

THE CITY OF EDINBURGH COUNCIL
EDINBURGH CHAMBER OF COMMERCE DEVELOPERS' GROUP
EDINBURGH ASSOCIATION OF COMMUNITY COUNCILS

THE EDINBURGH PLANNING CONCORDAT 2013



East Context Elevation
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Introduction

Planning has a key role to play in delivering sustainable economic growth for Scotland and its communities. The Edinburgh Planning Concordat was first produced in 2010 between the Council and the Edinburgh Chamber of Commerce and it has been successful in establishing how the Planning Service and the development industry can work together to enable major development.

There is now an opportunity for the Council and the development industry to work more closely with local communities. By establishing a framework for the Council, developers and community councils to engage when major development is proposed, means the chances are enhanced of delivering appropriate development of homes, businesses and other facilities the City needs for its citizens.

“The Edinburgh Planning Concordat provides clear guidelines for how developers, communities and the City of Edinburgh Council can work together to promote local participation in the planning process and shape proposals for large developments. By setting out roles and responsibilities at every stage of a major planning application, I hope that the Concordat provides confidence to those involved and helps to deliver the type of appropriate development that we all want to see.”



Councillor Ian Perry
Convener of Planning Committee

The Edinburgh Planning Concordat 2013

The Concordat was signed by Councillor Ian Perry, Ali Afshar of the Edinburgh Chamber of Commerce and David Salton, Chair of the Edinburgh Association of Community Councils on 27th August 2013.



“Many community Councils find it difficult to get the community’s views as widely as they would like but with some financial assistance, we can aim to engage with the community so it has a real input into the quality of development in its area.”

David Salton
Chair, Edinburgh Association of Community Councils

There are three key areas where joint action is needed to deliver the aspirations of the concordat. These are as follows:

Resources

The success of the concordat is dependent on all parties having the resources in place to work together.

The City of Edinburgh Council will provide the resources necessary to facilitate engagement with developers and enable community councils to seek the wider community view. This will make the process as smooth and inclusive as possible.

The development industry will ensure that it puts the right people and resources in place to deliver the information needed for the planning process. In particular it will embrace pre-application consultation with the local community and engage fully with community councils.

Community councils are duty bound by their constitution to represent all sections of their communities when expressing their views. They should consult widely before finalising these views. Community Councils will carry out this requirement as best as they can with the limited resources they have available.

Skills

The City of Edinburgh Council will provide a One Door Approach to the development industry in recognition that those involved in the planning process require a range of technical and generic skills, as well as an understanding of development economics. In addition, it will continue to enhance its community engagement skills so that it can proactively provide advice and support to local communities on the planning process.

The development industry will ensure that its representatives provide the technical supporting information to meet the requirements of the planning process and that it has the necessary people in place to engage proactively with local communities to deliver quality places.

Community Councils will ensure their planning representatives have a good understanding of the planning process and can help represent the wider views of the community in any planning consultations.

Process

The agreed process is set out in the annex.

The City of Edinburgh Council will enable suitable sustainable economic development by implementing the agreed process with developers and community councils.

The development industry will embrace the agreed process and provide information early in the process to enable key stakeholders to understand the proposals and assist in the preparation of final plans. In particular, it will fully engage with local communities.

Community Councils will proactively engage in development proposals and work with the Council and the developer to try to achieve a consensus that is in the best interest of the community they represent. In cases where it is opposed to the development, it will give reasons so the developer can decide how to move forward.

“The concordat is a clear framework agreement between the Council, developers and the community in Edinburgh. It helps to clarify an efficient process on pre-application engagement where each party is more certain of their roles and responsibilities. There is a clear duty for developers to comply with a public engagement process and build up a trusting relationship with the community council. This document helps us to do that.”

