwhelmingly (88%, n = 381 out of 431) view climate change as ‘an immediate and urgent problem’, as shown in Figure 11. Only 6 respondents regard climate change as ‘not really a problem’; and a further 7 respondents believe that climate change is ‘not happening’.

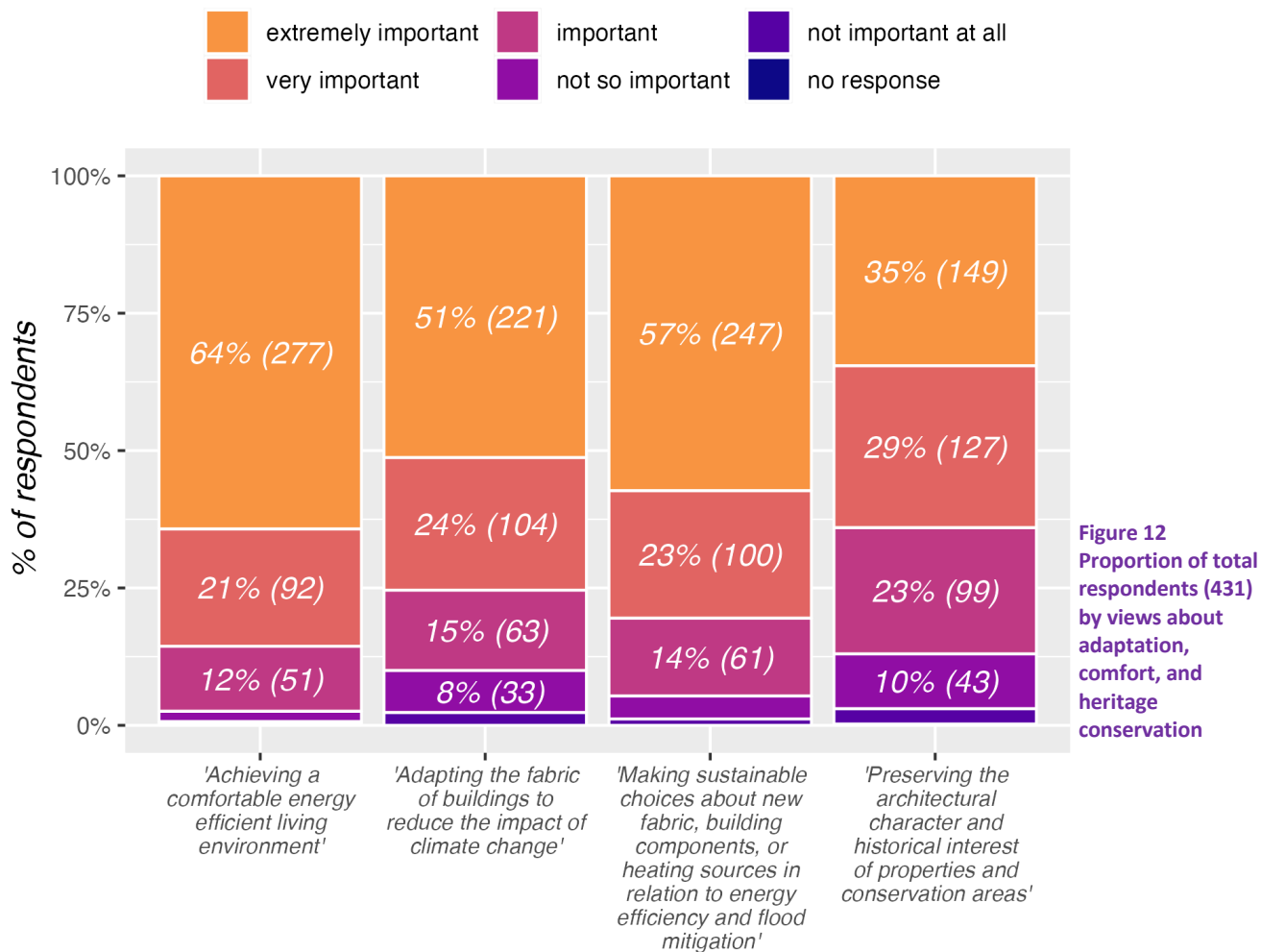


**Figure 11** Proportion of total respondents (431) by views about climate change

**Question phrasing as appeared in the survey:**

How important do you think the each of the following statements are regarding listed buildings and the city’s built heritage?

