

The Edinburgh Planning Concordat 2016



Introduction

Edinburgh is a growing City and faces challenges to provide homes and jobs for the communities of the future. Protecting its natural and built heritage is a top priority and the planning system is in place to guide the development we need to make Edinburgh economically successful now and in the future. As a world-renowned city, increasingly Edinburgh has to compete internationally to attract the inward investment it needs. This investment is vital to the funding of development projects which make a significant contribution towards enabling sustainable economic growth in the capital city.

It is acknowledged that not everyone wants development, especially in their own area, and tensions can arise. Sometimes there can be a conflict between shorter term gain and longer term aspirations. However experience has shown that when developers, communities and the Council work constructively together when new development is proposed, better places can be created. Getting the balance right is difficult but important.



The Planning System in Scotland

The planning system is used to make decisions about the future development and use of land in our towns, cities and countryside. It considers where development should happen, where it should not and how development affects its surroundings. The system balances different interests to make sure that land is used and developed in a way that creates high quality, sustainable places.

There are three main parts to the planning system:

- Development Plans - The planning system in Scotland is plan led. The plans set out how places should change into the future.
- Development Management - This is the process for making decisions on planning applications. Legislation requires that decisions on planning applications be guided by policies in the development plan.
- Enforcement - This is the process that makes sure development is carried out correctly and which can be used to take action when it has not

The planning system is grounded in law and the Planning etc. (Scotland) Act 2006 created a hierarchy of developments across the country defined as National, Major and Local. You can find out more about what sort of development is in each hierarchy and the Scottish planning system in general on the Council website in the Community Councils and Planning pages and on the Planning pages of the Scottish Government website. Community councils can use these links to get a better understanding of how planning works and their role in it. This upskilling of planning knowledge will help when it comes to making an input into the major development process.

The Edinburgh Planning Concordat

National and Major developments are those of the greatest importance to communities and have a greater level of consultation and scrutiny than Local Developments, with a different pre-application and determination procedure, although of course Local Developments can have a considerable neighbourhood impact.

The Concordat is essentially a way that developers, community councils and the Council can work together when a Major development is proposed. It builds on the Concordat of 2013. A flow chart can be found in Appendix 2. It assumes that all parties will make the necessary resources available to meet the different stages in the process although it is recognised that this may be difficult for some community councils, being voluntary organisations. Early engagement with communities is the key and the Concordat promotes this as a top priority.

There are two stages in the major development process. Firstly, a requirement for statutory pre-application consultation under the Proposal of Application Notice (PAN) process at pre-application stage. This refreshed Concordat aims for more discussion between developers and community councils at early pre-application stage. This will then make the formal PAN process of the pre-application stage more meaningful. Developers can do more to help community councils at this stage and Appendix 1 sets out ways of engaging more proactively.



The second stage is the actual planning application and the Concordat sets out how all parties can work constructively together.

The Concordat does not include details of community involvement in the Development Plan process. There are separate processes for this but community councils should be aware that in a plan led system there is a presumption that if development complies with the Development Plan, it should be approved unless there are particular planning reasons why not. The opposite applies if it does not comply with the Development Plan. Community councils should aim to ensure local communities are fully involved in the Development Plan process as this will then set the decision-making framework for the major development proposal and whether it is acceptable or not.

The Concordat is a working document and not all community councils or developers will want to make use of it. However, it is the way that the Council wants to promote good working relationships when major development is proposed and it is hoped it will be viewed positively by all. All parties have a responsibility to be well informed and respectful when making an input into new development.



Promoting Place-making

Place-making is about delivering good places. The Scottish Government sees the Planning system as being instrumental in the delivery of good places. Policy statements - Creating Places, Designing Streets, Designing Places and the introduction of the Place Standard have all provided advice and tools for local authorities in taking forward this objective in the face of climate change and sustainability challenges.



Good place-making happens when all parties work together constructively and the Concordat can play a part in this process by putting the mechanisms in place for those lines of communication. At pre-application stage, the use of the Place Standard Tool and development briefs can be used to get communities involved in discussing what is needed to make improvements and, in tandem with formal planning application processes, create places that local people can enjoy.

The Role of Developers

The development industry builds homes, shops, offices, hotels and other buildings that successful growing cities need. But development is not at any price and positive and meaningful engagement at both the pre-application and application stage of the development process can lead to a smoother and quicker result which communities are happier with.

