Business Bulletin

Planning Committee

2.00pm, Wednesday, 14 June 2023

Planning Committee

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

Recent News	Background
 Wester Hailes Local Place Plan The Wester Hailes Local Place Plan has met all the legislative requirements for validation. It is now valid and registered with the Council. A dedicated webpage for Local Place Plans (LLP) is being finalised and the Wester Hailes LLP will be uploaded once complete. Planning is developing guidance for LPPs which will be available on the Council's website; an engagement strategy will follow to encourage community groups to develop 	<u>Contact: Iain McFarlane,</u> City Plan Programme Director
 proposals for their local area. City Plan 2030 Update There have now been seven Further Information Requests (FIR) by Reporters for the City Plan Examination as set out in the attached spreadsheet (Appendix 1). FIR001 was for the first part of the Examination and requested further detail of the engagement process carried out. Six received so far are for the main part of the Examination and centre on aspects of the plan policies and how they relate to NPF4 published after the plan was submitted for Examination. Responses have been in time, with cross service support, and positive in supporting the plan's relationship with NPF4. The seventh is a request to the Edinburgh Bioquarter Partners for copies of diagrams referred to in their representation submission. 	Contact: lain McFarlane, City Plan Programme Director
Seafield Update A further Seafield Sounding Board was held on 12 April 2023, updating on the work being carried out by 7N Architects as previously reported. There was some discussion about appointing a new chair, without nominations coming forward. Councillor Griffiths continued to chair on an interim basis, and this will be reconsidered at the next meeting on 14 June 2023 where a shortlist of nominees will be presented to the Sounding Board for consideration. Notes from meetings, once approved, are found on the Seafield Regeneration page of the Council website.	Contact: Iain McFarlane City Plan Programme Director

Planning Performance Overall, planning performance for this quarter, so far, is similar to that of previous quarters. Appendix 2 sets this out in detail.	<u>Contact: David Givan</u> , Chief Planning Officer and Head of Building Standards
Building Standards Performance	Contact: Colin Wishart, Building
The Building Standards section has started the year by maintaining its performance against national targets set by Scottish Government. This follows a year in which the highest ever fee income was received for building warrant applications. The full reporting of the first quarter's performance will follow in the next Committee's bulletin. Training of staff continues, with changes in processes and procedures introduced to help improve consistency and efficiency. The workshops and engagement sessions with the Scottish Government and other stakeholders is nearing conclusion for some of the seven areas of Building Standards being looked into. It is anticipated that there will be significant implications for the service. However, we will have to wait and see the final outcomes of each area under review before detailed planning can start. The Enforcement Handbook has been published by the Scottish Government with the aim of improving the application of our enforcement role in all Building Standards services across Scotland.	Standards Operations Manager
Correspondence with Minister re Non-Determination	Contact: David Givan, Chief
Planning Committee on <u>24 March 2023</u> requested that the Convener should write to the Minister for Minister for Public Finance, Planning and Community Wealth regarding non- determination of planning applications where hearings have been called and regarding the use of processing agreements. The Convener did this and the Minister responded. These letters are Appendix 3.	Planning Officer and Head of Building Standards
The minister's response explained that Scottish Government are not changing any of their requirements or guidance in respect of non-determination timescales or processing agreements. The Council's Chief Planning Officer met with the Scottish Government's Chief Planner to discuss the matters further where the minister's position was reiterated. Following this, the Planning service is reviewing its standard processing agreement and it is reviewing its processes and practices around agreeing extended time periods for determination of applications.	

