

# Planning & Building Standards

## CUSTOMER SERVICE CHARTER

**Delivering a Customer 1st Service**



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## What this Charter does

This Charter explains what the Council's Planning and Building Standards service does and what its customers can expect from us. It begins by setting out **what you can expect from us** when contacting the service and then more specific standards linked to our three main responsibilities which are:

### Planning

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- To prepare a [policy framework](#) that sets out how land should be developed and our natural and built places protected;
- To consider and make decisions on applications for [planning permission](#), listed building consent and other types of application and investigate breaches of planning control to ensure the development of our City is properly managed; and

### Building Standards

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- To consider and make decisions on [building warrant](#) applications, completion certificates and property inspections to secure the health, safety, welfare and convenience of users and achieve sustainable development.

## What you can expect from us

### *If you contact us by telephone:*

- We will help you with your query on the spot if we can
- We will direct you to further information online, including online forms to request pre-application advice

- *If you leave us a comment on [Twitter](#) or the [Planning Blog](#):*
- We will respond within 2 working days if needed
- Consider whether we need to make service improvements to address concerns
- We will direct you to further information online.

### *If you email or write to us:*

- will respond to you within 10 working days or tell you if we need longer
- ensure our response is free from jargon and easy to understand
- direct you to further information online, including online forms to request pre-application advice
- translate information into large print, other languages or Braille if needed.

### *If you visit us:*

- we will advise you when the Planning & Building Standards help desks are available for general enquiries
- one of our staff will give you information that meets your needs or direct you to where you can find it online, including online forms
- see you within five minutes of your appointment time
- have friendly public offices, with clean and tidy waiting areas.



## Policy Framework

What the Planning System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at [www.gov.scot/planning](http://www.gov.scot/planning)

Scottish Government legislation requires that all Councils prepare a document setting out principles for where development of land will be allowed and where buildings and green spaces will be protected. These are called **Development Plans**. In Edinburgh, the Scottish Government requires that this Development Plan be made up of two documents: the Strategic Development Plan and the Local Development Plan.

**The Strategic Development Plan** for Edinburgh and South East Scotland sets out broad principles for the future use of land over a 20 year period on matters that cross Council boundaries. This includes key topics such as how many new houses are required, how they should be spread across the area and whether green belt land should remain as green belt. This document is not prepared by City of Edinburgh Council but by a partnership of the six Councils in the area called SESplan. It must accord with the Government's Scottish Planning Policy.

### The Strategic Development Plan - what you can expect from us

The Strategic Development Plan is prepared, and consulted upon, by SESplan (see above). We will advise you to contact them directly if we cannot answer your questions about it.

Further information is available at [www.sesplan.gov.uk](http://www.sesplan.gov.uk)

**The Local Development Plan** for Edinburgh contains detailed policies and proposals that must follow the principles set out in the Strategic Development Plan. The document sets out policies and proposals for the future use of land and the protection of the natural and built environment over a 10 year period. This includes key topics such as identifying sites for housing to meet the requirements set out in the Strategic Development Plan discussed above. Preparation of the document begins with the main consultation stage where the Council produce a **Main Issues Report** presenting options, and asking for your input on how they meet the requirements that have already been set by both Scottish Government policy and the Strategic Development Plan.

The Planning and Building Standards Service can also prepare more detailed guidance, for example on design, which forms part of the Local Development Plan but is prepared at a later time. This is called Supplementary Guidance and must meet Scottish Government requirements on preparation, participation and adoption.

### The Local Development Plan - what you can expect from us

The programme for preparing the Edinburgh Local Development Plan and details of all opportunities to comment on it can be found in a document called the Development Plan Scheme at [www.edinburgh.gov.uk/localdevelopmentplan](http://www.edinburgh.gov.uk/localdevelopmentplan).

We will update this document annually.

We will use a range of ways of making sure there are opportunities to comment on future plans including using the Council's Consultation Hub, drop in sessions, interactive website information and workshops. We are led by what communities find most informative.