Many community councils welcome early engagement on major development proposals so they have an opportunity to shape it and make constructive suggestions on improvements. Developers should welcome this and work constructively in line with the Concordat. They should arrange an early meeting with the community council to discuss pre-application consultation and the processes around this. It is the responsibility of developers to make sure they do engage positively with the local community and take all reasonable steps to amend their proposals to reflect the community's views. With this in mind, developers should seek to assist community councils with wider engagement exercises by, for example, paying for leaflet drops or helping community councils to set up website pages for the consultation.

The Role of Community Councils

Community Councils have a vital role to play in representing the views of the wider community when new development is proposed. Many communities welcome development which makes a positive input to their local area but understandably have concerns about the potential impacts of major development on roads, schools and other infrastructure. The Concordat encourages community councils to work collaboratively with developers bearing in mind that if it does comply with the Development Plan, it is likely to be approved. Where areas of concerns remain, it may be that the developer can allay these through constructive discussion. The Concordat does not expect community councils to liaise with developers if the local community is fundamentally opposed to the development but expects community councils to make sure those are the views of a diverse range of local people. However, it is recognised that community councillors are volunteers with limited resources and this may be difficult and they are encouraged to seek help from the developer in engaging widely with their communities.



The Role of the Council

The Council is the Planning Authority and is responsible for preparing the Development Plan and for assessing development against it. Engagement with community councils is an important part of these processes. As part of the decision-making process, the Council has to consider not just the Plan but other material planning considerations, such as representations from the local community, and what weight to give to them.

At the pre-application stage, the Council can encourage ways of developers and community councils working together. Part of the job of planning officers is to advise developers how their development can comply with the Development Plan. The Scottish Government, through Scottish Planning Policy, expects planning authorities to be positive about development opportunities as the economic resilience of the country is dependent on such development.

The Council also has to make sure it provides sufficient support to community councils in understanding the proposals and what the policy implications are. It does this by preparing a pre-application report to the Development Management Sub-Committee setting out the issues to be addressed when the application is submitted. Finally, the Council has to take seriously whether the proposals have taken community opinion into account and this should be seen as a material planning consideration when determining the application. In particular, the role of the community council as a statutory consultee should be given significant importance. Planning officers are encouraged to offer to meet community councils to explain the planning issues around proposals.

Step by step process for major applications

Before the proposal of application notice stage (pre-application advice)		
Developers will:	Community councils will:	The Planning Authority will:
Request an early pre-application meeting with the relevant Planning and Transport team manager ensuring sufficient information is provided for an initial assessment. Formal request EIA screening.		Respond positively to initial meeting requests provided sufficient information is provided. Give early advice on general principles. Respond to EIA screening requests within 21 days.
Request an early meeting with the relevant community council ensuring sufficient information is provided for comments.	Consider meeting requests from the developer to discuss general principles and give initial views in so far as able to on the information provided.	

Formal pre-application consultation stage		
Developers will:	Community councils will:	The Planning Authority will:
Supply project information including details of lead consultants and agree to a processing agreement. Ensure this is signed promptly when agreed.		Provide lead officers to discuss project details and draft a processing agreement for discussion.
Provide an outline plan for the Pre-Application Consultation (PAC). Consult and seek advice from community councils and/or local interest groups at an early stage to ensure proposed community engagement is practicable. Agree key dates with the community council. Agree whether the draft PAC report will be shared for comment before submission of the application.	Assist with a plan for pre-application consultation with the local community and agree key dates with the developer. Decide whether you want to review the draft PAC report and discuss this with the developer.	Provide guidance on pre-application consultation and encourage the developer to engage early with the local community council.
Submit the Proposal of Application Notice on the agreed date and with agreed community consultation events	Advise the Council if additional consultation is required and why. Suggest any other changes.	Consult with the community council and advise the developer what additional consultation is needed.
Agree any additional community engagement required by the Planning Authority		Inform the Neighbourhood Partnership of the PAN and seek views

Formal pre-application consultation stage		
Developers will:	Community councils will:	The Planning Authority will:
	Discuss ways of engaging with the wider community to seek views e.g. website, social media.	Convene early meetings with key agencies / consultees to scope information requirements.
When requested, arrange for presenters to attend the Edinburgh Urban Design Panel meeting and to prepare presentation materials.		Identify whether the proposals would benefit from a design review by the Edinburgh Urban Design Panel and advise the applicant at least three weeks before the relevant panel meeting.
When requested, prepare information to assist the preparation of a Pre-application report for the Development Management Sub-committee		
Provide assistance to the community council to publicise the proposals to the wider community (see possible methods of engagement)	Consider seeking help from the developer in getting the views of the wider community - e.g. leaflets, website, social media	