As part of the service's ongoing improvement plan, it is considering how it engages with consultees with a view to streamlining the process. This may also provide some further improvement to the processes for how applications are determined.	
 Errata - Edinburgh Local Development Plan – Action Programme 2023 The published version of the Edinburgh LDP Action Programme 2023 corrects an error contained within the version that accompanied the report to Planning Committee on <u>19 April 2023</u> Action TR-SA-NWLOC-14 Gas Holder Development Cycle Route was incorrectly noted as 'completed' in Part 8, page 123 of the Action Programme and in the accompanying map: 2d Rest of Urban Area – Granton on page 104 in the Council Papers On-Line version. This error has now been corrected in this published version where this action is in Part 2d Transport Actions – Rest of urban area (Granton) noting its delivery 'to be delivered as part of the development street layout' and a revised map produced on p90. 	Contact: David Givan, Chief Planning Officer and Head of Building Standards

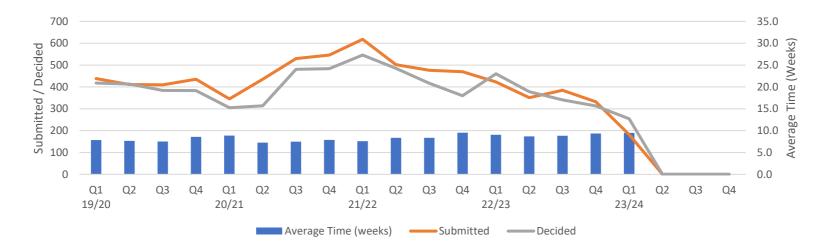
Appendix1

City Plan 2030 Update

FIR number	Date rec'd	Response draft due	Response due before	Issue / Plan section	Information requested	Status	Reply info sent
1	21-Feb	N/A	Tue 7 Mar	Statement of conformity	Request additional evidence (various)	Replied	07/03/2023
2	05-May	19-May	Sat 20 May	Issue 1 – Introduction and Aims	National Developments, Heat, Marine Plan, Airport	Replied	19/05/2023
3	09-May	19-May	Tue 23 May	Issue 24 – Mixed Communities, HOU 3 Mixed Communities	Housing Strategy, accessible housing info, HOU 3 changes	Replied	22/05/2023
4	10-May	22-May	Wed 24 May	Issue 12 - Density, ENV 26, HOU 4	Green Belt density NPF4 Policy 8	Replied	17/05/2023
5	11-May	22-May	Thu 25 May	Issue 13 – Sustainable Design, ENV 8	Net Zero beyond NPF4	Replied	23/05/2023
6	15-May	25-May	Mon 29 May	Issue 28 – Infrastructure Delivery – Community Facilities, Policy INF 1	Is the council justified in adapting the concept of a 20-minute neighbourhood to mean a round trip to and from a particular service of 20 minutes, rather than a round trip of 40 minutes?	Replied	25/05/2023
7	23-May	N/A	Tues 6 June	Issue 8 - Proposed Sites South East Edinburgh	Edinburgh BioQuarter Partners (0478) asked to provide DPEA with copies of height diagrams referred to in representation	N/A	N/A

Appendix 2 - Planning Time Performance Quarterly Bulletin - Q1 2023/24 Note: Figures for Q1 2023/24 are up to 28 May 23 only.

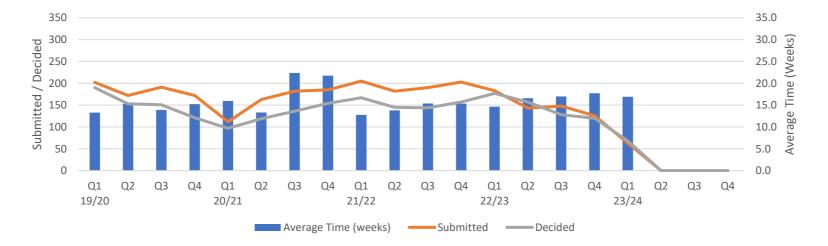
Householder																				
	Q1 19/20	Q2	Q3	Q4	Q1 20/21	Q2	Q3	Q4	Q1 21/22	Q2	Q3	Q4	Q1 22/23	Q2	Q3	Q4	Q1 23/24	Q2	Q3	Q4
Average Time (weeks)	7.8	7.6	7.5	8.6	8.9	7.3	7.5	7.9	7.6	8.4	8.4	9.5	9.1	8.7	8.8	9.4	9.5			
Submitted	438	411	410	435	345	435	530	546	618	502	476	470	423	351	385	332	182	0	0	
Decided	418	413	384	383	305	314	481	484	546	485	417	360	460	378	341	313	254	0	0	(
12 Month Totals:	Sub	b: 1694	Dec: 1	598	Sub	: 1856	Dec: 1	584	Sub	: 2066	Dec: 1	808	Sub	: 1491	Dec: 1	492	Su	ıb: 182	Dec: 2	54
Decided over 2 months (no agreemetns / extensions)	76	41	26	43	133	51	70	74	78	126	111	155	203	116	108	130	75	0	0	
Appeals against non determination									0	0	0	0	0	1	2	0	0	1	0	