As stated above, the “Development Plan” for the city consists of the Strategic Development Plan and the Local Development Plan. Planning applications must be decided in line with the content of the Development Plan unless there are important planning reasons for an alternative decision.

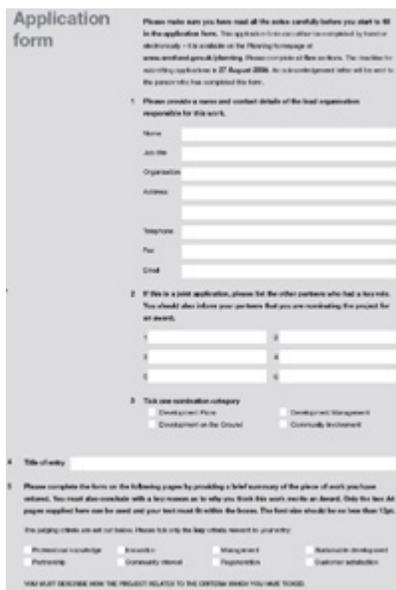
## Planning Applications

This charter explains what you can expect to happen when you want to make an application for planning permission or other planning consents and when you want to comment on someone else’s application. It then explains what happens when making a decision on a planning application.

All applications for planning permission are grouped in terms of size and importance of the type of development that is being proposed. National developments are proposed by Scottish Government, are of Scotland-wide significance, and are the top tier in the hierarchy. An example is the new Forth Crossing. Below national developments are major developments which are of a size and scale to be considered of major importance. Examples might be a new shopping centre, a business park or a large scale housing development. All development proposals which are not national or major are classed as local developments. Examples are house extensions, small scale housing development of less than 50 houses and changes to the use of a property.

Anyone proposing a national or major development must carry out pre-application consultation with the local community to allow them to be better informed and to have an opportunity to contribute their views to the developer prior to the submission of a planning application. Developers must submit a Proposal of Application Notice with details of consultation at least 12 weeks before they want to submit a planning application.

Further information is available on our [major applications web page](#)



## Pre-Application Consultation - what you can expect from us

We will assess Proposal of Application Notices in accordance with the *Edinburgh Planning Concordat*, a document that sets out how the Council, communities and developers work together on major developments.

We will expect developers to carry out more than the minimum consultation for more complex and contentious cases and we will encourage developers to set up websites to allow communities to access information and make comment more easily.

**Making an application for planning permission**, and all types of applications, is quicker when done online and it helps to avoid many of the reasons for applications not being valid on receipt.

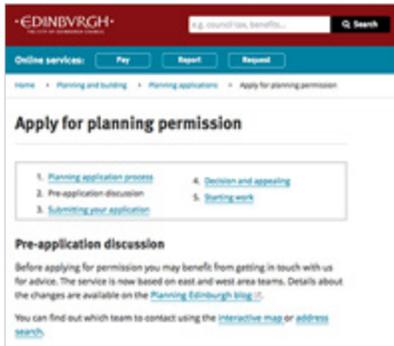
- Online applications are submitted via the Scottish Government E-planning website at [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)
- Should you wish to submit your application on paper, all types of form can be downloaded from the E-Planning website.

As well as applications for planning permission, there are many other types of application depending on what it is you are proposing. Further information is available in the Council’s guide to [Validation of Applications](#).

**If you are unsure what type of application to apply for, visit our webpage on [Permissions for Development](#).**

If you are unsure whether you need planning permission or other consents, read our [online information](#) and you can then decide whether to make an application.

The completion and submission of planning application forms, and all other types of application, can be submitted by applicants themselves or using a professional agent, such as an architect.



## Making an application for planning permission – what you can expect from us

**Within 5 working days**, we will check your application and advise you of any problems. It is the responsibility of the applicant to ensure that their application is submitted correctly. Further information on the process and what should be submitted is available in the Council's guide to *Validation of Applications*

**Within 10 working days** of a valid application being received, we will send you an acknowledgement letter and inform you of the planning officer who will be dealing with it and the timescale for making a decision.