Formal pre-application consultation stage		
Developers will:	Community councils will:	The Planning Authority will:
Provide knowledgeable consultants at any consultation event to respond to questions and help communities understand the proposals.	Assist the developer in advising on public meetings/exhibitions, if required. Ultimately ensure the views of the community council represent the wider community view and make comments to developer accordingly	
On the conclusion of the PAC exercise, let the community council see a draft of the PAC report if this has been agreed in advance and allow a short period for comments. In suitable cases, discuss with the community council whether a short period of re-consultation would be appropriate.	Review the draft PAC report if it has been agreed in advance that this will be shared and promptly flag up any disagreements. Copy the Planning Authority into the final response to the developer.	

When submitting the planning application		
Developers will:	Community councils will:	The Planning Authority will:
Ensure that the application is submitted on the agreed date in the Processing Agreement and that all agreed information is present		
Arrange for as much material as possible to be submitted electronically to enable speedy registration and publication on the Planning and Building Standards Online Services		
Submit a pre-application consultation report which fully reflects the community engagement process and explains where appropriate scheme amendments have been made, to take the community's views into account		
Offer the community council a meeting to discuss the application. Be prepared to provide hard copies of key information to assist community councils in consulting with their communities	Consider whether a meeting with the developer or planning authority would assist the community council	Offer a meeting with the community council to discuss the submitted application – content and timescales

During the processing of the application		
Developers will:	Community councils will:	The Planning Authority will:
Provide updates as set out in the processing agreement on progress with any requests for additional information/ changes. Ensure extra information is provided within the timescale set		Provide updates to the agent as set out in the processing agreement on progress with consultations, feedback on the proposals and any requests for additional information / changes.
Assist the community council with any information requests including sets of drawings/ EIA and CDs.	Ensure that the wider community view is sought as part of the community council's response to the application.	Automatically consult community councils on major applications and agree to extensions of time where required. Post any responses as consultations rather than comments
Attend application progress meetings as set out in the processing agreement.	Attend briefing sessions on progress of the application if required.	Attend application progress meetings as set out in the processing agreement. Arrange briefing sessions for CCs and members as appropriate.

During the processing of the application

Developers will:	Community councils will:	The Planning Authority will:
Revisit the Processing Agreement at 21 days in, to refresh dates and tasks and agree amendments.	Submit its comments on the application within the required timescale. Include a review of the Pre-Application Report within the consultation response. Any technical assessments should be provided in so far as they are professionally able to do so.	Revisit the Processing Agreement at 21 days in, to refresh dates and tasks and agree amendments. Keep the community council up-to-date with any amendments to the scheme and how they might be publicised
Once the period for consultation has closed, allow planning officers time to fully consider and assess the proposals without undue interruption.	Once the period for consultation has closed, allow planning officers time to fully consider and assess the proposals without undue interruption.	
Make professional staff available for attendance at the site visit if this is required.	Ensure members are aware of the arrangements for attendance at the site visit as an observer, if desired.	Arrange for the committee to visit the site prior to the Committee meeting if this is required.

The Committee Meeting

Developers will:	Community councils will:	The Planning Authority will:
Where a hearing is proposed, make a team available to attend the hearing and present to committee members. Prepare appropriate graphic, 3D etc material for hearings.	Ensure members decide who will, if any, represent the community council at the hearing.	Make procedural and timetable information available through committee services when a hearing is proposed

After the decision

Developers will:	Community councils will:	The Planning Authority will:
Arrange for the early conclusion of the legal agreement and arrange for the discharge of conditions as set out in the processing agreement.		Process the request for a legal agreement quickly and advise the lawyers on the wording of the planning obligations. Undertake conditions monitoring.
	Sign up to the Planning and Building Standards Portal to track changes or save searches for future updates.	Consider taking the application back to Committee if the legal agreement has not been concluded within the agreed timescale Advise those who made comments on the outcome of the application
Complete survey requests on the community engagement exercise so that the planning authority can monitor the success of the process	Complete survey requests on the community engagement exercise so that the planning authority can monitor the success of the process	Monitor the effectiveness of community engagement