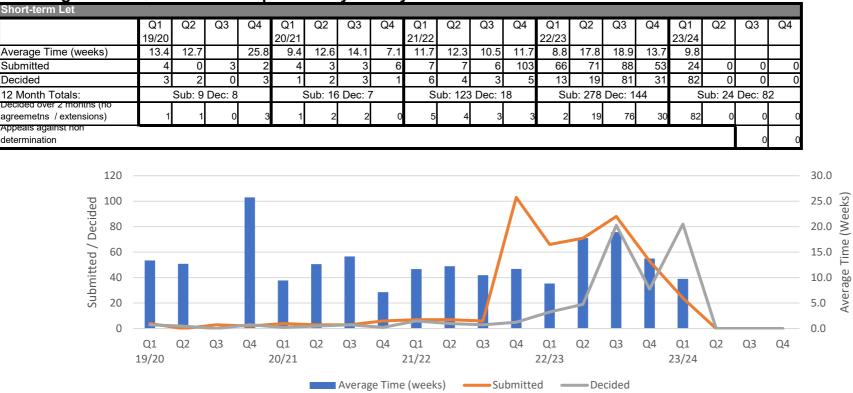
Commentary:

Average timescales for processing householder applications is relatively stabel at 9.5 weeks for Q1 so far.

Local (Not Householder or	Short-1	term Lo	et)																	
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
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	16.9			
Submitted	202	172	191	172	112	163	182	185	205	182	190	203	183	143	148	126	63	0	0	0
Decided	190	153	151	121	97	119	136	154	167	145	144	157	177	157	128	120	68	0	0	0
12 Month Totals:	Su	ıb: 737	Dec: 6	15	Su	ıb: 642	Dec: 5	06	Su	ıb: 780	Dec: 6	13	Su	b: 600	Dec: 5	82	S	Sub: 63	Dec: 6	8
Decided over 2 months (no agreemetns / extensions)	85	63	48	58	60	52	66	64	71	73	90	103	116	107	74	86	48	0	0	0
Appears against non determination									0	0	0	0	3	0	0	0	3	4	0	

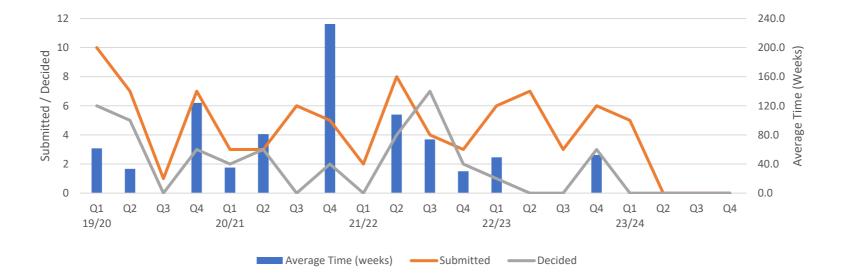


There has been a reduction in average timescales for processing local applications that are not householder or short-term let to 116.9 weeks so far this quarter.



There has been a decrease in the amount of time taken to determine short-term let planning applications to 9.8 weeks

Major																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
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				
Submitted	10	7	1	7	3	3	6	5	2	8	4	3	6	7	3	6	5	0	0	0
Decided	6	5	0	3	2	3	0	2	0	4	7	2	1	0	0	3	0	0	0	0
12 Month Totals:		6 5 0 3							S	Sub: 17	Dec: 1	3		Sub: 22	2 Dec: 4	4		Sub: 5	Dec: 0	
Decided over 2 months (no																				
agreemetns / extensions)	6	3	0	3	2	3	0	2	0	4	6	2	1	0	0	3	0	0	0	0
Appeals against non determination										0	0	1	0	1	0	1	0	1	0	1