If a professional agent is used to submit a planning application, we will deal with the agent rather than the applicant in all discussions and negotiations. It is the responsibility of the agent to keep their client informed of progress and of any requirements of, or delays to, the process.

**Within 15 working days** of a valid application being received, we will carry out neighbour notification and consult on the application, where it applies. Notification involves sending a letter to all postal properties within 20 metres of the application site giving details of the proposal and highlighting that comments must be made to the planning service within 21 days from the date of the notification letter. Some applications are also advertised in the Evening News and a site notice is put up nearby.

**Within 20 working days** of a valid application being received, we will visit the site where appropriate.

The case officer will advise if changes are needed to make the proposals acceptable. In some cases, where substantial changes are needed, we will refuse the application or advise the applicant to withdraw their application and re-apply. If we do accept amendments during the application process we will only arrange for neighbours to be re-notified if the changes raise new planning matters.

Applications can be tracked on the *Planning and Building Standards Portal* for any amendments.

## Planning Performance Targets

**90%** of approved major developments within the year to show added value quality improvements

**90%** of householder applications determined within 2 months

**75%** of non-householder applications determined within 2 months

**75%** of listed building consent applications determined within 2 months

## Commenting on someone else's planning application

If you wish to look at a planning application or decision, or on an application, you can do so via the Planning and Building Standards Portal. Your comments cannot be treated as confidential for a number of reasons:

- if the application is refused, the applicant needs to know about objections if deciding to appeal;
- the closeness of an objector to the application site may be an important factor in the decision
- comments on an application are part of the background papers and have to be available under Freedom of Information and Environmental Information Acts.

Only comments relevant to planning issues can be considered as part of the assessment of the planning application. Relevant planning issues include:

*- traffic and parking - appearance of the area - impact on a conservation area - setting or character of a listed building - loss of significant landscape features - noise and disturbance - effect of cooking odours - loss of sunlight or daylight – overshadowing - privacy - economic benefits.*

**We cannot consider comments on non relevant planning issues, such as:**

*- loss of private view - effect of the development on property values - building regulation matters.*

***Racist remarks may be forwarded to Police Scotland.***

Our guide to [Commenting on Planning Proposals](#) outlines how to ensure you make a valid comment.

Comments must be received within 21 days of the date of registration, neighbour notification letter, or advertisement in the press, whichever is later. Extra time is given for public holidays and if the application has an Environmental Impact Assessment.

There is no statutory provision for the public to make comments on some application types eg. tree applications and certificates of lawfulness.

Community Councils should contact the case officer if they need more time to comment.

## Commenting on someone else's planning application what you can expect from us

You will have the opportunity to receive an automatic email acknowledgement when commenting online using the Planning and Building Standards Portal.

We will send you a letter acknowledging receipt if you comment by letter or email.

We will consider all comments on applications provided they are submitted on time and the comments are relevant to planning issues. We will only consider late comments if they raise important planning matters that were not previously considered. We do not accept anonymous comments.

We will make your comments known to the agent but we will not make your personal details available at that time.

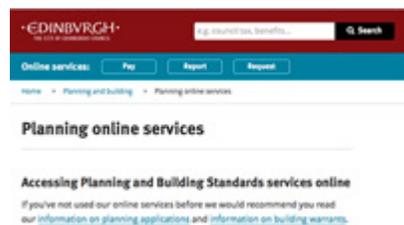
We will only re-notify you of changes to the application if they raise new planning issues: changes can be tracked on the *Planning and Building Standards Portal*.

We are unable to discuss the merits or demerits of a case with objectors or other third parties when an application is being considered as this may affect the objective assessment of the proposal.

We will inform you of the decision on the planning application.

Comments on Committee items will be publicly available online but we will redact personal information such as email addresses, phone numbers and signatures. Comments will be taken offline 6 months after the decision is issued.

We will deal with requests for comments to be taken offline before 6 months as sympathetically as possible.