- Achieving a comfortable energy efficient living environment
- Adapting the fabric of buildings (e.g., walls, roofs, floors) to reduce the impact of climate change
- Making sustainable choices about new fabric, building components or heating sources in relation to energy efficiency and flood mitigation.
- Preserving the architectural character and historical interest of properties and conservation areas.



As shown in Figure 12, whilst the vast majority of the respondents considered all four statements to be important, significantly fewer respondents considered the preservation of architecture character and historical interest of properties to be very or extremely important. Only a few respondents expressed in the free-text comment that conservation should be valued above all else.

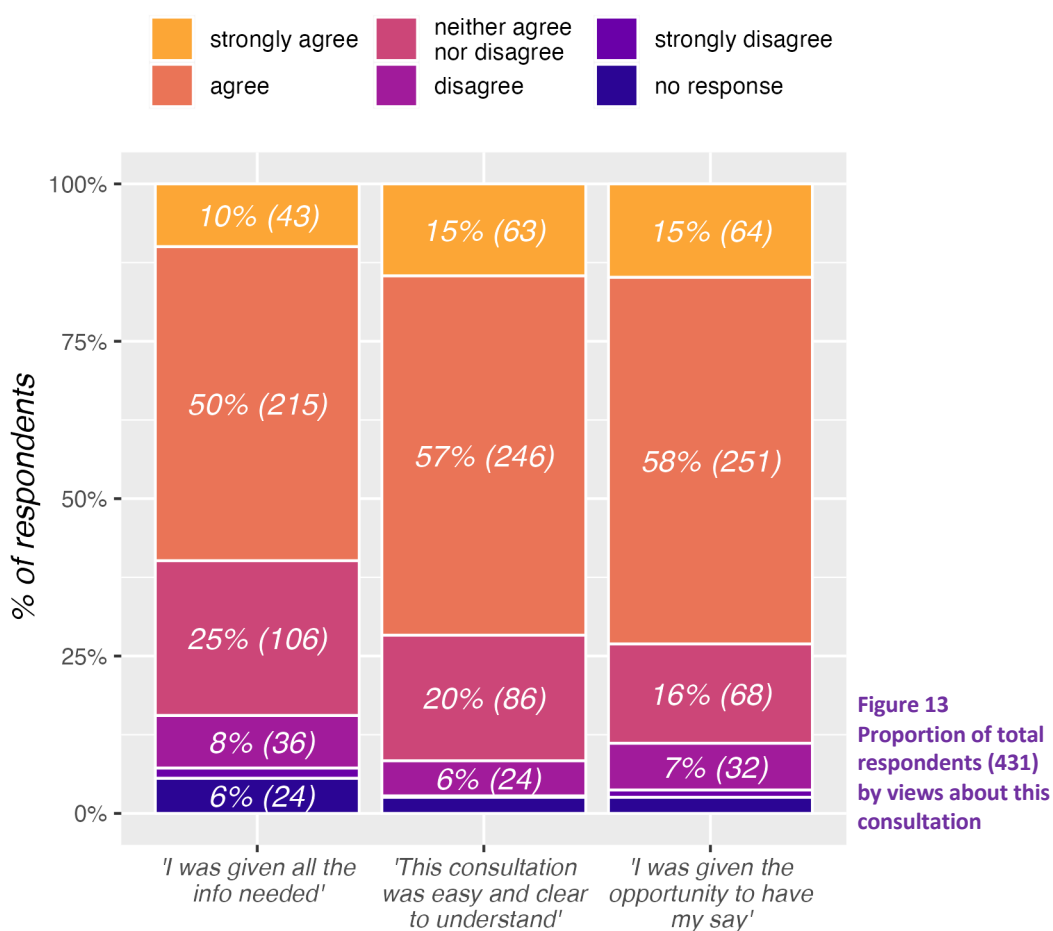
## 10 Feedback on this consultation exercise

**Question phrasing as appeared in the survey:**

To what extent do you agree or disagree with the following statements about this consultation?