Ali Afshar, Edinburgh Chamber of Commerce Developers’ Group



Development Consents

ANNEX

AGREED STEP BY STEP PROCESS AND RESPONSIBILITIES FOR MAJOR APPLICATIONS

PRE-APPLICATION CONSULTATION STAGE		
The Planning Authority will:	Developers will:	Community councils will:
Development Plan:	Development Plan:	Development Plan:
<ul style="list-style-type: none"> • Highlight development site opportunities and engage in early dialogue with land owners, developers and the community on development plans and supplementary guidance. • Identify where masterplans would be required for major development sites. • Consider ways of keeping communities informed at an early stage. 	<ul style="list-style-type: none"> • Engage in emerging development plans and supplementary guidance • Prepare masterplans if required for major development sites. • Engage with communities early on sites they propose to develop. 	<ul style="list-style-type: none"> • Engage in emerging development plans and supplementary guidance. • Consult within its limited resources with the wider community in responding to consultations on the above.
Planning Application / Development Management:	Planning Application / Development Management:	Planning Application / Development Management:
<ul style="list-style-type: none"> • Respond positively to meeting requests by developers and agree to appropriate officers' attendance based on the nature of the proposals. • Provide reasonable time with lead officers to guide expectations, scope key issues, coordinate consultees and maintain regular dialogue on progress and team issues. • Where appropriate, convene early meetings with key agencies / consultees to scope information requirements. • Draft a processing agreement using standard template. • Provide guidance on pre-application consultation and encourage the developer to engage early with the local community council. • Provide the community council with resources for wider engagement. 	<ul style="list-style-type: none"> • Arrange and attend a "First Signals" inception meeting giving sufficient detail to senior officers to enable preparation for the meeting. • Present first options and outline information to enable scope of proposals to be understood. • Supply project information and agree to a processing agreement. • Appoint a lead application manager in house or through adviser, to handle all discussions in first contact and inform the authority of any delegations / changes in personnel. • Provide an outline plan for the PAC. Consult and seek advice from community councils and/ or local interest groups at an early stage to ensure proposed community engagement is effective. Agree key dates with the community council. 	<ul style="list-style-type: none"> • Discuss and agree to meeting requests from the developer and assist with a plan for pre-application consultation. • By a date to be agreed, give a view to the developer and Planning Authority on what form the community engagement should take on the proposal. Agree key dates with the developer for the PAC process. • Advise the developer in arranging public meetings/exhibitions, where required.

- 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.
- Identify whether the proposals require to be presented to the Development Management Subcommittee in a Pre-application report to allow members to participate in scoping the draft determining issues. Include the Community Council's views if available.
- Respond on EIA screening and scoping.
- Discuss the Proposal of Application Notice (PAN) with the community council and whether the proposed consultation with the community is sufficient.
- Inform the Neighbourhood Partnership of the PAN and seek views.
- Help the community council to understand the proposals including guidance on material objections.
- Conform with the Proposal of Application Notice process as agreed in the processing agreement.
- Agree any additional community engagement required by the Planning Authority.
- Conform with essential scoping exercises for EIA and other supporting statements.
- When requested, arrange for suitable presenters to attend the Edinburgh Urban Design Panel meeting and to prepare presentation materials.
- When requested, prepare information to assist the preparation of a Pre-application report for the Development Management Subcommittee and arrange for project team attendance at the meeting as observers.
- On the conclusion of the PAC exercise, let the community council see a draft of the PAC report 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.
- In Planning Permission in Principle cases, make clear the detailed matters included and detailed matters reserved.
- Help the community council to understand the proposals and be clear about what the community can influence.
- Ensure within its limited resources that the wider community view is sought as part of the community council's response to the Proposal of Application Notice.
- Make clear any arrangements where the CC is to represent the views of other groups, or to advise that the views of others will be handled separately.
- Agree a response date for final feedback from CC to developer.
- Copy the Planning Authority into the response to the developer.
- Review the draft PAC report promptly flagging up any disagreements (if applicable). In suitable cases, discuss whether a short period of re-consultation would be appropriate.

WHEN SUBMITTING THE PLANNING APPLICATION

The Planning Authority will:	Developers will:	Community councils will:
<ul style="list-style-type: none"> • Offer a meeting to community councils to discuss the submitted application – content and timescales. • Ensure a lead case officer coordinates a pre-submission “application package” meeting with project team to agree the final package of documents, forms, notifications and supporting drawings and documents to ensure validation. • Agree to provide a final response which verifies the package, within 4 working days. 	<ul style="list-style-type: none"> • 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. • Arrange a pre-submission “application package” meeting to agree the final package of documents, forms, fees, notifications and supporting drawings and documents to ensure validation. • 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. • Be prepared to provide hard copies of key information to assist community councils in consulting with their communities. 	

