

CEC Planning Webinar: 30 May 2024.

Led by David Givan, Chief Planning Officer; Elaine Campbell, Operations Manager, Development Management; Anna Grant, Development Planning Team.

Focus:

- Development Management Process to cover opportunities for Community Councils to engage via representations on Planning Applications and the process involved with being recognised as a Statutory Consultee as part of the representation process for applications
- Development Planning Process to cover opportunities for Community Councils to engage in the preparation of City Plan 2040 via consultations and an overview of the potential involvement of Community Councils in the production of Local Place Plans

See also the **Appendix** below.

Development Management: Elaine Campbell.

Legislative Context

Planning decisions are quasi-judicial

Decisions can be subject to judicial review and set aside if not determined in accordance with statutory tests

Decisions can also be subject to appeal or review by applicant

There is no 3rd party right of appeal in Scotland.

Planning Permission test Section 25 of 1997 Planning Act (Scotland) - "Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".

Development Plan Context

- National Planning Framework 4

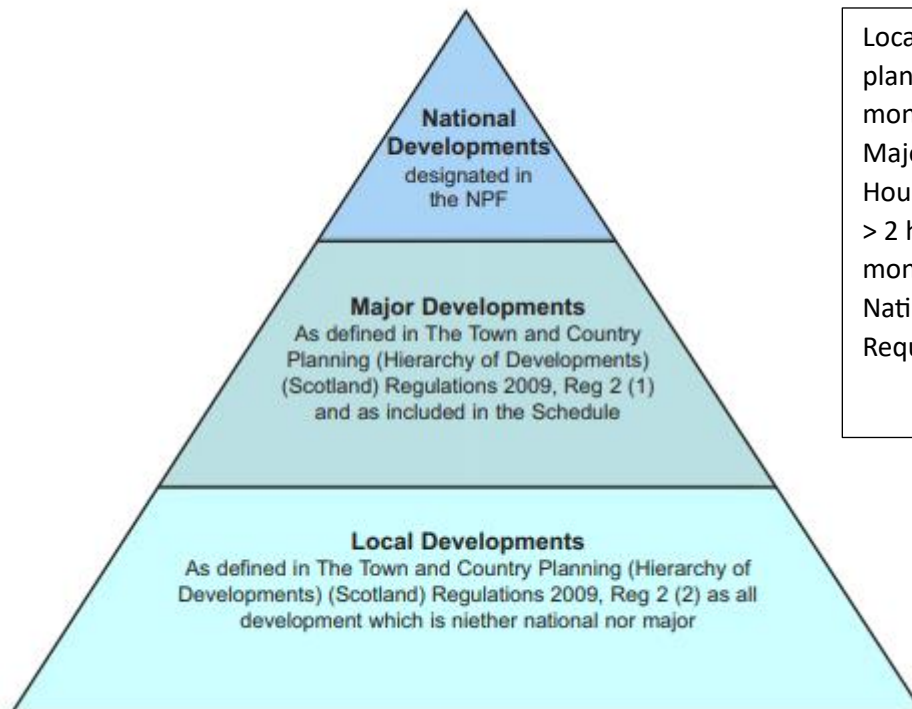


- Local Development Plan



Development Hierarchy

The hierarchy is at the heart of the modernised planning system. The Planning etc. (Scotland) Act 2006 (the 2006 Act) introduced the hierarchy for planning in primary legislation. The hierarchy will help deliver Scottish Minister's aim that the planning system should respond in a more proportionate and efficient way to proposals that come before it



Local developments: Aim for planning decision within 2 months.

Major developments: Housing over 50 units or site > 2 hectares: Aim for 4-month timeline.

National developments: Require a hearing.

(continued)

<h2>Major Housing Development</h2> <ul style="list-style-type: none"> • Pre-application Engagement by Applicant • Proposal of Application Notice • 12 week engagement process • Minimum of 2 public Events • Key point for community councils to engage directly with the developer <p>Requires explicit community engagement. If 4m timeline not met, developer can seek decision from Scot Gov.</p>	<h2>Application Submission</h2> <ul style="list-style-type: none"> • Submission – eplanning Scotland • Application – Description Development • Range of Plans <ul style="list-style-type: none"> • Location Plan • Detailed Drawings • Landscape Information • Supporting Technical Information • Fee – as defined in National Fee Regulations
<h2>Application Assessment</h2> <ul style="list-style-type: none"> • 4 months target time • Neighbour Notification – 21 days • Press Adverts (as required) • Consultations <ul style="list-style-type: none"> • Statutory Consultees • Community Councils • Internal Council Departments 	<h2>Officer Assessment</h2> <ul style="list-style-type: none"> • Compliance with policies within the Development Plan • Supporting Guidance • Consultee Response • Letters of Objection • Layout • Residential Amenity – size of properties • Privacy/Daylight • Landscape/ Trees • Access/ active travel links <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <p>Amendments requested from the developer as required and further neighbour notification may be necessary</p> </div>
<h2>Scheme of Delegation</h2> <ul style="list-style-type: none"> • Major Development decisions made under the terms of the Local Government (Scotland) Act 1973 • Majority of major housing applications considered by Development Management Sub Committee • Report of Handling prepared by Case Officer and forms assessment of proposals • Decision to either refuse or grant (often with conditions) • Refusal – appeals to DPEA 	<h2>Community Council engagement</h2> <ul style="list-style-type: none"> • Weekly List – do we have the correct email address – Planning Representative Identified • Statutory Consultee Status on major applications • Written comments within 21 days to case officer • Please ask if you need more time