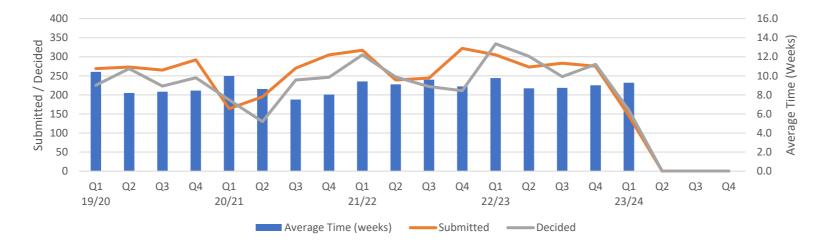
There were no major applications determined ths quarter so far.

Advertisements				<u> </u>			-													
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
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	10.0			
Submitted	73	69	56	41	33	52	34	43	45	53	47	65	68	51	49	78	43	0	0	
Decided	65	76	53	49	33	39	29	51	44	47	51	39	73	68	40	54	53	0	0	
12 Month Totals:	Su	Sub: 239 Dec: 243			Su	ıb: 162	Dec: 1	52	Su	ıb: 210	Dec: 1	81	Su	ıb: 246	Dec: 2	35	S	Sub: 43	Dec: 5	3
Decided over 2 months (no agreemetns / extensions)	17	15	7	7	4	8	4	22	14	13	12	19	21	16	10	17	31	0	0	

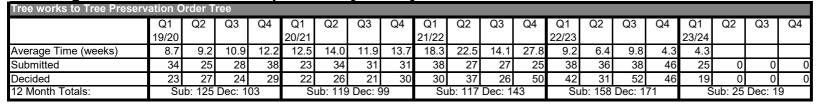


There has been an increase in the average timescales to determine advertisement applications to 10 weeks.

Listed Building Consents																				
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
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	9.3			
Submitted	269	273	265	292	164	195	270	305	317	239	244	322	305	273	283	275	145	0	0	0
Decided	225	269	223	245	187	130	239	246	305	247	222	211	334	301	248	280	160	0	0	0
12 Month Totals:	Su	b: 1099	Dec: 9	962	Su	ıb: 934	Dec: 8	02	Sul	b: 1122	Dec: 9	985	Sub	: 1136	Dec: 1	163	Su	ıb: 145	Dec: 1	60
Decided over 2 months (no																				
agreemetns / extensions)	68	60	35	48	92	39	53	62	77	86	65	63	132	84	73	98	64	0	0	0
Appears against non determination									1	0	0	0	3	0	0	0	0	1	2	3



Average timescales for listed building consent determinations are 9.3 weeks. This is 0.3 weeks longer than the previous quarter.

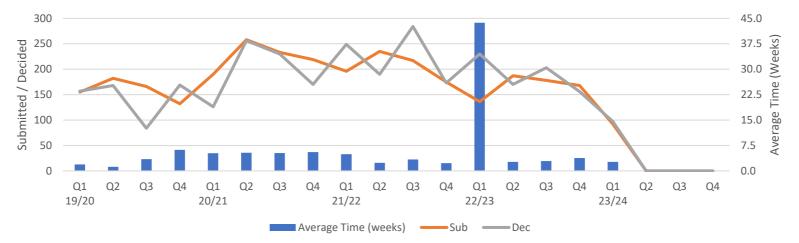




Commentary:

The average time taken to determine applications for trees which are subject of a tree preservation order is at 4.3 weeks which is the same as the previous quarter.

Ŭ	-						-													
Tree works to Conservation	n Area [·]	Tree																		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
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	43.7	2.7	2.9	3.8	2.7			
Sub	155	182	166	132	190	258	233	219	196	235	217	175	136	187	178	168	92	0	0	0
Dec	157	168	84	169	126	256	230	170	249	190	284	173	230	170	203	156	97	0	0	0
12 Month Totals:	Su	b: 635	Dec: 5	78	Su	ıb: 900	Dec: 7	82	Su	b: 823	Dec: 8	96	Su	ıb: 669	Dec: 7	59	S	ub: 92	Dec: 9	7



Average timescale so for tree works applications for those trees that are in a conservation area has decreased to 2.7 weeks for this quarter so far.