## Making a decision on a planning application

Once the application, including the responses from consultees, and public comments has been assessed by the planning officer, a report of handling is prepared. Decisions on planning applications are taken in one of two ways. In some cases, the decision can be made by planning officers and is referred to as a “delegated decision”. Delegated decisions make up the vast majority of all decisions and enable quicker decisions on simpler cases. They are usually the less contentious, smaller applications, but can include cases with objections or which are being recommended for refusal.

In other cases the planning officer makes a recommendation to the Development Management Sub-Committee or a full Council meeting in some circumstances and the decision is then taken by the City’s councillors.

### Making a decision on a planning application – what can you expect from us

We will notify you or your agent within 4 working days of the decision being made.

We will notify all those who have made comments on the application within 4 working days of the decision being made.

We will place a copy of the decision notice and the report of handling on Planning and Building Standards Online Services

If a scheme needs to be changed after the decision, we will assess the proposals to see if they raise any new planning issues which might change the substance of the consent. If so, we will ask for a new planning application. If the changes do not raise any new planning issues which change the substance of the consent, we will vary the consent; neighbours and other interested parties will not be notified of these changes but they can be tracked on *Planning and Building Standards Online Services*.

Planning permission lasts for 3 years although we can make a Direction for it to be longer or shorter.

If an applicant is unhappy about a delegated decision taken on a local development, or the application has taken longer than the legal time limit, they can request a review by the *Planning Local Review Body*.

In cases that cannot be decided by a Local Review Body, the applicant has the right to appeal to Scottish Ministers.

Further information is available at [www.dpea.scotland.gov.uk](http://www.dpea.scotland.gov.uk)

There is no 3rd party right of appeal in Scotland. This means that if anyone commenting on an application is unhappy about the decision, they cannot ask for a review and they cannot appeal to Scottish Ministers. We will direct any aggrieved parties to our Report of Handling which explains the reasons for our decision. We are unable to respond if you think the decision was wrong. However, you can complain if you thought our processes or procedures were wrong in coming to the decision.

## Building Warrants



What the Building Standards System does is set out by the Scottish Government in legislation, guidance and advice. Further information is available at

[www.gov.scot/buildingstandards](http://www.gov.scot/buildingstandards).

There is a separate *National Customer Charter*.

You should be aware that to carry out work which requires a Building Warrant, without first having obtained this type of approval, is an offence in terms of Section 8(2) of the Building (Scotland) Act 2003.

## Making a Building Warrant Application

Before you carry out any building work to your building, you should check if you need a building warrant. Most work needs a building warrant which you must get before starting work otherwise there will be legal complications if you want to sell your property.

Applications for a Building Warrant should be made at [eBuildingStandards.scot](http://eBuildingStandards.scot). Paper forms can also be downloaded from here.

You can download our *guidance on making a Building Warrant application*, along with our Building Warrant fees list showing how much your application will cost.

A screenshot of a paper form titled 'Application for Building Warrant'. The form is divided into several sections with checkboxes and text boxes for information. The sections include: 'Application', 'Location of building or site to which the application relates', 'Type of building', 'Type of work proposed', and 'Respondent'. The form is designed for applicants to provide details about their building and the work they intend to carry out.

## Making a Building Warrant Application – what you can expect from us

**Within 4 working days**, we will carry out an administrative check on your application and advise you of any problems after this check. Alternatively, we will let you know your application is valid and is being progressed.

### Building Standards Performance Targets

**95%** of first reports on building warrant applications, telling you if you need to make changes to your proposals to comply with current building regulations to be issued within 20 working days.

## Making a Decision on a Building Warrant Application

The City of Edinburgh Council will grant a building warrant if they are satisfied that the building will be constructed in accordance with the building operations regulations and the building standards regulations. A warrant for demolition will be granted if the requirements of the building operations regulations will be met.

## Making a Decision on a Building Warrant – what you can expect from us

We will seek to minimise the overall average time taken to grant a building warrant measured from the date of lodging to the date of granting the warrant.



