

## **Gilmerton/Inch Community Council Paper to EACC Meeting on 19<sup>th</sup> April 2018**

### **The Planning and Development Process in Edinburgh and the role of both Community Councils and the wider community.**

If the City of Edinburgh Council wishes to encourage and foster the democratic involvement of Community Councils in the planning process and, indeed, the participation of the wider community, whether activists and representatives of associations in the area or the concerned general public, it needs to facilitate a number of improvements in all stages of the process. This includes the public consultations and exhibitions prior to submission of a planning application, the planning application process and the submission of comments, the post planning approval stage where a number of important documents are fed into the planning system and the development construction period itself.

#### **PUBLIC CONSULTATIONS AND EXHIBITIONS**

It is clear that this part of the process cannot be relied upon to provide an accurate representation of the likely final development. Oral and visual presentations for private developments to community councils and public exhibitions for the general public invariably present the most positive picture with positive reports on the structural integrity of the land in question, minimal adverse visual impact, little or no disturbance to the wooded landscape and shelter belts and minimum inconvenience to neighbouring houses during development. Plans for roads, housing style and location, maintenance of current trees and shrubs and general design of the development can all change by the time building starts. Even the builder can change. Problems of infrastructure overload, especially traffic, GP surgeries and schools, are generally glossed over without any clear proposals.

A cynic, or any community councillor with substantial experience of such presentations over the years, might suggest that these practices are designed to garner the least possible number of objections.

It is clear therefore that these presentations and public exhibitions should be obliged to carry a clear and explicit “health warning” to all who attend that what is presented may bear little or no relation to the final product. This “health warning” should be a requirement on all publicity and presentational materials. **(1)**

It also has to be stated that public developments by the CEC are found to suffer from inadequate communication and consultation at this stage, with communities feeling they are not getting a fair opportunity for comment and, where necessary, objection. This should be rectified. **(2)**

## THE PLANNING PROCESS

The current planning process in Scotland is found wanting by community activists including community councils, residents associations and individuals being severely biased with the legislation favouring developers with their right to resubmit with no reciprocal right of community appeal against permissions granted and as such it is essential that the planning process for community volunteers, including community councillors, the only unremunerated actors in the statutory process, is robust, reliable and easy to use in order to make some attempt to level the playing field. Only in that way will democratic rights be maintained. There should be no toleration of inadequacy or incompetence on the part of the Council and staff in the planning process. Both clerical and administrative service failures and the unreliable computer based system, the “planning portal”, should be reduced by training and robust procedures on the one hand and technical improvement on the other. **(3)**

Performance metrics should be put in place to ensure that acceptable standards of performance are being consistently achieved and test runs of Council systems and procedures should be a regular occurrence. **(4)**

It is not appropriate for the Council to consider reducing the options for the general public to submit comments on planning to solely by the “planning portal”, basically a web page designed for, inter alia, submissions. Apart from it being slower than doing the same thing by email, it does not allow submissions which take longer than 20 minutes to compose and send, directing one to send an email attachment instead. Until recently this warning was not provided resulting in the loss of part completed submissions.

In addition, it is far more complicated to use than a simple email as confirmed by a computer expert who looked at the system. A number of older people in the community have mastered the basics of compose and send - or receive, compose a reply and send - on basic email tools but nothing more complicated and certainly not web page design applications.

What percentage of the older adult population, say above 60, have only mastered email basics but nothing more and what percentage of the same age range are computer illiterate? Until these percentages are minimal, all current options for submitting comments should remain otherwise the Council is creating a democratic deficit amongst the elderly and others. **(5)**

## THE POST PLANNING APPROVAL STAGE

At this stage, a number of important documents might find their way on to the planning portal. Examples include revised site layout plans and housing designs and perhaps more importantly, such reports as that provided by the Contaminated Lands

Officer, Hazardous Gas findings, traffic assessments and plans of the structural integrity of the proposed development with regard to mine workings. All these reports are obviously known to the planning officers and, of course, to the developers and their agents and, no doubt, drawn to the attention of the elected members but the community council and previous correspondents to the planning process are not formally advised. This is a flaw in the democratic process.

The community council should be automatically notified when such critical reports are submitted as should those correspondents who submitted comments to the original planning application. This might be done by group email for such correspondents either on an opt-out or opt-in basis and requires nothing more than the maintenance of a group mailing list. **(6)**

With that communication should come the right to comment on the findings of these reports. **(7)**

#### THE DEVELOPMENT CONSTRUCTION PHASE

At this stage, all should be done to improve communication with the pre-existing neighbouring community and to minimise as far as possible the inconvenience to them arising from the activities associated with the construction phase.