Enforcement	Overal																			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
Received	258	286	195	195	116	267	188	160	260	225	169	156	198	235	202	185	165	0	0	0
Closed	62	116	86	88	39	69	94	57	136	107	198	175	174	193	221	193	121	0	0	0
Notices served	13	17	31	23	-	0	3	0		10	14	27	24	20	30	23	11	0	0	0
Served within target time	8	11	13	15		0	3	0	10	7	1	10	19	6	19	18	4	0	0	0
% in target time	62%	65%	42%	65%			100%		71%	70%	7%	37%	79%	30%	63%	78%	36%			
Enforcement	Short-	term L	ets																	
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
Received	68	67	52	44	6	64	19	6	26	52	19	13		66	52	40	40	0	0	0
Closed	6	20	29	17	16	5		6	-	12	26	37	12	25	52	51	21	0	0	0
Notces served	5	9	12	15	0	0	3	0	11	10	0	18	13	4	17	18	7	0	0	0
Served in 6 month target	3	9	6	13	-	0	3	0	9	7	0	9	13	3	16	17	4	0	0	0
% in target time	60%	100%	50%	87%			100%		82%	70%		50%	100%	75%	94%	94%	57%			
Enforcement	Other	cases	- not s	hort-te	rm lets															
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	19/20				20/21				21/22				22/23				23/24			
Received	190	219	143	151	110	203	169	154	234	173	150	143	167	169	150	145	125	0	0	0
Closed	56	96	57	71	23	64	75	51	131	95	172	138	162	168	169	142	100	0	0	0
Notices served	8	8	19	8	0	0	0	0	•	0	14	9	11	16	13	5	4	0	0	0
Served in 3 month target	5	2	7	2	0	0	0	0	•	0	1	1	6	3	3	1	0	0	0	0
% in target time	63%	25%	37%	25%					33%		7%	11%	55%	19%	23%	20%	0%			

So far this quarter, there has been a large number of enforcement cases received.



25th April 2023

Joe FitzPatrick MSP Minister for Local Government Empowerment and Planning The Scottish Parliament Edinburgh EH99 1SP

By email: Joe.Fitzpatrick.msp@parliament.scot

Dear Mr FitzPatrick,

City of Edinburgh Council Non-Determination and Processing Agreements

At its meeting of 24 March 2023, the City of Edinburgh Council's Planning Committee following a motion and addendum considered the matter of appeals for non-determination of applications which have been continued for a Hearing by the Council's Development-Management Sub Committee. There have been two instances of this recently in Edinburgh. It has caused considerable concern for councillors and for the community as it has meant that rather than hear from all interested parties before making its decision, the ability of the Council to make its decision has been taken away. I have appended a combined copy of the motion and addendum for your information.

In relation to this, the Planning Committee agreed that I write to you to request consideration be given to extending the current time periods for the determination of applications in circumstances where applications have been continued for a Hearing by Council committees. This would allow for communities and other interested stakeholders to have their voices heard.

The Planning Committee also noted that some applications can involve multiple consultee responses that require to be considered and that the statutory timescales for determining applications can be extended by the use of processing agreements. In relation to this, where applications require multiple consultations, I ask whether it is possible for consideration to be given



James Dalgleish Scottish Labour & Co-operative Councillor – Leith Walk Ward Planning Convener

City Chambers, High Street, Edinburgh, EH1 1YJ T: 0131 529 3299 E:Cllr.James.Dalgleish@edinburgh.gov.uk



to putting in place measures to extend timescales to allow the planning process to hear from all interest parties and to provide sufficient time for consideration of matters raised by consultees before committees make their decisions.

In respect of both these matters our Chief Planning Officer is giving consideration to amendments that can be made to the Council's standard processing agreement and also to its processes for Hearings, however if there were further legislative provisions to ensure additional timescales were built in for the circumstances I have described above, that would be very helpful and would help build confidence in communities around the planning process.