APPENDIX 1

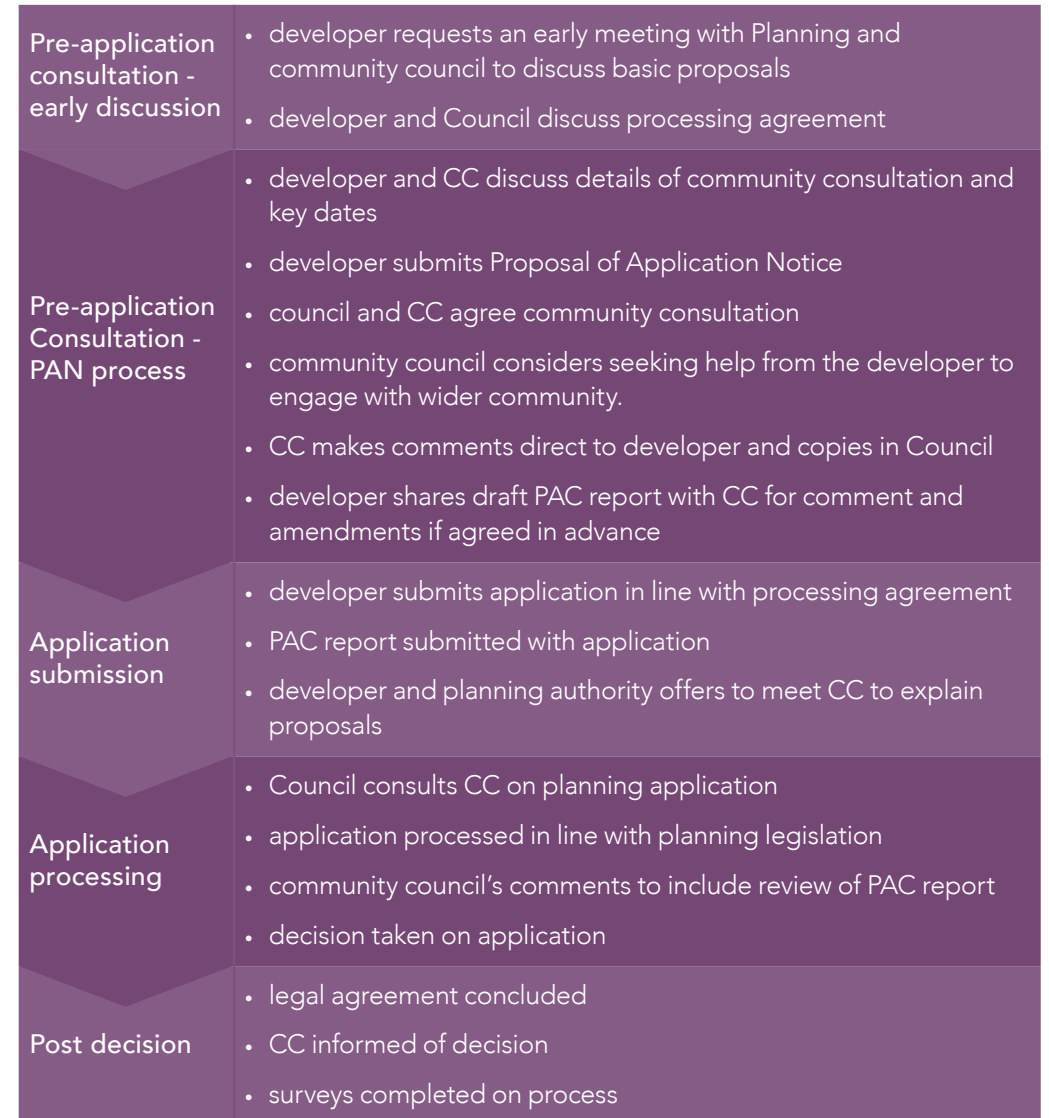
Menu of Possible Methods of Engagement

- Distribution of information, for example postcards, leaflets, brochures and mail shots to postcode area.
- Use public notice boards in shop windows, GP surgeries, places of worship, such as churches, community and sports facilities where people congregate.
- Use e-participation through web sites and social media such as Facebook
- Use of the media to raise awareness – Newspaper adverts/articles/radio.
- Public stalls/street stalls – for example within a shopping centre, or at a market.
- Public meetings, exhibitions, roadshows, workshops and focus groups.



APPENDIX 2

Flow Chart of the Major Development Process



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