## Building Standards Performance Targets

**90%** of building warrants, if the final revised drawings are altered to the Council's satisfaction, to be issued within 10 working days.

**90%** of completion certificates to be issued within 5 working days after final inspection.

**90%** of requests for a site inspection in relation to a completion certificate to be responded to within 5 working days.



## Seeking Advice

The Council is committed to giving advice on a range of planning and building warrant proposals. If you are unable to go online to seek advice, please visit your nearest library or neighbourhood office where staff will be able to help. A paper based system will be available if this is not possible.

### Seeking Advice – what you can expect from us

If you have a general enquiry about a planning or building warrant matter, we will aim to respond within 10 working days. As part of this process, we will advise you to where you can find the information online.

The Planning and Building Standards Help Desks will be open from 9am to 1pm for general enquiries every week day other than between Xmas and New Year.

If you are seeking advice on a particular proposal, we will ask you to complete a pre-application advice form so that we can ensure we have all the information we need to be able to give advice. As part of this process, we will advise you to where you can find information online.

We will then send the enquiry to the team for the area.

We aim to respond within 10 working days.

We will not generally give advice on the following types of development as the information can be found online - *householder development - windows - driveways - straight forward change of uses - adverts.*

Pre-application advice will normally be restricted to large, unusual or contentious cases or on smaller complex cases where policies or guidance and regulations are open to interpretation.

We will arrange a more formal response for these more complex proposals.

Requests for meetings will be handled by team managers and these will be decided based on the complexity and/or size of the proposals.

Professional agents will normally be advised to do their own assessment of whether permission is needed and make the appropriate applications.

## Works where there is no Record of Permission

We understand that sometimes work is carried out and there is no record of permission. This is called retrospective works. This can be particularly frustrating when you are trying to sell your house.

### In relation to Planning:

If the works were done more than 4 years ago to your house, they are then legal under planning law but if you need a formal letter to confirm this, you will need to apply for a *certificate of lawfulness*. Other types of development such as a change of use, other than to a house, have a longer period (10years) before they become legal.

It may be that the works did not need planning permission but again you need to apply for a certificate of lawfulness if you want legal confirmation.

If you have a listed building and have done work to it without consent or confirmation that you do not need consent, you should read our guidance note on *Selling Your Home* or apply for listed building consent if this is insufficient. We do not issue letters of comfort.

*You can check online whether work has consent using our online services or [historic planning records](#)*

Finally, if you are concerned that work has been carried out without permission, please fill in an *enforcement breach form* so we can investigate. *You can find out more about Enforcement standards in our [Enforcement Charter](#).*

## In relation to Building Standards:

If you do not have a building warrant or a certificate of completion, there are various ways you can get this sorted. See our service standards below.

### Retrospective works – what you can expect from us

In all cases, the target response time is 10 working days.

We will direct you to our online systems if you want to check whether work has permission.

We will direct you to our *enforcement breach form* if you think work has been carried out without either Planning or Building Warrant consent.

## In relation to Planning

We will advise you to apply for a *certificate of lawfulness* if you need a legal decision on whether planning permission is needed.

We will direct you to our guidance on *Selling Your Home* if work has been done to your listed building without consent. Alternatively you can apply for *listed building consent* as we do not issue letters of comfort.

## In relation to Building Standards

We will ask you to apply for a *property inspection* if the work is of a minor non-structural nature and was carried out and completed before 1st May 2005 and you do not have a building warrant for the works. There is a charge for this.

We will ask you to submit a *Completion Certificate Where No Warrant Was Obtained* if the work was carried out and completed on or after 1st May 2005, together with plans and the relevant fee.

We will ask you to apply retrospectively using our *confirmation of completion service* if you have a building warrant but do not have a completion certificate.