- I was given all the information that I needed to have my say.
- This consultation was clear and easy to understand.
- I was given the opportunity to have my say.

As shown in Figure 13, the vast majority of the respondents considered that they have been given all the information needed (60%) and the opportunity to have their say (73%). They also agreed that the consultation was easy and clear to understand (72%).



### 10.1.1 Free text comment about this consultation

Out of 440 responses, 140 (31.8%) commented on their experience with this consultation. Of those who commented (n=140), 12 expressed positive reactions to the consultation:

- 💬 'REALLY good and appreciated that the Council is including/involving its community and their views/needs in such an issue.'
- 💬 'Very glad to see some constructive communication to start alleviating climate change problems and financial hardships through higher fuel costs.'

Several respondents (26 out of 140) expressed a clear desire to be kept informed of the outcome and to see swift actions from the Council:

- ☞ *'Hurry up and organise community level support... there are plenty of us want to do this but need real time input and community level planning.'*
- ☞ *'I hope to get feedback from the survey and some ACTION.'*
- ☞ *'The Council should implement any changes to policy quickly, otherwise respondents will feel disengaged from taking part in future surveys if resulting change is too slow.'*
- ☞ *'I hope you will provide feedback on (a) the result of the consultation and (b) what the Council is doing about it as a result of the Consultation.'*

A few respondents (n=6) were unsure what the outcome of the consultation will be whilst others (n=6) expressed a lack of confidence with regards to what will come of this consultation. Five respondents specifically referenced the consultation as a 'tick-box' or tokenistic exercise.

Ten respondents commented that they felt the consultation was not sufficiently well publicised and recommended that the request for consultation should be directly communicated from the Council:

- ☞ *'I only found this survey by chance - it would be worth considering how you promote these consultations and surveys'*
- ☞ *'I found out about this on [name redacted] Facebook page so I am really concerned that I had not heard directly from the Council - you could have put a note in about consultation with Council Tax for example. I have shared with neighbours, but I am concerned about the reach of the consultation and potential low response rate unless you are more pro-active in seeking responses.'*

Several respondents (39 out of 140 comments) noted needed improvements on some aspects of the survey design and questions asked. A few respondents also expressed the desire to discuss the issues in more depth (rather than via a survey) and be given the opportunity to provide suggestions directly to the authorities:

- ☞ *'There needs to be clear town hall meeting to address these questions- a survey does not capture the essence of the problem.'*
- ☞ *'Invite interested property owners like myself to speak directly to any committee, councillors, etc. who are looking into this.'*
- ☞ *'Before individuals and owners can act on the Issues of conservation and climate there needs to be recognition from Council and ScotGov that it is the Public Realm which must lead.'*

## 11 Conclusions

The City of Edinburgh Council's *Conservation & Adaptation* public consultation set out to understand the current challenges owners of historic properties face in maintaining and adapting their properties amid the climate emergency and cost-of-living crisis. The consultation was conducted as an online questionnaire survey and was open to responses from 31 March to 11 June 2023. This report has detailed the analysis of the responses, both quantitatively and qualitatively.

