



# Business Bulletin

## Planning Committee

**2.00pm, Wednesday 2 October 2019**

Dean of Guild Court Room, City Chambers, High  
Street, Edinburgh

## Planning Committee

Convener:	Members:	Contacts:
<p>Councillor Neil Gardiner</p>  <p>Vice-Convener Councillor Maureen Child</p> 	<p>Councillor Chas Booth Councillor George Gordon Councillor Joan Griffiths Councillor Cameron Rose Councillor Max Mitchell Councillor Joanna Mowat Councillor Rob Munn Councillor Hal Osler Councillor Mary Campbell</p>	<p>Veronica MacMillan Committee Services 0131 529 4283 <a href="mailto:veronica.macmillan@edinburgh.gov.uk">veronica.macmillan@edinburgh.gov.uk</a></p> <p>David Givan Service Manager Building Standards 0131 529 367 <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a></p> <p>David Leslie Chief Planning Officer 0131 529 3948 <a href="mailto:david.leslie@edinburgh.gov.uk">david.leslie@edinburgh.gov.uk</a></p>

**Planning Reform update**

The Planning (Scotland) Act 2019 received royal assent on 25 July 2019. The main provisions were summarised in the Business Bulletin for 7 August 2019.

The vast majority of the provisions in the Act are yet to come into force. The Act includes provisions for regulations to be published as secondary legislation and contains requirements for new statutory guidance. There will also need to be transitional arrangements to manage the major changes, especially for development planning.

The Chief Planner issued a letter on 30 July 2019 outlining how the Act will be implemented. The letter states that it will take around two years for the details of the new system to take shape. The speed at which implementation can progress will depend on a range of factors including the capacity of the Scottish Parliament and stakeholders, resourcing, research requirements, and level of urgency in terms of the operation of the system. The Chief Planner advised that they will publish their work programme to provide clarity on priorities and timing in September 2019, and also expect to convene working groups, building on previous engagement, to explore key areas of change around this time.

The Government has begun work on preparing NPF4 and aims to produce a consultative draft in 2020. Government planners have begun early engagement and have arranged a workshop to develop thinking on regional spatial strategies and inputs to NPF4 for 2 October, at which this authority will be represented.

If the Government's work programme to implement the new Act is published by the date of this committee, a further update will be provided at the meeting

**Supplementary Guidance: Developer Contributions and Infrastructure Delivery**

The Council is preparing Supplementary Guidance (SG) on Developer Contributions and Infrastructure Delivery. The guidance was finalised in August 2018.

**Contact:**

David Leslie  
0131 529 3948  
[david.leslie@edinburgh.gov.uk](mailto:david.leslie@edinburgh.gov.uk)

**Contact:**

John Inman  
[John.inman@edinburgh.gov.uk](mailto:John.inman@edinburgh.gov.uk)  
0131 469 3721

Before SG can be adopted it must be submitted to Scottish Ministers for a statutory time period (28 days). Scottish Ministers have extended the statutory period within which Council cannot adopt the SG from 28 days to 448 days. The Council now cannot adopt the SG before **29 November 2019**.

Until this time the Finalised Guidance (August 2018) along with Policy Del 1 of the adopted Local Development Plan remains a significant material consideration. The finalised guidance will continue to be used to determine planning applications.

Policy Del 1 of the adopted plan requires new developments to contribute towards the delivery of the infrastructure required to support the LDP. The provisions of Policy Del 1 allow the Council to ensure that new development does not proceed without sufficient infrastructure being available or demonstrated that it can be delivered at the appropriate time.

The timeline to date for preparing the guidance is as follows:

22 August 2018 - Finalised SG approved

7 September 2018 - Finalised SG submitted to Scottish Ministers with consultation information, notice of intention to adopt and statement of compliance with Circular 3/2012 and the Elswick decision.

4 October 2018 - Scottish Ministers extend the statutory period within which Council cannot adopt the SG Guidance from 28 days to 56 days.

29 November 2018 - Scottish Ministers extend the statutory period to 168 days (i.e. by 22 February 2019) and instruct a reporter in the Directorate of Planning and Environmental Appeals (DPEA) to prepare a report.

