

Stockbridge and Inverleith Community Council

14th March 2014

To: Cllr Maureen Child, Cllr Ian Perry and David Leslie, Head of Planning.

The Edinburgh Planning Concordat

We refer to the letter dated December 2013 signed jointly by Cllr Maureen Child and Cllr Ian Perry. Our apologies for the delay in responding – this was due to a combination of the holiday period and the need to discuss the matter at a Community Council meeting.

The Stockbridge and Inverleith Community Council decided unanimously at its February meeting not to sign the Concordat. The Concordat has been signed by the Edinburgh Chamber of Commerce on behalf of developers but has not been signed by individual developers and they will thus not be formally committed to following the Concordat in all circumstances. The Concordat has been signed by the EACC on behalf of Community Councils and our not formally signing leaves us in a similar position to that of developers.

Nevertheless we would intend to adhere to the Concordat where we agree with it and where it is realistic. However there are some aspects of the Concordat with which we are not entirely satisfied. These are mainly matters we commented on before the finalising of the Concordat document but were not incorporated into it. We have set these out in the enclosed Appendix. We consider them to be important to both developers and to Community Councils, in particular, in the understanding that the system is *'plan-led'* as demanded by the Town and Country Planning Act (Scotland) 1997, amended 2006.

Yours sincerely

Stephen Brennan

Chair of the Stockbridge and Inverleith Community Council

Attached below:

Appendix commenting on the Concordat.

Stockbridge and Inverleith Community Council

Appendix to the letter on the Concordat for Community Councils.

The Concordat superficially appears to give CCs more involvement. However the suggestions we made on the draft were mostly ignored, in particular, those which would have helped to make planning policy clear. For example:

1) We suggested that the assumption in planning that development should accord with the Development Plan should be made clear. The phrase: *“There is a presumption in favour of development that accords with the development plan”* is often misrepresented as *“there is a presumption in favour of development”*. This last statement has been quoted at our Community Council meetings by a local councillor; at a development management sub-committee by a councillor on the committee; and when we suggested to the planning department that the recently produced Concordat for Community Councils should make it clear that the Development Plan was the important consideration we were ignored. This fundamental point should have been made clear especially as it is so widely misquoted and misunderstood. The Town and Country Planning Act Scotland says that development is meant to be plan-led.

2) The Concordat starts by saying: *‘Planning has a key role to play in delivering sustainable economic growth for Scotland and its communities.’* We requested that the phrase *‘sustainable economic growth’* should either be defined or else removed from the Concordat but this request was also ignored. Yet *‘sustainable economic growth’* is often used by planners and councillors as a reason for granting an application and over-riding other planning policies. When we looked up the definition there were several versions some of which contradicted each other. Use of phrases of such ambiguity enables planners, councillors and developers to pick and choose the definition and to ignore policies that don't suit them.

We notice that the responses to the draft SPP on strategy published in 2013 states that many respondents asked for clarification of *‘sustainable economic growth’* and *‘sustainable development’* and their connection. And indeed this is a problem that has been brought up by the CEC in its own response to the further consultation on the draft SPP (see Item 7.2 Report to the Planning Committee 5 Dec 2013: Scottish Planning Policy Further Consultation: Sustainability and Planning Appendix answer to Question 2).

“Section 25 of the Town and Country Planning (Scotland) Act 1997 requires determinations to be made in accordance with the development plan unless material considerations indicate otherwise, and Section 3E requires that development plans are prepared with the objective of contributing to sustainable development.....

The application of the presumption would depend critically on the definition of sustainable development. The Brundtland definition is far too broad to be used in planning policy that aims to manage development. It would difficult to determine if a proposal contributes to sustainable development as defined and this would be open to much interpretation. Without a stricter definition, the presumption in favour of development that contributes to sustainable development would quickly be seen as a presumption in favour of almost all development.”

2) Community Councils should be advised of major developments much earlier - as soon as the CEC begins discussions with developers or others and not after the PAN, e.g. the Edinburgh Urban Design Panel met on 30th May 2012 to discuss the Edinburgh Academicals Raeburn Place/Portgower Place proposals. As well as Panel members, observers attended from Historic Scotland, the Cockburn Association, EAA, RTPI, Napier and Heriot Watt universities. The Community Council should have been invited to attend this meeting as observers rather than hear about the result of the discussions months later when minutes were first posted on the CEC portal (on 11th October 2012) a week after the application was submitted. We asked that the Community Council be included but the Concordat only wants developers to attend such meetings.

3) We asked for a statement stating that site visits should be properly prepared. This was so that councillors will have a realistic idea of the footprint and height of developments. We have attended several site visits where these matters were not made clear and even where erroneous information was given.

4) Community Councils should be provided with the same access to Planning Officers, and to the information they hold and the agreements they have made, as is provided to developers both pre-PAN and pre/post application. Too much can be hidden under the guise of 'commercial confidentiality'. It is clear from FOI emails that some planning officials don't just give information on policy to developers but see their role as helping the developer circumvent policy. We realise that government policy has pushed planners and developers together but it can be detrimental to the good of the public who need a neutral planning department who can stand apart and apply the policies that they themselves (in consultation with other interested parties as well as the public) have taken years to develop.

The Concordat appears to address some of these matters but the result is not satisfactory in that the public, as represented by the Community Council, is still not being treated equally and given the same information as the developer. There is a further problem in that development usually has the most impact on those nearest to it. The majority of people in a Community Council area may be little affected by a particular development (even a large one), however the Community Council is asked to get the view of the majority. Indeed if the assumption is that the Community Council has to show that the majority of the community is against a development before they object to it, then it is possible to envisage situations where this could disadvantage Community Councils and possibly any substantial minorities that may be the most affected.