The key findings are as followed:

- The distribution of property issues experienced and barriers faced by owners are not equal between flat properties and house-type properties (detached/semi-detached/terraced homes). On average, flat owners have more *types* of issues in their properties, and face more *types* of barriers than house owners when maintaining and adapting their properties.
- Cold/draughts is the issue most experienced by all owners of all property types; followed by roof repairs. However, a significantly higher proportion of flats have condensation issues and failed gutters and downpipes.
- Financial cost is the barrier most experienced by owners of all property types; even for those who reported no change or better in their financial situation in the past year. The second most experienced barrier by all is the process of applying for permissions, which affected a significantly higher proportion of flat owners. A higher proportion of flat owners also experienced barrier in seeking agreement with neighbours.
- Free-text comments from respondents provided insights into the financial barrier, specifically on the high cost of period-appropriate materials stipulated by the current listed building/conservation areas guidance. Additional barriers include the lack of skilled and trustworthy tradespeople, as well as clear, centralised, and neutral advice on selecting and proceeding with the most cost-effective works.
- The respondents overwhelmingly (88%) view climate change as 'an immediate and urgent problem'. This sentiment, however, is not at odds with the desire for heritage conservation: the majority of respondents also see preserving the architecture character and historical interest of properties and conservation areas to be 'very or extremely important'. Comments from the respondents overwhelmingly reflected that it is possible to strike a balance between adapting to climate change and conserving historic properties if only some rules can be relaxed to lower the cost barrier and to allow alternative energy sources or heating systems to be installed.

Finally, the responses from this consultation echoed the findings from the Scottish Government's 2019 consultation *Energy Efficient Scotland: Improving energy efficiency in owner occupied homes*.<sup>23</sup> Although not targeted at historic property owners (but all owner-occupiers across the whole of Scotland), responses from the 2019 consultation (with 148 responses from both individuals and organisations) also highlighted the cost of energy efficiency improvements specifically for older homes, the need for financial support and information, and the importance of compliance monitoring and reinforcement.

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<sup>23</sup> The consultation and its outcome can be found at: <https://consult.gov.scot/housing-and-social-justice/energy-efficient-scotland-owner-occupier-proposals/>

## 12 References and Resources

Baker, Paul (2010). *Calculation of whole-window U-values from in-situ measurements*. Part of Historic Environment Scotland's Technical Paper 09. Historic Environment Scotland. Available from <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=8c01582b-c71e-45d7-8991-a59400e44b0d>.

Baker, Paul (2010). *In sit measurements of the U-values of double glazed replacement units in Georgian sash and casement windows*. Part of Historic Environment Scotland's Technical Paper 09. Historic Environment Scotland. Available from <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=8c01582b-c71e-45d7-8991-a59400e44b0d>.

The City of Edinburgh Council (2021). *2030 Climate Strategy: Delivering a net zero, climate ready Edinburgh*. Available from <https://www.edinburgh.gov.uk/2030climatestrategy> [Accessed 10 August 2023].

The City of Edinburgh Council (2022, October). *Listed Buildings and Conservation Areas Guidance*. Available from [https://consultationhub.edinburgh.gov.uk/sfc/conservation-adaptation2023/supporting\\_documents/Listed\\_Buildings\\_Guidance\\_14\\_October\\_2022.pdf](https://consultationhub.edinburgh.gov.uk/sfc/conservation-adaptation2023/supporting_documents/Listed_Buildings_Guidance_14_October_2022.pdf) [Assessed 13 March 2023].

Changeworks (2023). *EcoCosi retrofit service*. Available from <https://www.changeworks.org.uk/energy-advice/homeowners/> [Assessed 13 August 2023].

Energy Saving Trust (2021, September 13). *What is district heating? A low-carbons solution for the UK's homes*. Available from: <https://energysavingtrust.org.uk/what-district-heating/> [Assessed 13 August 2023].

Energy Systems Catapult (2021). *Electrification of Heat UK demonstration project*. Available from <https://es.catapult.org.uk/project/electrification-of-heat-demonstration/> [Assessed 2 August 2023].

The Engine Shed (n.d.). *Building Advice: Guidance for Owners of Traditional Buildings*. Historic Environment Scotland. Available from <https://www.engineshed.scot/building-advice/>. [ Assessed 6 July 2023].

The Glass and Glazing Federation (2017, September 15). *Low Sightline Insulated Glass Units*. GGF News. Available from <https://www.ggf.org.uk/low-sightline-insulated-glass-units/> [Accessed 23 July 2023].