7 March 2019 - Scottish Ministers requested further information from the Council on a number of issues

5 April 2019 - The Council responded to the Scottish Ministers questions.

23 April 2019 - Objectors to the SG had 14 days (ending on 7 May 2019) to submit any comments on the Council's response.

22 May 2019 - third party responses received to the Council's submission.

23 May 2019 - Scottish Ministers extend the statutory period within which Council cannot adopt the SG from 28 days to 350 days. The Council now cannot adopt the SG before 23 August 2019.

6 June 2019 - The Council responded to the third party objectors and submitted this to Scottish Ministers. Full details of the Council's responses to the further information request can be seen here -

<https://www.gov.scot/publications/local-development-plan-city-edinburgh/>

22 August 2019 - Scottish Ministers extend the statutory period within which Council cannot adopt the SG from 28 days to 448 days. The Council now cannot adopt the SG before 29 November 2019.

### **Developer Contributions**

At its meeting in May 2019, Planning Committee considered the recommendations of the Internal Audit report on developer contributions and asked for a progress report to each meeting, five times a year in the Business Bulletin process with a full report on planning performance, to include this aspect, on an annual basis.

This update addresses key areas of progress since August.

### **Officer Training**

Two training sessions were held on 24 and 26 September 2019, as required by the Internal Audit, for Planning case officers and other Council staff involved in the Developer Contributions process.

That training included details to assist with the use of the 'Pre-determination/heads of terms' and the 'Model section 75 Obligations' templates as part of the overall process of identifying and capturing the appropriate mitigation measures as required under policy Del 1 of the Edinburgh Local Development Plan, and the Developer Contributions and Infrastructure Delivery supplementary guidance and Action Programme.

This also assisted an understanding by all staff of how their part in the process contributes to the overall infrastructure

### **Contact:**

David Leslie

0131 529 3948

[david.leslie@edinburgh.gov.uk](mailto:david.leslie@edinburgh.gov.uk)

provisions and the significance of delivering the Edinburgh Local Development Plan new housing and commercial development.

### Financial Contributions

As reported to the last Committee, for the financial year of 1 April 2018 - 31 March 2019 a total of £15,425,727.36 was collected in developer contributions. The total drawdown from developer contributions for the delivery of projects in 2018/19 was £2,495,000.

For the first two quarters of financial year 2019/20 a total of £7,994,162.87 has been collected, up to and including 12 September 2019.

### **Planning Improvement Plan Update**

On [23 July 2019](#), the Scottish Government published the Annual Planning Performance Statistics 2018/19 report. It provides statistical performance information for the period 1 April 2018 – 31 March 2019 based on quarterly data collected by the Scottish Government from the 34 planning authorities as part of the Planning Performance Framework.

A copy of The City of Edinburgh Council's [Planning Performance Framework 2018 -19](#) was attached to the August 2019 Planning Committee Business Bulletin. This included statistical information on the Council's performance in the period 1 April 2018 to 31 March 2019. The Scottish Government's annual report provides an understanding of planning performance across Scotland and allows us to benchmark our performance against other authorities.

The statistical evidence shows that in the year up to 31 March 2019, this Council took slightly longer to determine applications than other similar authorities – see Appendix 1. In order to address this, a number of changes have been introduced as part of the Planning Improvement Plan. The effect of these changes on determination timescales is reported to Committee on a quarterly basis – Quarter 1 figures were reported in August and Quarter 2 figures will be presented to the December Committee.

Progress continues to be made on implementing actions under each of the three improvement plan themes. Progress

### **Contact:**

Ben Wilson  
[Ben.wilson@edinburgh.gov.uk](mailto:Ben.wilson@edinburgh.gov.uk)  
0131 469 3411

made since the previous Committee in August is summarised below:

### Theme 1 Leadership and Management

A group of officers are participating in the initial roll out of the Council's new Leadership Framework. This will build leadership skills and capabilities across the service.

Service and Team Managers attended a workshop in August to identify service priorities and agree how best to address these.

Interviews were held in August to fill two vacant Senior Planning Officer posts – one in the Central Area team and one in the Locals 2 team

### Theme 2 Customer

The Annual Planning and Building Standards Customer Forum took place on 10 September 2019. This event is attended by a range of customers and takes the form of presentations and group discussions. Attendees learnt about the changes and improvements implemented in the past year and shared their share views on the service we provide and the ways in which we provide information to customers.

### Theme 3 Continuous Improvement and Performance

Regular monitoring of the new working arrangements in Development Management shows that these are resulting in a more equitable spread of applications across teams which is beneficial to performance levels and staff well-being.