DURING THE PROCESSING OF THE APPLICATION

The Planning Authority will:	Developers will:	Community councils will:
<ul style="list-style-type: none"> • 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. • Automatically consult community councils on major applications and negotiate extra time with community councils if they need it. • Ensure consultation responses are viewable on the Planning Portal, as appropriate. • Pursue consultations which are not received within the statutory period. • Attend application progress meetings as set out in the processing agreement. Arrange briefing sessions for CCs and members as appropriate. • 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. Case officer to email community council and post updates on the Portal. • Agree reasonable final dates for consultee responses and correspond with the lead official at the relevant agency if this deadline is over-run. • Agree the heads of terms for conditional provisions and refresh terms / agree on appropriate device for agreement (conditions, S69 or S75 etc). 	<ul style="list-style-type: none"> • Provide updates to the case officer as set out in the processing agreement on progress with any requests for additional information/changes. • Assist the community council with any information requests including sets of drawings/ EIA CD. • Provide any further information requested within the agreed period. • Attend application progress meetings as set out in the processing agreement. • Revisit the processing agreement at 21 days in, to refresh dates and tasks and agree amendments. • Agree the heads of terms for conditions and refresh terms / agree on appropriate device for agreement (conditions, S69 or S75 etc). 	<ul style="list-style-type: none"> • Sign up for email alerts and committee papers to receive automatic updates. • Ensure within its limited resources that the wider community view is sought as part of the community council's response to the application. • Attend briefing sessions on progress of the application if requested. • Submit its comments on the application within the required timescale or an agreed date. Include a review of the Pre-Application Consultation Report within the consultation response and details of how it has sought the views of the wider community.

DURING THE PROCESSING OF THE APPLICATION

The Planning Authority will:	Developers will:	Community councils will:
<ul style="list-style-type: none"> • Consider the “development viability statement “ and fully consider reasonable requests for the economic viability to be a material consideration. Provide feedback on this before the Committee report is drafted. • Ensure the committee report fully represents the views of the community council and provides a detailed account of the applicant’s pre-application consultation process and pre-application feedback received as detailed within the Report of Consultation. • Arrange and attend a final progress meeting as set out in the processing agreement to ensure all relevant information is available to allow the Committee report to be drafted and to advise of the committee date and presentation/hearing procedure • Arrange and attend a final progress meeting as set out in the processing agreement to ensure all relevant information is available to allow the Committee report to be drafted and to advise of the committee date and presentation/hearing procedure 	<ul style="list-style-type: none"> • In major development cases where there are funding, viability and implementation challenges, submit a “development viability statement” which clarifies the economic viability of the scheme. An executive summary/redacted version should be provided for publication for public comment • Arrange and attend a final progress meeting as set out in the processing agreement to ensure all relevant information has been submitted before the case is taken forward to Committee reporting. • Make professional staff available for attendance at the site visit. 	<ul style="list-style-type: none"> • Make members available for attendance at the site visit if desired.

THE COMMITTEE MEETING

The Planning Authority will:	Developers will:	Community councils will:
<ul style="list-style-type: none"> • Make procedural and timetable information available through committee services for hearings • Arrange a meeting as soon as possible after the committee meeting with the developer’s principal application manager/ agent to discuss any conditional matters of the Committee decision 	<ul style="list-style-type: none"> • Make a team available to attend the hearing and present to committee members and prepare appropriate graphic, 3D etc material for hearings • Where conditional matters are important, attend a meeting as soon as possible after the committee meeting with the case officer to discuss the Committee decision 	<ul style="list-style-type: none"> • Represent within limited resources the community at the hearing.

AFTER THE DECISION

The Planning Authority will:	Developers will:	Community councils will:
<ul style="list-style-type: none"> • Arrange any final legal / planning meetings with the relevant parties to clarify final wording of legal agreements and timetable for conclusion of the agreement as set out in the processing agreement • Discuss any reasons for refusal and how any subsequent actions can be taken forward. • Undertake conditions monitoring and review legal agreement as required • Keep the community council informed on any variations to the approved scheme • Monitor the effectiveness of community engagement • Monitor and discharge conditions and legal agreements and keep the portal up-to-date with this information. 	<ul style="list-style-type: none"> • If required, attend any final legal / planning meetings to clarify final wording of legal agreements and timetable for conclusion of the agreement as set out in the processing agreement • Post application –Arrange for the early conclusion of the legal agreement and arrange for the discharge of conditions. • Complete survey requests on the community engagement exercise and the application process. 	<ul style="list-style-type: none"> • Complete survey requests on the community engagement exercise so that the planning authority can monitor the success of the process