Historic Environment Scotland (2020). *The Listed Building Dataset*. Historic Environment Scotland and Ordnance Survey data. Available from <https://portal.historicenvironment.scot/downloads/listedbuildings> [Accessed 11 August 2023].

Home Energy Scotland (n.d.). *What the Home Energy Scotland Grant and Loan covers and how to apply*. Home Energy Scotland website. Available from <https://www.homeenergyscotland.org/funding/grants-loans/overview/> [Assessed 8 August 2023]



Scottish Government (2021). *Energy Efficient Scotland: Improving energy efficiency in owner-occupied homes. Analysis of responses to the public consultation exercise*. Available from: <https://consult.gov.scot/housing-and-social-justice/energy-efficient-scotland-owner-occupier-proposals/> [Assessed 2 August 2023].

Scottish Government (2023). *Building Standards Domestic Technical Handbook: June 2023 Edition*. Available from <https://www.gov.scot/publications/building-standards-technical-handbook-2023-domestic/> [Assessed 20 July 2023].

Scottish Government (2023). *Scottish House Condition Survey: 2021 Key Findings. An Experimental Statistics Publication for Scotland*. Available from <https://www.gov.scot/publications/scottish-house-condition-survey-2021-key-findings/> [Accessed 12 August 2023].

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## CITY OF EDINBURGH COUNCIL

Item No 3

### PLANNING COMMITTEE

15 November 2023

### DEPUTATION REQUESTS

Subject	Deputation
<b>3.1 In relation to Item 11.1 on the agenda - Conservation and Adaptation</b>	Marchmont and Sciences Community Council (written and verbal submission)

*Information or statements contained in any deputation to the City of Edinburgh Council represent the views and opinions of those submitting the deputation. The reference to, or publication of, any information or statements included within a deputation, including on the City of Edinburgh Council's website, does not constitute an endorsement by the City of Edinburgh Council of any such information or statement and should not be construed as representing the views or position of the Council. The Council accepts no responsibility for comments or views expressed by individuals or groups as part of their deputations.*

# Deputation to the Planning Committee on 15<sup>th</sup> November 2023

By Douglas Rogers of the Marchmont and Sciennes Community Council  
on behalf of community councils and residents' associations in the Edinburgh area

## Reason for deputation

To support the work carried out on the Conservation and Adaptation consultation and connect it with community representatives in order to extend its reach and to support the Edinburgh Council's 2030 climate strategy.

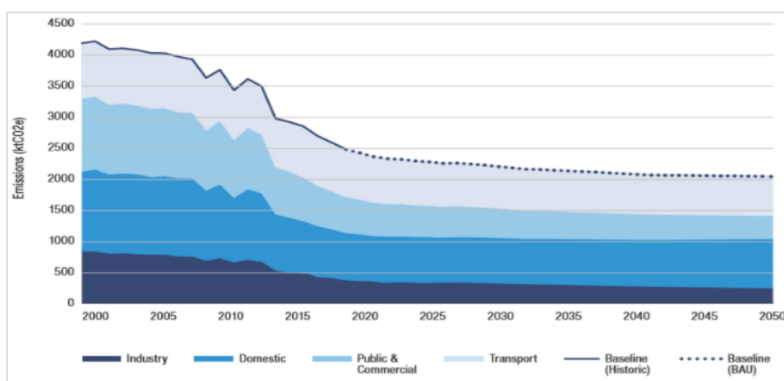
## What qualifies me to speak to this issue?

My aim over the last year has been to engage with others in the local communities to reduce our energy usage. I have made contact with other community councils and residents associations, some of which have invited me to give talks. Through this contact, I have also been able to gain feedback from a wider group on their misgivings on improving their properties. I am neither an architect nor a specialist in the field which has allowed me to approach this problem without prejudice. I have informed myself through attending workshops and engaging with specialists in the field.