We would hope that the matters can be discussed in the coming weeks, and we would welcome the opportunity for a meeting with yourself to do so. The results of which will provide the Council, and stakeholders including local communities who actively engage with planning greater certainty in this aspect of the planning process.

I look forward to hearing from you.

Yours sincerely,

James Dalgleish

Convener of the Planning Committee

Appendix

Combined Motion and Addendum from City of Edinburgh Council Planning Committee of 24 March 2023

Committee

1. Supports and encourages communities to engage within the planning process

2. Notes the volume and complexity of applications having to be considered in Edinburgh by the City of Edinburgh Planning Department in comparison to other Local Authorities

3. Notes and the supports the rights of applicants to have planning applications considered within a timely manner as set out by the Scottish Government

4. Notes that there is an option available to an applicant to appeal to Scottish Government's Planning and Environmental Appeals Division (DPEA) for the non-determination of an application if it has passed its time period for decision as set by planning legislation via the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 or a time period that has been otherwise agreed by officers and the applicant

5. Recognises that the determination of an application can be delayed by the granting of a request for a hearing

6. Notes that some applicants choose to withdraw an application from consideration by the Development Management Sub Committee on the basis of non-determination when a decision is delayed due to a hearing being granted

7. Therefore requests the Planning Convener write to Minister for Public Finance, Planning and Community Wealth asking that consideration be given to extending the time limit for determination in cases where an application has been continued for a Hearing to allow for communities and other interested stakeholders to have their voices heard

Notes that the timescales to determine applications are short at 2 months for local 4 months for major applications and that applications can involve multiple consultees whose responses have to be considered; that these timescales can be extended by the use of processing agreements to agree reasonable timescales.

Asks that the Convener asks the Minister if Edinburgh can make increased use of processing agreements where applications which require multiple consultations are identified, to reasonably extend timescales to allow the planning process to hear from all interested parties and provide sufficient time for consideration of matters raised by consultees, and then revert to Committee with the outcome of any discussions for their consideration.

Reports back to Committee the outcome of these discussions.

Minister for Local Government Empowerment and Planning Ministear airson Cumhachdachadh is Dealbhachadh Riaghaltas Ionadail Joe Fitzpatrick MSP/BPA



Scottish Government Riaghaltas na h-Alba gov.scot

T : 0300 244 4000 E : scottish.ministers@gov.scot

Jay Skinner Jay.Skinner@edinburgh.gov.uk

Our Reference: 202300355545

15 May 2023

Dear Councillor Dalgleish,

Thank you for your letter of 25 April to Joe Fitzpatrick MSP, Minister for Local Government Empowerment and Planning, requesting a meeting to discuss the time periods for determining planning applications and applicants' rights to appeal on the grounds of non-determination.

The Minister notes the concerns expressed by you and the Council's Planning Committee, however, I regret that he is unable to agree to your request for a meeting at this time.

We have no plans at present to review the legislation specifying time periods for determining applications or on applicant's rights of appeal. The Minister places great importance on the timely processing of planning applications, which helps to provide certainty and maintain confidence in the system. The right of applicants to appeal where an application is not determined within statutory time periods, or such other period as is agreed, is considered an important mechanism that helps to safeguard planning performance.

The Minister also notes, however, the Planning Committee's reference to asking him "...if Edinburgh can make increased use of processing agreements where applications which require multiple consultations are identified, to reasonably extend timescales...". The power for the planning authority and the applicant to agree extensions to the statutory period for determination of an application applies to any application, regardless of the use of a processing agreement.

St Andrew's House, Regent Road, Edinburgh EH1 3DG www.gov.scot







Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Where a planning authority wanted to continue an application beyond the statutory deadline, or any previously agreed extension to it, it would be open to them to pursue an agreed extension with the applicant. The applicant's right to appeal on the grounds of non-determination would apply after any agreed extension.

I hope this information is of assistance. If you wish to discuss these matters further, the Minister's Planning officials would be happy to do so, and this can be arranged by e-mailing <u>Chief.Planner@gov.scot</u>.

Yours sincerely,



ELEANOR MUNRO PRIVATE SECRETARY

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Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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