

## Planning Committee

10.00am, Friday 24 March 2023

### Present

Councillors Dalgleish (Convener), Beal, Booth (items 1 to 5), Cameron, Gardiner, Jones, Kumar (substituting for Councillor Hyslop), Mowat, O'Neill, Osler and Staniforth (substituting for Councillor Booth (items 6 to 8)).

### 1. Minutes

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#### Decision

To approve the minute of the Planning Committee of 18 January 2023 as a correct record.

### 2. Business Bulletin

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The Planning Committee Business Bulletin for 24 March 2023 was submitted.

#### Decision

- 1) **City Plan 2030 Update** – To note the update and that information on the questions being asked by Reporters at the second stage examination be included in a further business bulletin update.
- 2) **Seafield Update** – To note the update and that information on any changes to the Chair and composition of the Sounding Board would be reported to members via the committee's business bulletin.
- 3) **Student Accommodation**
  - a) To note the update and agree that a detailed report be presented to a future meeting of the Committee on student accommodation to include an analysis of the overall provision in the city, engagement with purpose-built student accommodation providers, the universities and student groups.
  - b) In advance of the report being prepared, to ask officers to arrange an engagement/training session for committee members and to invite representatives from the universities, purpose-built student accommodation providers and student groups to participate in the session.

(Reference – Business Bulletin 24 March 2023, submitted.)

### 3. Proposed Compulsory Purchase Order – Granton Waterfront (Phase 1) Regeneration Site

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Approval was sought to use the Council’s compulsory purchase powers to promote a Compulsory Purchase Order (CPO) for seven small parcels of land extending to around 3,452 square metres within the Granton Waterfront (Phase 1) regeneration site.

The Order would be progressed using the provisions of and the powers available to the Council under Section 189 of the Town and Country Planning (Scotland) Act 1997.

Ownership and control of this land was required for the development of Phase 1 “Heart of Granton” within the wider Granton Waterfront regeneration area in accordance with the consented Granton Waterfront Development Framework and agreed delivery strategy as set out in the Granton Waterfront Outline Business Case.

#### Decision

- 1) To agree to pursue a Compulsory Purchase Order for seven parcels of land within the Granton Waterfront (Phase 1) regeneration site and to instruct the Council Solicitor to commence proceedings.
- 2) To note that it was intended to submit a draft Compulsory Purchase Order to the next available meeting of the Council for authority to exercise compulsory purchase powers.
- 3) To note that the Council would continue to seek a negotiated acquisition of the parcels of land in parallel with the Compulsory Purchase Order process.

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

### 4. Annual Review of Guidance

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Following the adoption of the National Planning Framework 4 (NPF4) on 13 February 2023 and the submission of the City Plan 2030 for examination on 9 December 2022, there was a requirement to update the planning guidance to reflect the new development plans and to review key planning guidance to help deliver their aims and ambitions.

The current status of the planning guidance and the proposed programme of review with timelines was presented.

#### Motion

- 1) To approve the planning guidance review programme for 2023 as set out in Appendix 1 of the report by the Executive Director of Place.
  - 2) To approve the proposed change to the policy context for the relevant planning guidance as set out in Appendix 1 of the report.
- moved by Councillor Dalgleish, seconded by Councillor Cameron

## **Amendment**

- 1) To note the decision of full council on 9 February 2023 to declare a nature emergency, "recognising the current state of nature, its inherent value and the crucial role its recovery and restoration will play in realising climate targets".
  - 2) To note policy 1 of national planning framework 4 that, "when considering all development proposals, significant weight will be given to the global climate and nature crises", and policy 3 on biodiversity which sets out a number of requirements.
  - 3) To further note that guidance is awaited which sets out how developers should address these issues, which is likely to come to committee once City Plan 2030 completes its examination stage.
  - 4) To note that NPF4 was approved by the Scottish Government in February, and already formed part of our development plan.
  - 5) Subject to point 6, to approve the planning guidance review programme for 2023 as set out in appendix 1, and to note the proposed change to the policy context for the planning guidance as set out in appendix 1.
  - 6) To agree that the nature emergency demanded urgent action, and therefore to agree to receive a report within 2 cycles setting out how the planning system in Edinburgh can respond to the nature emergency, including, but not limited to, the following:
    - a) consideration of whether developers can be required or encouraged to deliver nature positive interventions such as bee bricks or swift boxes.
    - b) providing detailed guidance on compliance with policies 1 and 3 of NPF4.
    - c) integrating nature-based solutions into developments wherever feasible.
- moved by Councillor Booth, seconded by Councillor O'Neill

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

## **Decision**

To approve the following adjusted amendment by Councillor Booth.

- 1) To note the decision of full council on 9 February 2023 to declare a nature emergency, "recognising the current state of nature, its inherent value and the crucial role its recovery and restoration will play in realising climate targets".
- 2) To note policy 1 of national planning framework 4 that, "when considering all development proposals, significant weight will be given to the global climate and nature crises", and policy 3 on biodiversity which sets out a number of requirements.
- 3) To further note that guidance is awaited which sets out how developers should address these issues, which is likely to come to committee once City Plan 2030 completes its examination stage.

