

Business Bulletin

Planning Committee

2.00pm, Wednesday, 23 February 2022

Planning Committee

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

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

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

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

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

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

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

Points to note include:

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

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

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

Building Standards Time Performance Information – Quarter 3 2021/22

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

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

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

Contact:

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

Princes Street / Waverley Valley Strategy – progress report

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

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

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

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

Other recent progress has included:

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

Contact:

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

City Mobility Plan

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

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

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

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

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

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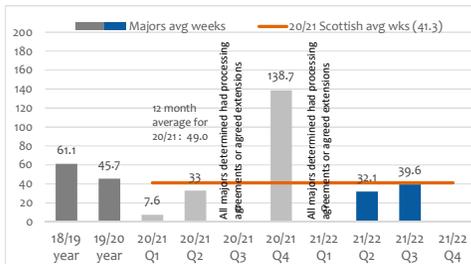
need for longer distance journeys. The supporting policy justification states that dense mixed-use developments are the most sustainable ways to plan for our future and combat climate change and that the adopted LDP and emerging City Plan 2030 contain policies which require sustainable development that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

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

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

Major Developments

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



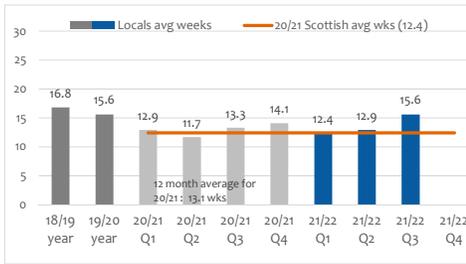
Sub	32	27	3	5	7	8	2	8	5	
Det	25	30	5	5	6	6	6	7	12	
6 month totals:		Sub:8, Det:10		Sub:5, Det:12		Sub:10, Det:13				
12 month totals:		Sub:23, Det:22								
Decided over 16 wks no agreements/extensions										
	2	3	0	2	1	3	2			
Appeals against non determination										
	0	0	0	1	0	1	0			

Comments:

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

Local (Non-Householder)

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



Sub *	1061	1082	184	243	285	295	208	183	194	
Det*	1082	1000	187	212	244	294	195	161	168	
6 month totals:		Sub:427, Det:399		Sub: 580, Det: 538		Sub:391, Det:356				
12 month totals:		Sub: 1007, Det: 937								
Decided over 8 wks no agreements/extensions										
	73	71	83	74	90	93	99			
Appeals against non determination										
	1	0	0	0	3	0	0			

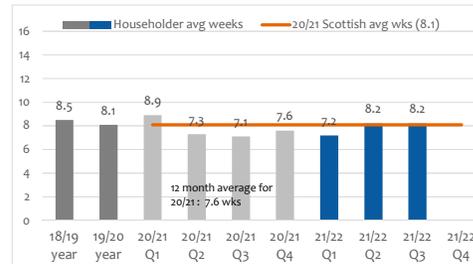
Notes:

- Decision times are from validation to issuing of permission, which includes time for legal agreements to be concluded.
- [Scottish Government](#) headline indicators monitor average decision times for major, local and householder applications without processing agreements or agreed time extensions. The charts show these times for relevant applications
- Quarterly figures for 20/21 and 21/22 Q1-2 are from Scottish Government's checked statistics, and factor in stop-the-clock periods.
- Figures for Q3 may not include all stop-the-clock periods.
- Submitted & determined figures show all applications (i.e. with and without processing agreements / agreed extensions)

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

Householder

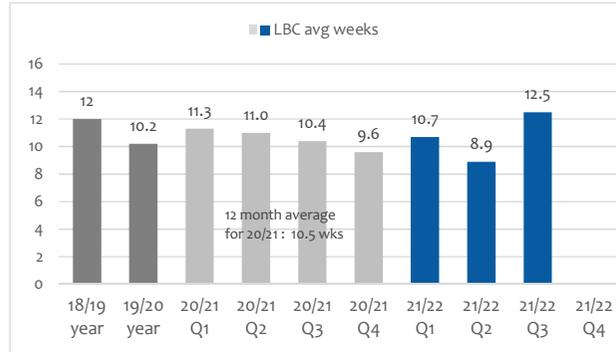
Average Decision Times (weeks)



Sub	1464	1611	344	384	509	526	579	480	462	
Det	1481	1543	362	317	472	499	548	486	444	
6 month totals:		Sub:728, Det:679		Sub:1035, Det:971		Sub:1059, Det:1034				
12 month totals:		Sub: 1763, Det: 1650								
Decided over 8 wks no agreements/extensions										
	181	93	132	172	172	210	167			
Appeals against non determination										
	0	0	0	0	0	1	2			

Listed Building Consents

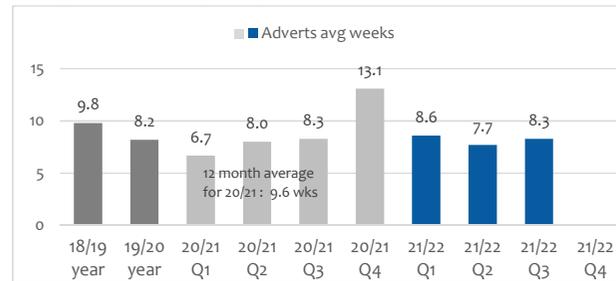
Average Decision Times (weeks)



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

Advert consents

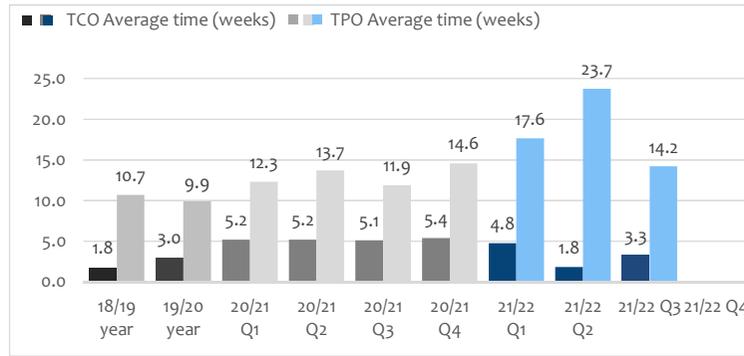
Average Decision Times (weeks)



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

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

Average Decision Times (weeks)



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

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

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

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

Legal agreements and Appeals

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

Enforcement - short term let cases

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

Enforcement - all other cases

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

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

Minister for Public Finance, Planning and Community
Wealth
Tom Arthur MSP



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Andrew Kerr
City of Edinburgh Council

29 November 2021

Dear Andrew Kerr

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

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

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

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

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

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

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

Yours faithfully

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

Tom Arthur

Minister for Public Finance, Planning and Community Wealth

CC: David Leslie

PERFORMANCE MARKERS REPORT 2020-21

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

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

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

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

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

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

CITY OF EDINBURGH COUNCIL
Performance against Key Markers

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

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

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

Decision Making Timescales (weeks)

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