I am supported in this deputation by my Community Council. I have also received general support for the ideas expressed here by the Edinburgh Association of Community Councils as well as several Community Councils and residents associations.

## Background

The City of Edinburgh 2030 climate strategy, predicted in 2021 that without intervention, domestic housing energy usage would rise slightly up to 2050 due to an increased number of houses, see Figure 1. In order to meet the target, a 25% overall reduction in electricity and gas usage would be required.



Cumulated emissions reduction potential by scenario. Based on 2050 baseline. A Net Zero Carbon Roadmap for Edinburgh, Place-Based Climate Action Network

City emissions have fallen by 42% from 2000, as a result of increasingly decarbonised electricity supply, structural change in the economy and the gradual adoption of more efficient buildings and business processes.

However, projections (including economic, population growth and improvements in energy and fuel efficiency) are that without a significant acceleration in action, city emissions will only fall a further 9% (from 2000 levels) by 2030.

Figure 1: Extracted from the council's 2030 Climate Strategy document

Work by Cambridge University<sup>1</sup> has shown that moderate improvements in building insulation tend to increase comfort in the home but doesn't seem to cause a reduction in energy usage in the long term. Therefore, major improvements in our insulation are required if a significant reduction in Edinburgh's energy usage is to be achieved. Houses and tenements built before 1919 were designed to be well ventilated and have thick stone walls which are naturally porous. Radically changing our houses with reduced ventilation along with added insulation requires careful control of humidity throughout the building structure.

<sup>1</sup> Insulation only provides short-term reduction in household gas consumption: University of Cambridge - 1 Jan 2023 <https://www.cam.ac.uk/research/news/insulation-only-provides-short-term-reduction-in-household-gas-consumption-study-of-uk-housing>

## Planning guidance and presumed consent

It was assumed by some that the aim of this consultation was to review the planning guidance for listed buildings and buildings in conservation zones. Changes have already been made between the 2018 and 2022 planning guidance where the wording for the 2022 guidance includes more detailed description of double-glazing options. This guidance needs to be loosened further.

The guidance for conservation zones needs to be separated from that for listed buildings. It also needs to recognise that many buildings were listed before conservation zones were created and if re-assessed would be delisted. While home owners will continue to prioritise window upgrades as this will improve air tightness and prevent condensation on the windows, this will need to be only a small part of the overall insulation improvement if we are to significantly reduce the carbon footprint of our domestic buildings in Edinburgh.

## Issues identified during the consultation

The survey results were analysed and presented by Dr Lee to the first workshop, and identified the key reasons that respondents reported as barriers to improving insulation, see Figure 2. This highlighted financing as expected, and that homeowners reticence to impact on historic features of their houses and flats was as significant a barrier as the legislation. The retrofit pilot studies<sup>2</sup> identified the disruption caused by major insulation upgrades as a significant barrier, not covered in this survey.

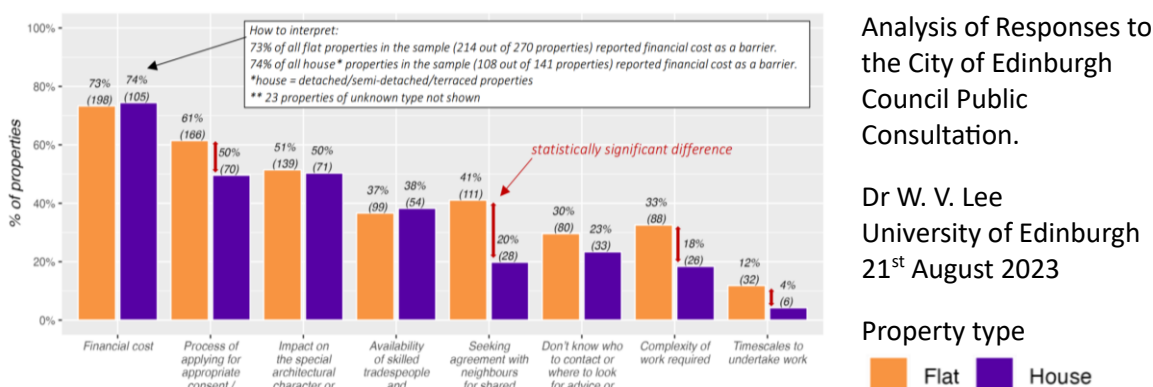


Figure 2: Extracted from the report by Dr Lee to the short-term working group

The survey results and first working group discussions suggest that the primary concern was to upgrade windows and reduce draughts.