- 4) To note that NPF4 was approved by the Scottish Government in February, and already formed part of our development plan.
- 5) Subject to point 6, to approve the planning guidance review programme for 2023 as set out in appendix 1 and approve the proposed change to the policy context for the planning guidance as set out in appendix 1.
- 6) To agree that the nature emergency demanded urgent action, and therefore to agree to receive a report within 3 cycles setting out how the planning system in Edinburgh can respond to the nature emergency, including, but not limited to, the following:
  - a) consideration of whether developers can be required or encouraged to deliver nature positive interventions such as bee bricks or swift boxes.
  - b) providing detailed guidance on compliance with policies 1 and 3 of NPF4.
  - c) integrating nature-based solutions into developments wherever feasible.

(References – Planning Committee, 23 February 2022 (item 8); report by the Executive Director of Place, submitted)

## **5. Towards West Edinburgh 2050 – A Spatial Strategy for Inclusive and Sustainable Growth – referral from the Policy and Sustainability Committee**

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The Policy and Sustainability Committee had referred a report on Towards West Edinburgh 2050 – A Spatial Strategy for Inclusive and Sustainable Growth to this Committee for information.

The Strategy identified the key strengths of West Edinburgh as well as the challenges it faced and provided a vision of what the area could be by 2050.

### **Decision**

To note the report.

(Reference – referral report from the Policy and Sustainability Committee 1 November 2022, submitted)

## **6. Funding Third Sector Delivery Partners – Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust**

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Approval was sought for funding for the financial year 2023/24 for Edinburgh World Heritage and Edinburgh and Lothians Greenspace Trust. Details of the activities proposed to be delivered under the Service Level Agreements for 2023/24 were set out in appendices 1 and 2 of the report by the Executive Director of Place.

### **Decision**

- 1) To approve the sums of £46,000 for Edinburgh World Heritage and £25,833 for Edinburgh and Lothians Greenspace Trust for the financial year 2023/24.

- 2) To note a change to the payment arrangement to the Edinburgh and Lothians Greenspace Trust from year 2023/24.

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

## 7. Changes to the Pre-Application Advice Service

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Approval was sought for proposed changes to the pre-application advice (PAA) service that the Council provided to customers in advance of receipt of a planning application. To enable the delivery of an improved service and to achieve full cost recovery, it was proposed to alter the existing PAA service and charging scheme. These changes were in response to customer feedback and officer experience since the implementation of charges for PAA in July 2019.

### Decision

- 1) To agree that the proposed changes to the Council's pre-application advice service and the proposed charges for providing pre-application advice be implemented from 1 April 2023.
- 2) To update the Planning Fees Charter and Scale of Fees to reflect the changes.
- 3) To agree that a follow-up report would be brought to the Planning Committee twelve months after the implementation date.
- 4) To agree the proposed amendments to the pre-application advice service principles.
- 5) To add the following wording for clarification to the section in the charging schedule on **Additional Meetings as required and agreed between the case officer and applicant will be charged at £660 per hour for the Local Development (medium) Category** – "This sum reflects the cost of the meeting itself and the associated costs of the preparatory and post meeting work."

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

## 8. Motion by Councillor Osler – Non-Determination

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The following motion by Councillor Osler was submitted in terms of Standing Order 17:

"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 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 to write to the 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.”
- moved by Councillor Osler, seconded by Councillor Beal

### **Amendment**

To approve the motion by Councillor Osler and to add:

8. To note that the timescales to determine applications were short at 2 months for local and 4 months for major applications and that applications could involve multiple consultees whose responses had to be considered; that these timescales could be extended by the use of processing agreements to agree reasonable timescales.
  9. To ask that the Convener asks the Minister if Edinburgh could make increased use of processing agreements where applications which required multiple consultations were 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.
  10. To report back to Committee the outcome of these discussions.
- moved by Councillor Mowat, seconded by Councillor Jones

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 Osler:

- 1) To support and encourage communities to engage within the planning process.
- 2) To note 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) To note and support the rights of applicants to have planning applications considered within a timely manner as set out by the Scottish Government.
- 4) To note that there was 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 had 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 had been otherwise agreed by officers and the applicant.
- 5) To recognise that the determination of an application could be delayed by the granting of a request for a hearing.
- 6) To note that some applicants chose to withdraw an application from consideration by the Development Management Sub-Committee on the basis of non-determination when a decision was delayed due to a hearing being granted.
- 7) Therefore to request the Planning Convener to write to the 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 had been continued for a hearing to allow for communities and other interested stakeholders to have their voices heard.
- 8) To note that the timescales to determine applications were short at 2 months for local and 4 months for major applications and that applications could involve multiple consultees whose responses had to be considered; that these timescales could be extended by the use of processing agreements to agree reasonable timescales.
- 9) To ask that the Convener asks the Minister if Edinburgh could make increased use of processing agreements where applications which required multiple consultations were 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.
- 10) To report back to Committee the outcome of these discussions.