In the period 1 April to 31 July 2019, the Council received 360 enforcement enquiries compared to 202 in the equivalent period last year. The Service is exploring different ways of working in order to support the Enforcement team in handling the increased caseload.

### **Building Standards Performance**

High performance levels have been sustained over the last quarter. Between 1 July 19 and 22 September 19, 94% of applications received first reports within the 20 working day timescale. This performance was achieved while there has been a continued increase in applications received. There were 1293 applications received in quarter three up to 22

### **Contact:**

David Givan  
[David.givan@edinburgh.gov.uk](mailto:David.givan@edinburgh.gov.uk)  
0131 529 3679

September. This is the highest for the previous four quarters.

82% of warrants were granted within the target 10 working day timescale during the same period. This is an improvement on the previous quarter where the figure was 79%.

	Quarter of: 2018 / 2019				19/20	
	Q1	Q2	Q3	Q4	Q1	1
<b>No of applications received</b>	1209	1054	1000	1082	1178	
<b>No of first reports and warrants with no report</b>	1263	1501	1123	1038	1188	
<b>% on 20 day target</b>	68%	72%	91%	98%	97%	
<b>No of warrants granted</b>	1098	1202	1349	1125	1101	
<b>% on 10 day target</b>	60%	62%	60%	73%	79%	

It is forecast that high performance levels will be sustained in quarter four 2019/20 with further improvement in the percentage meeting the 10 day target for granted warrants being prioritised.

### Councillors Code of Conduct

Committee members may be interested in some recent decisions by the Standards Commission for Scotland (SCS) regarding councillors on planning committees in other Councils.

In May 2019 Councillors Russell and Hackett of Midlothian Council were suspended from the Planning Committee for one month for breach of paragraph 7.3 of the Code (Fairness and Impartiality).

[Decision of the Hearing Panel of the Standards Commission for Scotland \(Councillor Russell\)](#)

[Decision of the Hearing Panel of the Standards Commission for Scotland \(Councillor Hackett\)](#)

In June 2019 Councillor Linda Holt of Fife Council was suspended from all quasi-judicial and regulatory committees for two months for breach of paragraphs 4.1, 4.23, 5.3, 5.7 (ii) and 5.9 of the Code (Registration of Interests and Declaration of Interests).

### Contact:

John Inman  
[John.inman@edinburgh.gov.uk](mailto:John.inman@edinburgh.gov.uk)  
 0131 469 3721



[Decision of the Hearing Panel of the Standards Commission for Scotland \(Councillor Holt\)](#)

In July Councillor Colin Cassidy of Midlothian Council was censured for breach of paragraph 5.3 of the Code (Declaration of Interests).

[Decision of the Hearing Panel of the Standards Commission for Scotland \(Councillor Cassidy\)](#)

**Improved Access to Edinburgh Airport**

On [24 January 2019](#) the Housing and Economy Committee noted a report on Improved Access to Edinburgh Airport and requested that this be shared with the Planning Committee.

**Contact:**

David Cooper  
[David.cooper@edinburgh.gov.uk](mailto:David.cooper@edinburgh.gov.uk)  
0131 529 3633

## APPENDIX 1

Appendix 1 Comparative Figures extracted from SG Annual Planning Performance Statistics 2018/19	Edinburgh		Scotland	Fife	Highland	Glasgow	Dundee	Aberdeen
	17/18	18/19	18/19	18/19	18/19	18/19	18/19	18/19
Householder applications determined	1,326	1,329	12,482	810	704	672	225	366
Local applications determined (with and without PPA)	930	923	14,891	875	1,830	938	224	467
Major applications determined (with and without PPA)	26	26	325	15	27	39	4	16
% householder applications determined in less than 2 months	75.6	77.2	86.3	84.2	91.5	94.6	84	92.1
Average time (weeks) to determine householder applications	8.8	8.5	7.2	7.5	6.8	6.8	7.8	6.8
% local applications without a PPA determined in less than 2 months	67.8	65.8	75.1	76.0	70.8	74.9	74.6	88.5
Average time (weeks) to determine local applications without a PPA	10.7	11.3	9.0	8.8	10.2	9.3	9.1	7.3
Average time (weeks) to determine major applications without a PPA	56.3	61.1	32.5	51.2	18.7	22.0	16.8	19.9
% major applications with a PPA determined within agreed timescale	37.5	40.0	73.7	75.0	84.2	33.3	n/a	88.9