Lot of emphasis placed on identifying the up-to-date Planning Leads at CCs / on hope that CCs can consult widely in the community / on understanding that CCs may need more time to come to a view / on importance of CC presence at hearings on major applications.

- Materiality of comments – further guidance on this
- Report of Handling Sets out assessment of proposals
- Hearing – opportunity to attend and address committee

Footnotes:

Materiality of comments: more info on this to come.

CEC will push developers to communicate their proposals as widely as possible.

CEC can't share these with CCs (e.g. at pre-application stage) in 'discussion' until the developer makes them public. (Business confidentiality). CEC recognises an 'imbalance'.

Developer should highlight / express community concerns at the application stage through at least two community engagements.

Notifications of planning applications rest with the Local Authority: to owner / occupier with a common boundary with application site or within 20m of the boundary of the proposed development. Where there isn't a building to serve a neighbour notification, there is a requirement to publish a notice in the press.

With regard to a suggestion for 'a more proactive wider notification process', came the response, 'Legislation defines the notification requirements'.

CCs should see all applications in their area within the Weekly List. Applications also published in the Evening News on Fridays. (Never knew that. Available on Press Reader – Page 39 for Friday 31 May)

See also the ArcGIS Web Application: [Planning Weekly Lists \(arcgis.com\)](http://arcgis.com)

Threshold for objection is 20 neighbour submissions, but there is some flex around that.

Elected Councillors can call for applications to go before the DMSC, if they do so within 21 days of the application being submitted.

Any works or breach of planning permission should be reported to CEC Enforcement Section. This can be done directly online at

<https://www.edinburgh.gov.uk/breachplanningcontrolsform>

For a Local Development application, where there is a CEC refusal without the application having gone to Committee, the appeal route is via the Local Review Body.

Most student accommodation applications (acknowledged as contentious) will go to Development Management Sub-Committee.

Any refusal at DMSC goes to Scot Gov Reporters Unit along with all comments and letters received.

CCs can stand as statutory consultee on any planning application. CCs would be expected to take this role in any significant development with an impact on the community.

Side-note on engagement (from Barbara at Leith Links CC)

An engagement layer of the RIBA plan of work has recently been published, which includes early stakeholder engagement - particularly regarding larger developments. It can be downloaded here -

<https://www.architecture.com/knowledge-and-resources/resources-landing-page/engagement-overlay-to-riba-plan-of-work>

Side-note on RAMPS, the planning application tracking tool:

CEC withdrew participation because RAMPS requires autonomous external access to CEC's IT system, so it represents a security threat. Looking at a work-around.

Development Planning: Anna Grant.

City Plan 2030 poised for adoption in Q3. It goes to Planning Committee on 19 June and to full Council on 24 June. It will replace Local Development Plan 2016.

Attention turns to City Plan 2040, to cover 2030 to 2040.

City Plan 2040

Need to start preparing **City Plan 2040**. Our next local development plan after City Plan 2030 (covering 2030-2040)

New development plan scheme: timetable for City Plan 2040 (September)

Different this time. Planning (Scotland) Act 2019. New local development planning guidance.

3 overarching aims:

- Place based
- People centred
- Delivery focussed

Place-based



Using the 'place principle'. Presented as a collation of site beliefs and masterplans. Minimal policy wording. Addressing the global climate emergency and nature crisis at a local level.

People-centred



Putting people and communities at the heart. Meeting people's needs and aspirations. Tackling inequalities. Prepared collaboratively.

Delivery-focused



'Infrastructure First' approach. Facilitating delivery of sustainable development. Achieving outcomes.

New Style Local Plans

- Stronger emphasis on engagement and involvement
- Tell a compelling story about the future of places.
- Expected to have an understanding of the place, its characteristics and needs.
- More place based so more visual/ map based.
- Need to support delivery of development that meets people's needs and aspirations of a place and the long-term public interest.

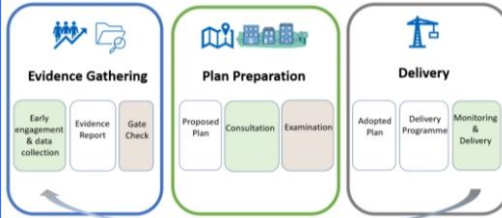
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Not the stronger emphasis on engagement and involvement, 'in the way that best works for communities'. That places a (greater) responsibility on CCs to be seen to encourage widespread community participation and to harvest opinion. How to do that? – See **Appendix** below.