The second meeting was online and presented the work of Historic Environment Scotland which has done much to develop insulation procedures for listed buildings. However, due to their limited resources, their work is focussed on listed buildings only and other organisations are carrying this work forward including BE-ST in Hamilton and the PasivHaus community who are progressing insulation procedures suitable for retrofitting to pre 1919 houses.

## Practical insulation improvements

Sealing the house against draughts through leaky window and doors is fairly easy to achieve with DIY skills at little cost to the home owner. The next step most householders consider is to double glaze their windows either by replacing them or refurbishing the original sashes and installing thin double glazing. This is an area that is easily appreciated. Both can be achieved with minimal impact on the appearance of our houses and little disruption. The low U values required for the EnerPHit standards can be achieved if triple glazed units or vacuum units are used. Many double-glazing companies can also provide finance to spread the cost.

<sup>2</sup> Energy Efficient Scotland Phase 2 pilots: Final Social Evaluation Report - <https://www.gov.scot/publications>

The biggest unresolved heat loss area that I have identified when talking with local people and visiting their houses, is the poorly insulated roofs. This is particularly difficult to resolve where there is no separate loft area. Even when insulation is fitted when reroofing flat roofs, the thickness is usually well below that deemed necessary by the current building regulations. Insulation of gabled roof sections presents problems of ensuring adequate ventilation in order to ensure that the roof structure remains dry and rot free.

Wall insulation is an issue that conservationists should be concerned about as many solutions would require the removal of elaborate cornices and skirting boards. Insulation to an acceptable standard is possible though with a higher U value than would normally be expected. Sealing the remaining thermal breaks due to areas behind shutters and along the party walls also needs to be considered.

As we improve air tightness, we must ensure that we have sufficient changes of air to keep moisture levels down and maintain a healthy environment. Our houses will then need to include mechanical ventilation where heat recovery systems could significantly reduce heat loss.

Improving all our homes to meet even the lowest EnerPHit certification standard is not practical in the proposed time scale. Promoting a high level of insulation will be required as an essential part of meeting Edinburgh Council's 2030 target.

### **Request to committee**

The conservation and adaptation consultation identified the need for information and guidance to householders. We propose that a booklet is produced and that it is distributed in areas with pre 1919 houses. This would provide practical advice to householders on how to insulate their properties to a high standard. It would also provide links to the following services provided by the council or others:

- Ways to access finance including insulation specific loans and mortgages – the source of this finance will need to be from private finance underwritten by the government
- Access to specialists that will provide independent advice and are able to provide quality support during both the design and installation of any insulation improvements. Ideally these would be council funded in the first instance and have a fixed payment mechanism when overseeing the work. Combining these roles would be highly desirable.
- Online database of standard insulation upgrades appropriate to houses built before 1919, with details of houses suitable for this procedure. These improvements when associated with specific housing types, could then be given automatic planning consent and building warrant approval.

Douglas Rogers  
Marchmont and Sciennes Community Council

## Emergency Motion by the Administration & Liberal Democrat Groups

### Planning Committee

15 November 2023

### Emergency Motion - Information Update – Short Term Lets

Planning Committee requests a report within 2 cycles which provides an update on short-term lets in relation to:

- Enforcement.
- The impact of appeal and local review outcomes on development decisions.
- The impact of development plan policies and guidance.
- The relationship between the licensing and planning regimes and practice.
- Whether updates to practice or training are recommended.

**Moved by: Cllr James Dalgleish**

**Seconded by: Cllr Hal Osler**

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