## Information Requests

The Planning and Building Standards Service holds a great deal of information. Some has to be kept in perpetuity, but other information is only kept in accordance with a records retention schedule. Under the Public Records (Scotland) Act 2011 the Council is obliged to keep schedules of what records we keep and for how long we keep them. You can check if we've already published the information that you want on our [Access to Information webpage](#).

Anyone has a right to request information from a public authority. Many planning applications and certain data relating to building warrants are available online on our [Public Access](#) system and you may find the information you want there. Paper records are also available to view and copy.

If you cannot find the information you want online, you can make an Environmental Information Request (EIR). Please ask us in writing using the [online form](#) on our website or by email or post. EIR requests are dealt with centrally within the Council and Planning and Building Standards will send any information requests to that unit for processing.

Copies of Tree Preservation Orders are available for inspection at the Planning and Building Standards Reception area during office hours.

### Information Requests – what you can expect from us

We will hold information in accordance with our records retention schedule.

We will make information available online in accordance with the *Council's publication scheme*.

The Plan Store where you can view and copy paper records, when authorised to do so, will be open from 9am to 12 noon and 2pm to 4pm, Monday to Thursday. It is closed all day Friday and between Christmas and New Year.

We will send any environmental information requests to the FOI team for processing and you will receive a response within 20 working days.

## Complaints

We will consider all complaints made about the way in which your planning application, building warrant, enquiry or comment was dealt with. However, disagreement with a decision of the Council will not, in itself, be a ground for complaint and in many situations there is a separate procedure for an applicant to appeal against such decisions. As such we will not discuss the merits or de-merits of a decision and we will direct you to the Report of Handling which sets out the reasons for the decision.

The quickest way to sort things out is to talk to the officer concerned. However, if this does not work our formal complaints procedure has two stages:

- frontline resolution
- investigation

### Frontline resolution

We will respond to your complaint within five working days. We aim to resolve your concerns within this timescale. If we need more time, we'll let you know. If you are not satisfied with our response you can ask us to review your complaint.

### Investigation

We will appoint a senior Council officer to review your complaint. We will tell you who the Council officer is and respond within 20 working days. If your complaint is complex, we may be unable to resolve your concerns within this timescale. Instead we'll contact you to agree a different date.

If you are still not satisfied, you can then contact the [Scottish Public Services Ombudsman \(SPSO\)](#)

## Complaints – what you can expect from us

If you make a complaint:

We will aim to resolve it on the spot

We will respond to you within five working days if we can't resolve it straight away

We will investigate your complaint if you are still not satisfied, and give you a final response within 20 working days unless we need longer.

## Data Protection

When handling personal data the Council must do so fairly and lawfully in accordance with the General Data Protection Regulations. Our [privacy notice](#) sets out what happens to your details when you make a planning application or submit comments. You should note that your name, address and stance will be published on the public comments tab of the planning portal as soon as you make your comment. Personal details such as email addresses, phone numbers and signatures will not be published.

Where appropriate other "sensitive" personal information within documents will also be removed prior to publication online. However, all other information relating to a planning application will be available for public inspection in line with the planning acts. In relation to Building Standards only those people with a defined interest are able to have copies of Building Warrant approved plans.





If you are unhappy that information about you is published in connection with a planning application please contact the Council at [planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk) and, depending on the nature of your concern, we will consider what we can do about the matter.

### **Data Protection – what you can expect from us**

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We will comply with the Data Protection Act when we publish information.

We will redact any personal email addresses, phone numbers, signatures and other personal information from our online records

We will consider whether we can remove information from our website if you are not happy about its publication.

## Contact Us

**Phone Planning and Building Standards**

**0131 529 3550**

**Planning Enquiries**

*[planning@edinburgh.gov.uk](mailto:planning@edinburgh.gov.uk)*

**Building Standards Enquiries**

*[buildingwarrant.applications@edinburgh.gov.uk](mailto:buildingwarrant.applications@edinburgh.gov.uk)*

*[www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning)*

*[www.edinburgh.gov.uk/building warrants](http://www.edinburgh.gov.uk/building-warrants)*