Plan Preparation Stages and how you can get involved

Four different stages where you can get involved:

For new style plans – different steps to go through:



1) Participation Statement

2) Local Place Plans

3) Preparation of the Evidence Report

4) Proposed Plan preparation stage

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1. Participation Statement (on-going)

- We have produced a **Participation Statement** - how we are planning to engage people for City Plan 2040.
- Requirement under new legislation to '**seek the views of the public on what the content of the Participation Statement should be and have regard to any views expressed**'.
- Improve how we engage, reach out to groups who find it hard to get involved, and to engage in the best way that works for them.
- **Particular views:** children and young people, disabled people, Gypsies and Travellers and Community Councils (but need to consider the range of communities within Edinburgh).
- **Questionnaire on Consultation Hub** - **Please circulate our e-mail.**

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2. Local Place Plans

What are they? New type of plans introduced by Scottish Government in new legislation – very mini development plan produced by communities.

What are they for? Opportunity for a community to collaborate with Planning authorities in planning process and to influence their 'place'.

How will they be used: A registered Local Place Plan must be taken into account in the preparation of City Plan 2040.

Who can produce them? Any properly constituted community body can produce a Local Place Plan. Not just community councils. Strongly encourage a collaborative approach so there is 1 local place plan for an area.

When do you need produce them? No clear deadline in legislation: ideally as we start to prepare the plan

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Local Place Plans: What could they cover?

Set out the community's- planning related- proposals for the development and use of land within an area; for example:

- Changes to planning policy
- Identifying sites for development
- Proposals for how a site should be developed
- Areas or things that you want to protect
- Things you think that are missing which would make the place better
- Problems in your community which Planning could address

Doesn't have to be whole community council area – could a small part, for example where future development might happen or focus on a single issue.

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Preparing a Local Place Plan

- **We know they are a daunting prospect and is it worthwhile?**
- **We know there are challenges: timing, lack of expertise, cost, work involved, scope...**

BUT...

- Opportunity to have positive and collaborative conversations within the community
- Opportunity to influence change – **your** proposals for **your** area
- Feed into City Plan 2040 (different from submitting responses)
- It can be a very simple and short document: light touch. It does not need to be professionally produced: a word document and a map can be enough
- Other local authorities have some good examples/elements. [West Kilbride](#) is good 'low key' example
- Is it you leading? – Discussion/ coordination with other groups?

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CEC very keen to get the following across:

How we can help?

- **We will come and talk to your Community Council – just ask (e-mail or fill in form on website)**
- Webpages: how to guide, template, useful references.
- **Provide data/ data-sets**
- Looking at possibility of peer review – help each other as you progress?
- **Training? Do you need some help – place standard, planning, urban design...**
- If you are interested in preparing a Local Place Plan – let us know: cityplan2040@edinburgh.gov.uk

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3. Evidence Report

- This informs the plan-making and help to justify the plan's content
- Use the evidence so we know what to plan for before we look at where development should take place
- At early stage: assessing what we need, gathering/ commissioning data and evidence
- Needs to be informed by the views of those who will be affected by the plan and involved in its implementation. Not expected to be a formal consultation exercise but more topic based.
- Key groups we need take into account: public at large, key agencies, children and young people, disabled people, Gypsies and Travellers and community councils.
- Place based engagement: still to be determined but we need to capture an understanding of the place, its characteristics and needs (ideas?)

CEC give the impression of being 'really committed' to keeping communities up-to-date on this and to help with Local Place Plans.

4. Preparing Proposed Plan

- Evidence Report needs to go through a Gate Check (new step)
- Once approved, start on Plan Preparation stage
- Early engagement such as call for ideas
- Proposed Plan prepared and approved then formal consultation (minimum of 12 weeks)
- Communications: update community council on timelines, deadlines, engagement stages: Blog, mailing list and direct e-mail.

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Last words to:

Terry Airlie (Queensferry & District CC): Putting a LPP together is a long, arduous haul. Don't underestimate it.

Ian Doig (Merchiston CC): CEC, first and foremost, needs to apply a holistic approach to communication across its divisions, so that Planning talks to Roads talks to Transport and so on, pulling away from silo-like attitudes which can leave community councillors, when pursuing a project, 'on the phone again and again, getting nowhere', as it were.

Appendix

How to do that? This looks like a good place to start.

Our Place - a site devoted to promoting the benefits of place and place-based working - a project developed by the **Place Standard partners** (Scottish Government, Public Health Scotland, Architecture & Design Scotland, the Improvement Service and Glasgow City Council).

[Our Place | Our Place](#)

[Place Standard tool | Our Place](#)

[Evidence behind Place Standard Tool and Place and Wellbeing Outcomes | Our Place](#)