Firstly there should be a code of conduct for construction companies and their agents encouraging best practice in a number of areas such as road safety in the neighbourhood with parking of vehicles only on construction land, avoidance of damage to neighbouring property and pre-planned strategies and protocols in place to deal with incidents such as vermin infestation, with efficient, effective response times. This code of conduct should also require strict observance of statutory and other requirements on noise levels, smoke and gaseous emissions and other smells. It should also require full disclosure as soon as an incident occurs. **(8)**

The Council should also have plans to deal with outbreaks of vermin infestation to neighbouring houses arising from developer's activities such as major ground disturbance or demolition of pre-existing buildings and not just await tardy action from construction companies who, in any case, assert no responsibility. Currently householders have to pay for outbreaks in their own private property as both the Council and the builders will provide no funding for these locations. This cannot be acceptable. **(9)**

The City of Edinburgh Council needs to provide some element of supervision of the wider activities of the developers and their agents and not just provide the current ad-hoc reaction to complaints received; in other words, acting in a more "pro-active" manner. Council liaison with developers should be part of the process throughout the development as should support for affected communities. **(10)**

## GENERAL SUPPORT AND COMMUNICATION

A number of community council areas in Edinburgh have more than their “fair share” of proposed and actual housing development in their areas. It is recognised within the planning community that they are at a disadvantage when compared with the professional paid participants in the planning process such as planning officers and the developers’ staff and their agents. For those with significant development in their area, this should be recognised by proper support facilities and funding for community councillors and others closely involved in the consultation and later processes. **(11)**

This support should extend to the elected members of the CEC representing the communities in which development is planned or taking place. It is essential that such elected members should foster excellent communications in this regard with the community councils in their area necessitating availability for and regular attendance at community council meetings and timeous acknowledgements and responses to requests for information, action and advice. This two way information flow should be initiated at an early stage and throughout the process. **(12)**

It is essential that community councils are fully advised in good time of important reports such as Land Contamination or Mine Workings related to developments in their area and similarly, with regard to planned road closures and traffic controls as a result of development activity in their area, given the opportunity, as a matter of right, for prior comment. Note the current arrangements for notification where only some residents of those who all share the same exit are advised is unacceptable. **(13)**

## BUDGETARY PROVISION

These proposals will require an element of budgetary provision though extremely minor in comparison to the funds flowing into the Council as a result of development and in any case the City of Edinburgh Council has to ask itself this question :-

Is community council involvement in the planning process an invaluable addition to democratic accountability or merely an inconvenience which requires nothing more than lip-service?

If the former, it requires improved support and communication with consequent funding. If the latter, the number of community councillor volunteers with a record of long working hours supporting this activity need to be advised. **(14)**

## **Summary of Recommendations**

### **PUBLIC CONSULTATIONS AND EXHIBITIONS**

- 1. A “health warning” should be obliged to be carried on all developers’ promotional and exhibition materials.**
- 2. The Council’s own public developments should be better communicated with greater opportunities for local community consultation and comment.**

### **THE PLANNING PROCESS**

- 3. The Council’s administrative systems and computerised technical support to the process must be improved to provide a reliable service.**
- 4. A scheme of performance metrics should be put in place to ensure that acceptable performance standards are being consistently met.**
- 5. There should be no move to reduce the options by which correspondents within the community submit comments on planning applications.**

### **THE POST PLANNING APPROVAL STAGE**

- 6. Important documents placed on the “planning portal” after planning approval should be drawn to the attention of the relevant Community Councils and other correspondents to the original planning application.**
- 7. There should exist an opportunity and right to comment on such documents.**

### **THE DEVELOPMENT CONSTRUCTION PHASE**

- 8. The Council should introduce a Code of Conduct for developers to ensure good practice throughout the construction phase, if necessary by signing up to a “voluntary participation” scheme.**
- 9. The Council should be prepared to act with planned responses to such issues as vermin infestation of neighbouring housing as a result of ground disturbance.**
- 10. The Council should introduce an element of active supervision of the activities of the developers with regular liaison with them and active support to communities.**

### **GENERAL SUPPORT AND COMMUNICATION**

- 11. Improved programmes of support and channels of communication should be provided to Community Councils, especially those with a number of developments in their area. Funding should be provided as necessary**

- 12. This support should extend to elected members with considerable developments in their area to enable them to provide effective and timeous means of communication with Community Councils.**
- 13. Communication by the Council on such important issues as Contaminated Land Reports or Mine Workings within proposed developments must be improved as should notifications of road closures, diversions and traffic controls, with the right of prior comment by Community Councils.**

#### **BUDGETARY PROVISION**

- 14. If the City of Edinburgh Council is serious about encouraging and getting the best out of the involvement of Community Councils in this process, it needs to take an active decision to improve support and funding as necessary.**