

Planning Committee

2.00pm, Wednesday, 19 May 2021

Summer Festival Installations during Coronavirus Emergency

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 It is recommended Committee approves a more relaxed approach to the planning control in relation to festival installations in order to facilitate the festivals during the coronavirus emergency.

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Summer Festival Installations during Coronavirus Emergency

2. Executive Summary

- 2.1 The Edinburgh Festivals are key to the city's international reputation, its economy and its recovery.
- 2.2 Festivals were not held during 2020 as a result of the coronavirus emergency. In 2018, festivals contributed £280m to the local economy.
- 2.3 The Scottish Government's Chief Planner has written to planning authorities in Scotland to encourage a relaxation of planning control, through not taking enforcement action, in a range of circumstances to help businesses and services diversify and continue to operate within our communities during the pandemic.
- 2.4 Operators have been exploring options for how the summer festivals could be held in 2021 on a limited basis and subject to Scottish Government public health guidelines.
- 2.5 The timescales for preparing and determining applications, coupled with the uncertainties over what public health requirements will be in place when the festivals will be held mean that it is difficult for the festivals to plan. If planning applications are required, the timescales are such that it could stop the reintroduction of core elements of the summer festivals this year, for example the Edinburgh International Festival.
- 2.6 Taking account of the coronavirus emergency and the encouragement of the Scottish Government's Chief Planner, it is recommended that a more relaxed approach to planning enforcement is taken. This approach takes account of:
 - 2.6.1 the existing use of land;
 - 2.6.2 the size of the installation proposed;
 - 2.6.3 the duration it will be used for; and
 - 2.6.4 the impacts on neighbouring amenity.

3. Background

- 3.1 Edinburgh's festivals have previously brought high numbers and concentrations of people to the city. In 2018 attendance at major festivals was 4,604,520.
- 3.2 The summer festivals have created thousands of seasonal jobs during July and August as well as supporting hundreds of full-time roles. Their combined local spend in their delivery supply chains including hospitality, caterers, accommodation, coach transport, and event production and venue construction companies has previously accounted for tens of millions for the creative economy.
- 3.3 As a cornerstone of the tourism industry, the festivals' audiences have contributed a further £280m to the local economy and the 11 Edinburgh Festivals have together delivered £313m to Scotland's economies.
- 3.4 The festivals' audiences support thousands of local businesses, including accommodation, transport, food and drink, as well as other visitor attractions and activities, and many of these have been reliant on the income associated with the festivals.
- 3.5 As a result of the coronavirus emergency, public health legislation means that it is not possible for the festivals to operate as previously. More space is needed to allow for physical distancing and to allow for outdoor events.
- 3.6 As public health legislation, advice and guidance is evolving it is challenging for festivals and event producers to plan their events. If planning applications are required subsequent to confirmation of public health legislation, advice and guidance, then it is highly likely that planning decision time periods could prevent installations, and therefore festivals taking place and therefore delivering a core element of the city's recovery agenda.
- 3.7 Planning enforcement as set out in the Town and Country Planning (Scotland) Act 1997 is discretionary. This is because the Act states that the Council "may" act if it appears there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 3.8 The coronavirus emergency is a material consideration in exercising planning enforcement. The Chief Planner's letter of March 2021 encourages a more relaxed approach to planning enforcement through not taking enforcement action in a range of circumstances to help businesses and services diversify and continue to operate within our communities during the pandemic.
- 3.9 Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) sets out that the following is permitted development:

"The use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use."

- 3.10 Permitted development is development for which a planning application is not necessary.

4. Main Report

- 4.1 To support Edinburgh's festivals and to provide them with certainty over what requires and does not require planning applications in light of the Scottish Government's Chief Planner's letter, a set of criteria are recommended in determining whether any enforcement action should be taken. Where any one of the following criteria is met, a planning application will be sought:
- 4.1.1 Where the new use of the space is for more than 28 days excluding erection and removal of any structures, and where that use is not associated with an existing nearby business;
 - 4.1.2 Where a change of use and associated structures would be near residential properties and where there is no history of the same space being used for similar festival activities; or
 - 4.1.2.1 where a change of use and associated structures would be near residential properties and where the space is not substantially enclosed by non-residential buildings which sit between the space and the residential properties;
 - 4.1.3 Where a public green space is used for a period of more than 28 days including erection and removal of any structures; and
 - 4.1.4 Where any individual structure is larger than 3,500m² and where there is no history of that structure or a similar structure being installed in that space.
- 4.2 While these criteria will be used to interpret any proposal that emerges, the following installations are proposed and would be acceptable for the relaxation of planning requirements in accordance with the criteria.

| Location | Proposal | Duration |
|---------------------------|---|--|
| Edinburgh Park | Edinburgh International Festival temporary tented structure of approx. 100m x 30m plus associated ancillary structures for toilets and hospitality etc. | No more than 28 days for use. Additional period needed for erection and removal. |
| Old College Quadrangle | Edinburgh International Festival temporary tented structure of approx. 55m x 20m plus associated ancillary structures for toilets and hospitality etc. | No more than 28 days for use. Additional period needed for erection and removal. |
| Edinburgh Military Tattoo | Smaller stands in same location as stands that are substantially erected and removed each year and which already benefit from planning permission. | No more than 28 days for use. Additional period needed for erection and removal. |

5. Next Steps

- 5.1 Planning will monitor proposals and where there is any breach of these criteria, appropriate enforcement action will be taken depending on the scale and nature of the breach and the circumstances of the site.
- 5.2 Festival and Events All Party Oversight Group meetings will be held to ensure compliance and continued scrutiny and the Licensing will ensure compliance with appropriate requirements.

6. Financial impact

- 6.1 There is no financial impact arising from this report. Fees for planning applications generally cover the cost of processing those applications.

7. Stakeholder/Community Impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.

- 7.2 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.
- 7.3 Environmental impacts associated are limited as a result of the temporary nature of the proposals.

8. Background reading/external references

- 8.1 [Scottish Government Chief Planner letter: stakeholder update - March 2021](#)
- 8.2 [Town and Country Planning \(Scotland\) Act 1997](#) as amended.
- 8.3 [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#)

9. Appendices

- 9.1 None.